

COUNCIL ITEM FOR APPROVAL

Local Government Staff Regulations for staff below Senior Managers, as gazetted by Minister of Cooperative Governance & Traditional Affairs on 20 September 2021

INTRODUCTION

1. The Staff Regulations (“Regulations”) have been legislated with a view at standardising and ensuring uniformity in terms of HR practices, processes, procedures, and systems in the municipal sector across all categories of municipalities.
2. These Regulations are tabled to Council for cognizance and approval geared at authorising implementation in HR practices, processes, procedures, and systems of Mangaung Metropolitan Municipality (MMM), effective from 1 July 2022.
3. Efforts are currently in progress on the development of pertinent HR policies, processes, and systems for implementation in line with the compliance requirements of the Regulations in MMM.
4. In view of the bulky size of the Regulations, a synopsis consisting of the arrangement of the Regulations and attendant annexures, is provided with this submission as Annexure A for ease of reference.

DISCUSSION

4. The Regulations addresses the following HR aspects as sequenced through the relevant chapters:

Chapter 1: Interpretation & Application

Definition of terms and scope of application, the latter which applies to all staff excluding all senior managers and persons participating in national public works programmes or similar schemes.

Chapter 2: Staff establishment, Job descriptions and Job evaluation

The chapter requires existence of an HR Plan that is aligned to the IDP, SDBIP, Employment Equity Plan, Skills Development Strategy, and the Workplace Skills Plan. Furthermore, the review and adoption of the organisation structure, together with development of job descriptions and grading thereof through a Job Evaluation System is required.

Chapter 3: Recruitment, selection, and appointment of staff

The chapter is emphatic on the development and adoption of Employment Equity Policy and Plan, and the Recruitment Strategy by Council, and the need for the Recruitment Strategy that makes provision for conducting competency assessment for all municipal staff during appointment processes.

Chapter 4: Performance Management and Development System

The chapter requires of the municipality to develop a Performance Management and Development System (PMDS) Policy and Framework and same be adopted by Council.

Chapter 5: Skills Development

The chapter requires of the municipality to have a Skills Development Plan which has been adopted by Council, and which is aligned to the strategic planning cycles. Importantly, it encourages existence of personal development plans for every staff member and the budget for skills development.

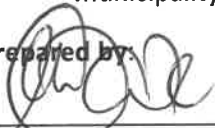
5. Attached to the Regulations are the following **Annexures** that seeks to enhance application in various processes outlined in the chapters:
- A: Competency Framework for Occupational Streams
 - Provides an indication of the skills, knowledge and experience that is required for various occupations in the sector which enables one to be successful in a particular occupational stream.
 - B: Application form for employment
 - C: Declaration of confidentiality by member of selection panel
 - D: Performance Assessment Rating Calculator
 - E: Categories of misconduct for persons dismissed for misconduct
 - F: Number of support staff in the office of Political Office Bearers

CONCLUSION

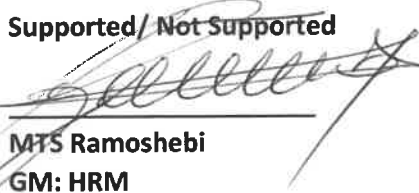
- 6. It is a legislative requirement that Council adopts the Regulations for purposes of authorizing implementation by the relevant functionality (Human Resources Management) to ensure alignment to the municipality’s HR practices, processes, procedures, and systems.

RECOMMENDATIONS

- 7. Based on the aforesaid, it is therefore recommended that:
 - 7.1 Council approves and adopts for implementation the Municipal Staff Regulations for staff below senior managers as promulgated by the Minister of Cooperative Governance and Traditional Affairs,
 - 7.2 Council takes cognisance of the effective date of implementation of the Regulations which is 1 July 2022,
 - 7.3 Upon approval, the relevant HR components ensure alignment of the Regulations into the municipality’s HR practices, processes, procedures, and systems.

