

REPORT : DIRECTOR CORPORATE SERVICES

1. PURPOSE

To presents a draft Promotion, Demotion and Transfer policy for inputs and comments to the Executive Committee. To repeal sections: 4.4; 4.5; 4.6; 4.7 and 4.8 of the Human Resource Manual Policy dealing with promotion, demotion and transfers of employees.

2. BACKGROUND

Historically, promotions demotions and transfers were dealt with in terms of the Human Resource manual policy adopted in 2007. However, this manual proved not to be adequate in dealing with all aspects of these concepts. For example, it lacks details such as the criteria, waiver of advertisements and procedure in respect of promotion. It also lacks details in terms of grounds in respect of demotions and transfers.

3. DISCUSSIONS

In order to rectify the above mentioned shortcomings it is necessary to develop a policy document that will empower management to promote, demote and transfer employees based on a clearly defined criteria and procedure. In discharging this responsibility management has discretion to promote from within the organisation without following the procedure outlined in the Recruitment policy. However, in the event of a promotion, it is prudent that a fair and objective criterion is applied and that no accusation of discrimination or favouritism can be attributed to any party.

4. STAKEHOLDERS CONSULTED

MANAGEMENT
LLF SUBCOMMITTEE

5. LEGAL IMPLICATIONS

Promotion must be recorded for Employment Equity and Skills Development reporting purposes.

6. STAFF IMPLICATIONS

Promotion, Demotion and Transfer of employees. Proper policy framework promotes Labour Relations.

7. FINANCIAL IMPLICATIONS

All promotional posts must be budgeted for.

8. ANNEXTURES

Draft Setsoto Municipal promotion, Demotion and Transfer Policy.

9. RISK

The risk of not applying this policy is that employees may be unfairly treated.

10. RECOMMENDATIONS

1. That Council approves the Setsoto Municipal Promotion, Demotion and Transfer policy.
2. That Council repeal sections 4.4; 4.5; 4.6; 4.7 and 4.8 of Human Resource Manual Policy on promotion, demotion and transfers of employees.

(FOR RECOMMENDATIONS TO COUNCIL)

Minutes: Exco Meeting: 15/01/2013

A discussion followed whereby issues relating to the organogram and appointments which have been made were raised. The Municipal Manager made clarification between the current organogram and the intended review process explaining also all processes that must be done such as workstudy, job profile and setting of appropriate levels in order to ensure a successful organogram. The Municipal Manager also reported that COGTA is assisting the municipality with the secondment of Mr Amos Goliath who is dealing with this matter.

The Mayor raised a concern that he was not informed of adverts being done and felt it appropriate for copy of adverts to be forwarded to his office so that he as the Mayor is aware of the posts being advertised. Furthermore it was indicated that filling of posts should be stopped for now in order to first deal with all the complaints that have been made.

After all discussions Cllr Koalane proposed that the matter be recommended to Council as follows and was seconded by Cllr Makhalanyane.

RECOMMENDED:

1. That Council approves the Setsoto Municipal Promotion, Demotion and Transfer policy.
 2. That Council repeal sections 4.4; 4.5; 4.6; 4.7 and 4.8 of Human Resource Manual Policy on promotion, demotion and transfers of employees.
-

Minutes : Council Meeting : 24/01/2013

Cllr Makhalanyane proposed that the matter be resolved as follows and was seconded by Cllr Marwick.

RESOLVED:

1. That Council approves the Setsoto Municipal Promotion, Demotion and Transfer policy.
 2. That Council repeal sections 4.4; 4.5; 4.6; 4.7 and 4.8 of Human Resource Manual Policy on promotion, demotion and transfers of employees.
-

SETSOTO LOCAL MUNICIPALITY

PROMOTION, DEMOTION AND TRANSFER POLICY

Operational Area	All Departments
------------------	-----------------

Version	01
Date	23 October 2012
File Name	Promotion, Demotion and Transfer Policy

Owner: All Directorates

Clients: Setsoto Local Municipality

Document Classification

Public

REVISION HISTORY			
Date	Version	Description	Author/s
22/10/2012	01	Draft Promotion, Demotion and Transfer Policy	Corporate Services Department
22/08/2012	01		