Prepared by:

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Date: 16/05/2022

Supported/ Not Supported

MTS Ramoshebi
GM: HRM

Date: 16/05/2022

~~Recommended/ Not Recommended~~

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Date: 16/05/2022

Approved/ Not Approved

Tebogo Motlashuping
Acting City Manager

Date: 13/07/2022

Ratified/ Not Ratified

E Maseko
National Cabinet Representative

Date: _____

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 890

20 September 2021

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT NO. 32 OF 2000)

LOCAL GOVERNMENT: MUNICIPAL STAFF REGULATIONS

I, **Nkosazana Clarice Dlamini Zuma**, Minister for Cooperative Governance and Traditional Affairs, hereby, under section 72, read with section 120 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make the Regulations in the Schedule.

NKOSAZANA CLARICE DLAMINI ZUMA, MP
MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

SCHEDULE**ARRANGEMENT OF REGULATIONS****CHAPTER 1****INTERPRETATION AND APPLICATION**

1. Definitions
2. Scope of application
3. Guidelines

CHAPTER 2**STAFF ESTABLISHMENT, JOB DESCRIPTION AND JOB EVALUATION**

4. Human resource planning
5. Determination of staff establishment
6. Procedure for determining staff establishment
7. Job description
8. Establishment of standards for job descriptions
9. Job evaluation

CHAPTER 3**RECRUITMENT, SELECTION AND APPOINTMENT OF STAFF**

10. Principles
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12. General requirements for appointment of staff
13. Competency requirements for staff
14. Advertising of vacant post
15. Application for vacant post
16. Selection panel
17. Shortlist of applicants
18. Interviews
19. References and personal credential verification
20. Appointment
21. Appointment of support staff to offices of political office bearers
22. Re-employment of dismissed staff
23. Probation
24. Promotion
25. Transfer of staff
26. Secondment of staff to another municipality
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28. Acting appointment

29. Appointment of permanent staff
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31. Establishment of performance management and development system
32. Application
33. Determination of performance management and development system
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35. Performance agreement
36. Team-based performance management and development system
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40. Performance rewards
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42. Managing substandard performance
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OBJECTIVES

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SKILLS DEVELOPMENT PLANNING

45. Alignment to strategic planning cycles
46. Determination of skills needs
47. Skills needs analysis
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49. Recognition of prior learning assessment
50. Personal development plans
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- 53. Types of skills development programmes
- 54. Obligations of municipality

PART D

REVIEWING SKILLS DEVELOPMENT

- 55. Evaluating skills development quality and impact

PART E

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- 56. Conditions of payment

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**ANNEXURE A
LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR OCCUPATIONAL
STREAMS**

**ANNEXURE B
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**ANNEXURE C
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**ANNEXURE D
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**ANNEXURE E
CATEGORIES OF MISCONDUCT FOR PERSONS DISMISSED FOR MISCONDUCT**

**ANNEXURE F
NUMBER OF SUPPORT STAFF IN THE OFFICE OF THE PUBLIC OFFICE BEARERS**

ANNEXURE A**LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR MAINSTREAM OCCUPATIONS AND CAREER STREAMS****1. Overview of the competency framework**

The competency framework is the enabling mechanism that provides an integration of key human resource processes. It is seen as the backbone of the Talent Management process such as recruitment and selection, individual performance management, succession planning, career path development, training and development and reward and remuneration.

The competency framework standardises a number of processes and make them transparent. It provides a more objective and accurate assessment of individuals enabling the municipality to select and recruit the right people, identify critical development areas, and promote people timeously. This should assist in ensuring that all staff know and are aware of what it takes to succeed in the municipality.

In terms of recruitment and selection the competency framework provides a more objective and accurate assessment of individuals enabling the municipality to select and recruit the right people, in the right job and at the right level of work and competence. It informs the job description, competence profile, interview processes, and any other assessments that may be undertaken during the selection process.

The competency framework assists in standardising the individual performance management process. It makes it more transparent and provides a more objective and accurate basis of assessment. Individuals are measured against the competencies at their job level and can be measured against competencies at the next level to assess their promotion potential and with that stretch performance targets can be set. The competency framework enables individuals to understand their strengths and development areas and to identify the training and development interventions to attain the competencies required for optimal performance.

The competency framework can assist most individuals in developing their careers within the municipality. It outlines the job ladder and competencies for each job within that ladder. Managers can therefore assess an individual's competency in terms of jobs within the career stream and assess their readiness for promotion based on their defined career path. Further, high potential individuals, identified through individual performance management and other assessments, can be developed in line with the competencies in the appropriate career paths, fast tracking their progression up the career ladder. This serves as a retention mechanism to retain key critical and scarce skills.

Despite every effort taken to include all local government occupations some occupational streams may have been omitted or specialised to an extent that the levels of work cannot be defined within a career stream. If such an eventuality arise, a municipality must identify the career stream with the closest match for the relevant occupational stream in respect of the designation, qualifications, competencies, skills and knowledge in any of the prescribed competency frameworks.

2. Application

The application of competencies is key to ensure a common thread through various HR process. To contextualise the application of competencies, key competency frameworks for occupational streams in local government is needed to establish the minimum requirements to be successful in any position occupied by a person serving in a municipality.