DOCUMENT APPROVAL			
Position	Name	Signature	Approval
Municipal Manager	STR Ramakarane		

COUNCIL APPROVAL	
Item Number	Approval Date

TABLE OF CONTENT	PAGE NO
1. INTRODUCTION	5
2. APPLICATION	5
3. PROMOTION POLICY	5
3.1 Objectives	5
3.2 Promotion Criteria	6
3.3 Eligibility	6
3.4 Waiver of posting and or advertising	6
3.4.1 Positions below level	6
3.4.2 Positions above level 10	6
3.5 Procedures for promotion	7
3.5.1 Responsibility of the Director of the Department	7
3.5.2 Responsibility of Director Corporate Services (DCS)	7
3.5.3 Responsibilities of the Municipal Manager (MM)	8
4. DEMOTION POLICY	8
4.1 Grounds for demotion	8
4.1.1 Misconduct	8
4.1.2 Incapacity	8
4.2 Procedures to demote	9
5. TRANSFER POLICY	9
5.1 Purpose	9
5.2 Grounds for transfer	9
5.2.1 Misconduct	9
5.2.2 Incapacity	9
5.2.3 incompetency	9

5.2.4 Employee's request	10
5.2.5 General terms and Conditions	10
6. ROLES AND RESPONSIBILITIES	10
7. GRIEVANCE PROCEDURES	10
8. IMPLEMENTATION AND REVIEW OF POLICY	10
9. CONTRAVENTIONS	10
10. CONCLUSION	10

SETSOTO PROMOTION, DEMOTION AND TRANSFER POLICY

1. INTRODUCTION

Setsoto Local Municipality aims to attract, maintain and develop a competent, motivated and content team of employees. The purpose of this policy is to provide direction on the circumstances under which an employee may be promoted, demoted and transferred and the procedure to be followed in connection therewith.

2. APPLICATION

This policy will be applicable to all employees of the Municipality except the Municipal Manager, Departmental Heads, those employed by the Council of the Municipality in terms of Section 57 & 56 of the Municipal Systems Act (Act 32 of 2000) and all employees employed by the Municipality on a fixed employment contract.

3. Eligibility

- ❖ All Setsoto Municipal employees who have successfully completed the probationary period for their current position specified in the employment contract;
- ❖ All employees must meet the minimum qualification for the position to which they are considered for promotion;
- ❖ Have been employed in the Setsoto Municipality for at least twenty four (24) months with no break in service.

4. Promotion Policy

The policy is based on the recognition that in the course of meeting institutional objectives, the duties and functions of an employee may change in complexity and responsibility. Promotion therefore, is based on status changes that involve increasing responsibility levels. The added benefits of promotion serve as an incentive for better work performance, enhance morale and create a sense of individual achievement and recognition.

While good past performance enhances the validity of a promotion, it should not, of itself be the primary or sole reason for recommending an employee for promotion. Persons seeking to promote staff members in their respective Departments must pay attention to a past performance evaluation. These documents must indicate prior performance levels and accomplishment in the field of work, illustrating, for example, how effective the tasks

assigned were completed. An employee may only be promoted if a vacant position at a higher level exists and that position has been designated a promotional position.

4.1 Objectives

To this end, the objective of this policy is to:

- ❖ Recruit and promote people from within the existing ranks of the Municipality wherever possible;
- ❖ Minimise the effects of job poaching and job hopping by creating a conducive workplace environment in which employees are aware that there are prospects for upward mobility and good incentives for excellent performance;
- ❖ Enhance career development of employees; and
- ❖ Ensure maximum opportunity for promotion consistent with the commitment to institutional excellence, affirmative action, equal opportunity and applicable contractual agreements.

4.2 Promotion criteria

It is recognised that a promotion may occur through the following ways:

1. A reclassification of individual's existing position as a result of the individual performing duties at higher degree of responsibility and complexity than current classification calls for.
2. The filling of an existing higher level vacancy by a promotable individual at a lower level.
3. Internal employment to qualified candidates through intradepartmental and interdepartmental promotion whenever possible.
4. Employees are to be considered for promotion regardless of age, sex, race, colour, national origin or physical impairment.