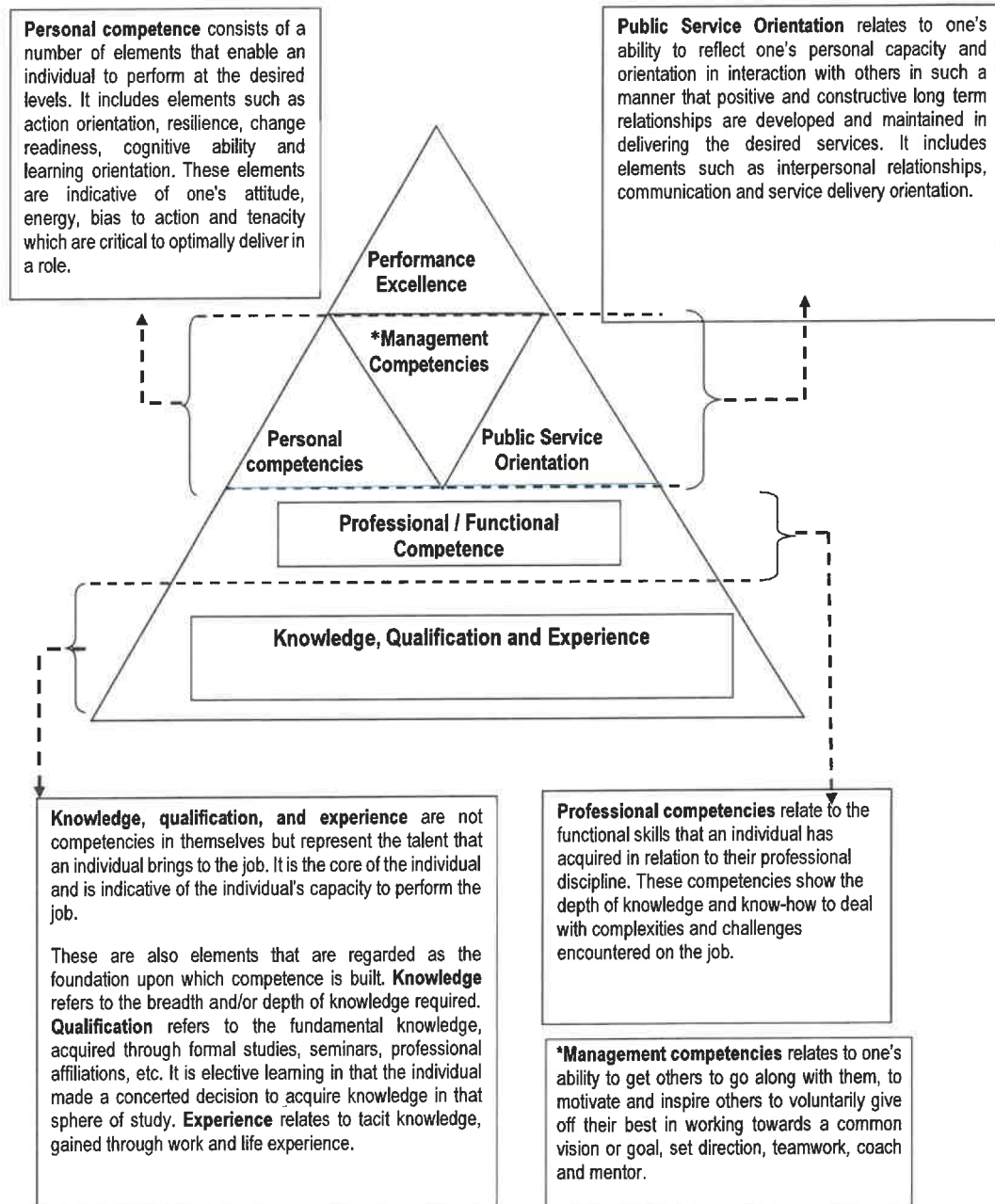
3. Interpretation

Competency frameworks provide an indication of the skills, knowledge and experience that is required for one to be successful in a particular job.

The framework is illustrated in figure 1. In terms of the framework, there are essentially 5 building blocks or competency sets that contribute to an individual's performance in a particular job. These include:

- (a) Knowledge / scope of work, experience and qualifications
- (b) Professional / functional competence (competence in the functional and technical areas of the job)
- (c) Personal competencies
- (d) Public Service Orientation competencies
- (e) Management / Leadership competencies

Figure 1: Application of the Competency Framework



The competency framework recognises that local government municipalities typically exist to focus on key clusters of service delivery as defined in the Constitution of the Republic of South Africa. These are generally defined as Development and Town Planning, Technical Services, Community Services, Corporate Services and Financial Services.

Under each of these clusters, there are key functional areas that support the implementation of service delivery in terms of the local government mandate. To enable a standardised approach to human resource processes around key competency measurement in each functional area, functional specific career/professional streams are defined in support of the professional minimum competence required to execute work in the functional area. These are in essence the competency frameworks. The competency frameworks developed will ensure a clear understanding of the competencies as defined in professional / functional competence, public service orientation competence, personal competence and management competence.

The competency framework will provide an indication of the typical designations, minimum requirements around knowledge, experience and qualifications and the levels of competence as set out against a group of competencies defined per career stream.

Each competency framework consists of competencies as defined for the career stream applicable and then levels of competence that varies between 3 to 5 levels. The levels of competence in some career streams are limited to only 3 levels as the interpretation of job requirements clearly limits the application of such a function or key tasks to only three levels of work. In instances where the career stream in professional occupations commences at entry level professional and proceed to principal / chief professional level, work are normally of a similar nature and difference in complexity, responsibility, application of knowledge and experience may vary and hence it will clearly motivate competence over 5 different levels e.g. Assistant Engineer, Engineer, Senior Engineer, Principal Engineer, Chief Engineer.

The application of the competency levels would describe the minimum level of competence required at a certain level. It describes work in relation to the requirements of the position in a municipality and can therefore be applied in any local, district or metropolitan municipality.

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**ANNEXURE A: LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR MAINSTREAM OCCUPATIONS AND CAREER STREAMS
KEY FUNCTIONAL CLUSTERS OF LOCAL GOVERNMENT THAT INFORMS THE CAREER STREAM TO WHICH COMPETENCIES AND MINIMUM REQUIREMENTS WILL BE MAPPED**