All the Municipal employment policy requirements must be fair, unbiased and be fully met and documented.

4.3 Waiver of posting and or advertising

Accordingly, to promote internal mobility, a procedure for waiving job posting requirement and/or external advertisement is established as thus:

4.3.1 Positions below level 10

1. The positions are in the same department, and one position genuinely prepares the incumbent for the next. This allows for upward movement within the same or related family of job groups where skills are easily transferable.
2. The incumbent has already demonstrated the ability to perform the higher job, but in no event will the incumbent be promoted to positions higher than three job levels.

3. The incumbent has met any special requirements such as a course or a skill in terms of NQF levels.

3.4.2 Positions above level 10

1. The person proposed for the position must advance the attainment of Affirmative Action goals for previously disadvantaged groups and women in particular.
2. The candidate must satisfy the unique and specialised requirements of the open position to justify promotion and the Department must ensure that indeed the individual possess the special qualification for to meet those requirements.

To request a waiver to advertise a position, a waiver requisition form must be submitted by requesting Department outlining the circumstances giving rise to the request relevant to the established criteria. The request should also include the race, ethnicity, sex and qualifications of an employee selected for promotion. The waiver requisition form must be signed by the Director Corporate Services and approved by the Municipal Manager. All interdepartmental promotions will be posted or advertised externally if the intradepartmental search has not been successful.

4.4 Procedure for promotion

An employee shall only be promoted to a higher position in the event of a vacant post existing, unless otherwise determined by the Municipal Manager.

4.4.1 Responsibility of the Director of the Department

The Director of the Department must write a memorandum to justify reasons for recommending an employee for a promotion. Also included should be a statement of functional and organisational changes within the Department impacting on the position. Other such data but not limited to proof of graduation, completion of job-related service training courses which enhance current job knowledge and skills. A current job description of an employee and a copy of a vacant position must be attached. A statement outlining the new duties and responsibilities to be evaluated must also be included. If the promotion exist either through the filling of a vacancy or through a reclassification, all relevant data chronicling the employee's most recent evaluation(s) and the criteria being evaluated should be included. This request must then be submitted to the Director Corporate Services for processing.

4.4.2 Responsibilities of the Director Corporate Service (DCS)

The Director Corporate Services conduct a job evaluation, determines the new range and develops the new job description and confirm the title for the position and ensure that the position exist in the organisation structure. The Director shall review all aspects of promotion in respect to payroll, salary, benefits, level

movements. In case of the reclassification of the positions the DCS in consultation with the Municipal Manager shall recommend to Council the amendments to the organisational structure created by these movements for approval. Upon completion of this review, the DCS signs the request form and forward all materials to the Municipal Manager.

4.4.3 Responsibilities of the Municipal Manager (MM)

The Municipal Manager will review all the documentation submitted to determine the appropriateness of the promotion with respect to the short and long term recruitment needs of the Departments and the Municipality as well as budget implications. S/he must ensure that whenever possible, the municipal Equity Plan is enhanced. And that the designated individuals will not be subjected to unfair standards, evaluation or consideration with respect to the criteria used for to make such selections.

5. DEMOTION POLICY

Demotion means the placement of an employee in another post in the Setsoto Municipal service in respect of which the salary scale applicable to such other post is lower than that applicable to the post s/he occupies before such placement took place.

5.1 Grounds for demotion

The Municipal Manager may demote an employee of the following grounds:

- a. Misconduct;
- b. Incapacity (Physical or mental disability)

5.1.1 Misconduct

In the event of an employee being demoted on the grounds of misconduct, her/his salary/wage shall be adjusted one job level below that applicable before such demotion. Salary/wage shall be adjusted from the first day of the working month, in which the accounting officer decides to demote her/him. The date on which the demotion takes effect shall be regarded as an employee's future incremental date.