| CLUSTERS | DEVELOPMENT AND TOWN PLANNING | TECHNICAL SERVICES | COMMUNITY SERVICES | CORPORATE SERVICES | FINANCE |
|---|---|--|---|---|--|
| FUNCTIONS | <ul style="list-style-type: none"> Local Economic Development Social Development Spatial Planning / Planning and Building Development / Urban Design Environmental Resource Management Human Settlements Geomatics and Spatial data management Property Management | <ul style="list-style-type: none"> Transport Roads and Storm-water Water and Sanitation Solid Waste Electricity / Energy Fleet Management Mechanical Workshops Laboratories Science | <ul style="list-style-type: none"> Health Services Parks and Recreation Libraries Strategic Assets Community Facilities Traffic Services Law Enforcement Metro Police Disaster (Risk) Management Fire and Rescue Services Public Emergency Communication Centres Disaster (Risk) Management Centres | <ul style="list-style-type: none"> Human Resources Legal Services Information Systems & Technology Forensics Internal Audit Integrated Development Planning Communication Municipal Offices and Facilities Management Executive Support Services (incl. Committee services, Councillor support) Ombudsman | <ul style="list-style-type: none"> Revenue Treasury Budgets Supply Chain Management Expenditure Valuations |
| COMPETENCY FRAMEWORKS ACROSS FUNCTIONAL CLUSTERS | <ul style="list-style-type: none"> Planning Professionals Urban Design Architecture Building Inspectors Economic Development Plans Examiners Engineering Professional Engineering Technicians | <ul style="list-style-type: none"> Planning Professionals Urban Design Architecture Engineering Professionals Engineering Technicians Engineering Technologists Laboratory Technical Assistants Laboratory Technicians | <ul style="list-style-type: none"> Specialised Environmental Health (Air Quality) Environmental Health Practitioners Medical Professionals including nursing Pharmaceutical Services Health Promotions Fire and Rescue | <ul style="list-style-type: none"> Committee Services Communications Forensic Services Human Resources Integrated Development Planning Immovable Property / Asset management Internal Audit Investigators / Ombudsman Information Technology | <ul style="list-style-type: none"> Meter Reading (Investigators) Supply Chain Management Valuers Accountants Revenue Treasury Budgets |

**ANNEXURE B
APPLICATION FORM FOR EMPLOYMENT**

| | | | | | |
|--|-----------|-------------------------|-----------------------------------|---------------|---------------|
| 1. The purpose of this form is to assist a municipality in selecting suitable candidates for an advertised post. | | | | | |
| 2. This form must be completed in full, accurately and legibly. All substantial information relevant to a candidate must be provided in this form. Any additional information may be provided on the CV. | | | | | |
| 3. Candidates shortlisted for interviews may be requested to furnish additional information that will assist municipalities to expedite recruitment and selection processes. | | | | | |
| 4. All information received shall be treated with strict confidentiality and shall not be used for any other purpose than to assess the suitability of the applicant. | | | | | |
| 5. This form is designed to assist municipality with the recruitment, selection and appointment of staff members in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000) | | | | | |
| DETAILS OF THE ADVERTISED POST (as reflected in the advert) | | | | | |
| Advertised post applying for | | | | | |
| Reference number | | | | | |
| Name of the Municipality | | | | | |
| Notice service period | | | | | |
| PERSONAL DETAILS | | | | | |
| Surname | | | | | |
| First Names | | | | | |
| ID or Passport Number | | | | | |
| Gender | Male | | Female | | |
| Race | African | | White | Coloured | Indian |
| Do you have a disability? | Yes | No | If yes, elaborate | | |
| Are you a South African Citizen? | Yes | No | If not, what is your nationality? | | |
| | | | Do you have a valid work Permit? | | No |
| Do you hold a professional membership with any professional body? | Yes | No | Name of professional body | | Expiry date |
| | | | Membership Number | | |
| CONTACT DETAILS | | | | | |
| Telephone number during office hours | () | | | | |
| Mobile phone number | | | | | |
| Postal address | | | | | |
| | | | | | Code: |
| Email Address | | | | | |
| Preferred language of communication | | | | | |
| QUALIFICATIONS (please elaborate on your CV) | | | | | |
| Highest educational qualification obtained | | | | | |
| Name of the School | | Highest Grade | | Year Obtained | |
| | | | | | |
| Highest tertiary qualification obtained | | | | | |
| Name of Institution | | Name of a qualification | | NQF level | Year Obtained |
| | | | | | |
| | | | | | |

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

| WORK EXPERIENCE (please elaborate on your CV) | | | | | | |
|---|-----------|-------|------|-------|------|--------------------|
| Employer (starting with the most recent) | Post held | From | | To | | Reason for leaving |
| | | Month | Year | Month | Year | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| DISCIPLINARY RECORD | | | |
|---|-----|--|----|
| Have you been dismissed for misconduct during the past ten (10) years? | Yes | | No |
| If yes, Name of Municipality/ Employer | | | |
| Type of a Misconduct/ Transgression | | | |
| Date of Resignation/ Disciplinary case finalised/Dismissal | | | |
| Award/ sanction | | | |
| Have you been accused of an alleged misconduct and resigned from your job pending finalisation of the disciplinary proceedings? | Yes | | No |

| CRIMINAL RECORD | | | |
|---|-----|--|----|
| Have you been convicted of any criminal offence in a court of law during the past ten (10) years? | Yes | | No |
| If yes, type of criminal act | | | |
| Date criminal case finalised | | | |
| Outcome/ Judgment | | | |

| REFERENCES (please elaborate on your CV) | | | | |
|--|--------------|--------------------|------------------|-------|
| Name of Referee | Relationship | Tel (office hours) | Cellphone Number | Email |
| | | | | |
| | | | | |
| | | | | |

| DECLARATION | |
|---|-------|
| <p><i>I hereby declare that all the information provided in this application and any attachments in support thereof is to the best of my knowledge true and correct. I understand that any misrepresentation or failure to disclose any information may lead to my disqualification or termination of my employment contract, if appointed.</i></p> | |
| Signature: | Date: |

ANNEXURE C**DECLARATION OF CONFIDENTIALITY BY MEMBER OF SELECTION PANEL****INTERVIEWS FOR THE ADVERTISED POST OF _____****DATE:** _____

I, _____ hereby declare that I have read the provisions of regulation 25 (5)(c) of the Local Government: Municipal Staff Regulations.

I hereby further declare that—

- (a) I have no personal interest in any of the interviewed candidates;
- (b) I do not have any relationship whatsoever with the interviewed candidates;
- (c) I am not indebted to any of the interviewed candidates or vice versa;
- (d) My participation in these interviews will not in any way constitute a conflict of interest;
- (e) I will not unduly influence or attempt to influence the appointment or promotion of a spouse, partner, family member or associate;
- (f) I will not discuss the outcome of these interviews or inform any candidate who has been interviewed about the outcome of these interviews; and
- (g) I commit to keep all the discussions emanating from the interview process strictly confidential and I will not disclose any information to any candidate or person who is not part of the selection panel prior or after the interviews.

SIGNED at _____ on this _____ of _____ 20__.

SIGNATURE OF PANEL MEMBER

SIGNATURE OF CHAIRPERSON

**ANNEXURE D
PERFORMANCE ASSESMENT RATING CALCULATOR**

| | | | | | | | | |
|---|---------------|---------------|--------------|--|------------------|---------------|---------------|--------------|
| Staff member | | | | | | | | |
| Municipality: | | | | | | | | |
| Mid-year / Annual Performance Assessment | | | | | | | | |
| Assessment Rating Calculator | | | | | | | | |
| Name: | | | | | | | | |
| Cycle: | | | | | | | | |
| KRA | Weight | Rating | Score | | CMC | Weight | Rating | Score |
| 1 | | | | | 1 | | | |
| 2 | | | | | 2 | | | |
| 3 | | | | | 3 | | | |
| 4 | | | | | 4 | | | |
| 5 | | | | | 5 | | | |
| 6 | | | | | 6 | | | |
| 7 | | | | | 7 | | | |
| | 100% | | 100 | | | 100% | | 100 |
| KPA weight | | | 80% | | CCR weight | | | 20% |
| KPA SCORE | | | 80% | | CCR SCORE | | | 20% |
| FINAL SCORE | | | | | | | | 100% |