5.1.2 Incapacity

In the event of an employee's post being demoted as a result of the physical or mental disability as determined by a medical report, the Municipal Manager may adjust such employee's salary/wage either to a comparative notch, or to the lower notch of the post to which s/he is demoted. The Municipal Manager may allow

such employee to retain the salary scale applicable before the date of demotion as "personal-to- beholder" or contractual-to- beholder" as the case may be.

A demotion in terms of the above paragraph shall take effect from the first day of the working month of the affected employee that follows on the working month in which it is decided to demote the employee. Where a demotion has the effect on the salary of an employee being adjusted to a notch lower than of the salary scale of the relevant post, such employee retain the incremental date applicable before such demotion.

5.2 Procedure to demotion

An employee shall only be demoted after a full disciplinary enquiry into the circumstances leading to the need to demote her/him has been held in terms of disciplinary code collective agreement. Enquiry includes also a disciplinary processes held in terms of Employment Condition of Service Act. Where necessary, has been afforded an opportunity to make representations and be heard in connection with her/his proposed demotion. An employee can only be demoted to a lower post if the position exists to which that employee may be demoted and if the employee is suitably qualified for the position.

6. Transfer Policy

6.1 Purpose

The purpose is to provide guidelines on transferring of the employees from one department to another. In this case "Department" shall mean Directorate, Division, Section or Unit of the Municipality.

6.2 Grounds for transfer

- a. Misconduct
- b. Incapacity
- c. Incompetency
- d. Employee's request

6.2.1 Misconduct

To rehabilitate employees who have been found guilty of lesser misconduct for instance, a final warning. In whose interest it would be to avoid a risk of repeat offence. The purpose is to create opportunities for employees to stay in the Municipality's service as an alternative for demotion or dismissal.

6.2.2 Incapacity

To create opportunities for employees to stay in the Municipality's service as an alternative for incapacity due to illness or injury or due to Municipality's operational requirements.

6.2.3 Incompetency

An employee may be transferred only if the affected Director, a manager or a supervisor is of an opinion that an employee is under performing and has a documentary prove to that effect. Transfers could also be used as an alternative to disciplinary enquiries of lesser nature but borders on poor performance. An employee may not be transferred from one position to another unless a vacant position on the same level exist and such employee agrees to that transfer.

6.2.4 Employee's request

An employee may request a transfer to a different department or section on the same level position, due to personal circumstances. The request shall be submitted to the Director Corporate Services who shall consult with the relevant Director and the Municipal manager for a decision. If granted s/he shall retain her/his salary. The Municipal Manager may, amend with the consent of the employee the designation of the employee in terms of this policy.

6.2.5 General terms and conditions

The Municipal Manager may, after consultation with an employee and her/his union representative, and subject to her/his consent, transfer an employee from one department to another within the council's organisational structure. Such transfer must be to the advantage of the Municipality's service. An employee transferred in terms of this policy shall retain her/his existing salary, fringe benefit, conditions of service and incremental date.

7. ROLES AND RESPONSIBILITIES

The municipal manager in consultation with the Director Corporate Services is responsible for determining and approving the all Municipal promotions, demotion and transfers in terms of this policy. All Directors and Managers are responsible to present reports requesting promotion, demotions and transfers. However, the report to this effect must be tabled to Council for notification.

8. GRIEVANCE PROCEDURE

Any unfair or inconsistent application of the policy should be dealt with in line with the applicable procedure or dispute resolution procedures.

9. IMPLEMENTATION AND REVIEW OF THE POLICY

The policy is effective once approved by the Council. The policy will be reviewed annually and any review thereof is the responsibility of the Policy Committee of the Council.

10. CONTRVENTIONS

Failure to comply with any of the provisions of this policy may be a subject of disciplinary action on the responsible authority.

12 CONCLUSION

The municipality recognises that its most valuable asset is its human resources. A great deal of time and money is invested in the recruitment, training and development of employees and, as such, every effort should not be spare to retain those employees with scarce/critical skills, and/or experience. The municipality believes that the application of this promotion, demotion and transfer policy will go a long way to contribute to a more competent, motivated workforce and will improve the standards of service delivery.