ANNEXURE E

CATEGORIES OF MISCONDUCT AND TIME PERIODS THAT MUST EXPIRE BEFORE A PERSON MAY BE RE-EMPLOYED IN A MUNICIPALITY

| Column A ITEM | Column B CATEGORY OF MISCONDUCT | Column C PERIOD (YEARS) |
|------------------|---|-------------------------------|
| 1. | Financial misconduct contemplated in section 171 of the Municipality Finance Management Act, corruption or fraud | 10 |
| 2. | Misconduct involving elements of dishonesty or negligence. | 5 |
| 3. | (a) Assault with intent to do grievous bodily harm where a staff member has been criminally charged and convicted. | 5 |
| | (b) Sexual harassment | 5 |
| 4. | Colluding or acceding to an influence of any councillor not to enforce an obligation in terms of this Act, any other legislation or by-law or a decision of the municipal council of the municipality, and who has been found guilty of an offence and convicted to a fine or to imprisonment for a period not exceeding one year. | 5 |
| 5. | Facilitating or aiding an occupier of premises in a municipality to deny an authorised representative of the municipality or a service provider access at all reasonable times to the premises in order to read, inspect, install, or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service. | 5 |
| 6. | Convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine. | 5 |
| 7. | (a) Used the position as a staff member or confidential information for private gain or to improperly benefit another person. | 5 |
| | (b) Disclosed of any privileged or confidential information obtained as a staff member of a municipality to an unauthorised person or persons. | 5 |
| | (c) Took a decision on behalf of the municipality concerning a matter that the senior manager's spouse, partner or business associate, has a direct benefit or private business interest. | 5 |
| 8. | Being party to or beneficiary under a contract for the provision of goods and services to any municipality or any municipal entity established by a municipality. | 5 |
| 9. | Soliciting or accepting directly or indirectly any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties, or judgment. | 5 |
| 10. | Discrimination against others on the basis of race, gender, disability, sexual orientation or others grounds prohibited by the Constitution. | 5 |

| Column A ITEM | Column B CATEGORY OF MISCONDUCT | Column C PERIOD (YEARS) |
|------------------|--|-------------------------------|
| 11. | Breach of the Code of Conduct for Municipal Staff as contained in Schedule 2 of the Municipal Finance Management Act, other than misconduct referred to in item 1 to 10 in this table. | 2 |

ANNEXURE F

CATEGORY A

| Executive Mayor | Mayor | Deputy Executive Mayor/ Deputy Mayor | Speaker | Chief Whip / Whip | Councillor Support | |
|---|---------------------------|--------------------------------------|---|-------------------|---|-----------------------------------|
| | | | | | Member of Executive Council/ Mayoral Committee/Chairperson of a sub-council | Party Offices |
| Chief of Staff | Head of the Office | Head of the Office | Head of the Office of the Speaker | Support Officer | Manager: Councillor Support | |
| Administrative Secretary/Assistant Administrative Secretary | Administrative Secretary | Administrative Secretary | Administrative Secretary | Secretary | Executive Support Officer per POB | Executive Support Officer per POB |
| Private Secretary/Assistant Private Secretary | Private Secretary | Private Secretary | Public Participation and Outreach Coordinator | | Secretary per POB | Researcher per POB |
| Special Advisor | Special Advisor | Driver | Public Officer: Petitions and Hearings | | | Secretary per POB |
| Special Advisor | Community Liaison Officer | | Ward Coordinator | | | |
| Community Liaison Officer | Receptionist | | Coordinator: Community Development Workers | | | |
| Receptionist | Driver | | Senior / Administrative Officer | | | |
| Driver | | | Receptionist | | | |
| | | | Driver | | | |
| Possible Shared Resources: | | | | | | |
| 1. Researcher and Speech Writer | | | | | | |
| 2. Committee Support (Administration) | | | | | | |