

Date: 23 May 2023

Council Item

File Reference: Filling of vacancies: Staff below Management

Author: Adv N Mpangane

Report Number: Designation: Head CS (Acting)

CONSIDERATION FOR APPROVAL:

1st Level: EMT (N/A)

2nd Level: Section 80 Committee (21/02/2023)

3rd Level: MAYCO (25/05/2023)

4th Level: Council (31/05/2023)

FILLING OF CRITICAL, FUNDED VACANCIES FOR STAFF BELOW MANAGEMENT LEVEL

1. PURPOSE

The purpose of the report is to:

- 1.1 Apprise Council of high vacancy rate at staff below management and seek approval of Council authorising the acting City Manager to proceed filling critical vacant, funded positions to address the issue of excessive overtime, acting appointments and, more importantly, to improve service delivery in the Municipality.

2. BACKGROUND

- 2.1 Local Government is a sphere of government closest to the communities, characterised with highly legislative and regulatory frameworks but recently with signs of highly politicised environment in the intergovernmental relations. Taking into cognisance strides towards professionalising of the sector is but also in the context of a continuum of a dynamic atmosphere informed by such other realities manifesting and/or environment. The Municipality has been entangled in several

pronouncements impacting in the continued halt of recruitment, selection and appointment processes for staff below management with recently and most importantly NCR advising the City against any continued unchecked filling of positions and the latest Council resolution item 196.1 – 19/12/2022.

- 2.2 These restrictive pronouncements had wittingly or unwittingly effects of adding to the already negative trend that has slowly been allowed to take root wherein no certainty seems to prevail regarding the institutional recruitment, selection and appointment processes in the Municipality. This negative trend is characterised, amongst other things, by the “Water Tap” on/off, Stop and Go (Advertise, mute and/or retract) type with far reaching implications not just for the internal staff but also for the good reputation of the Municipality and the implementation of Municipal Staff Regulations regularising post for public office bearers. Further, the trend also contributes towards the continuation of the community outcry of the state of services provision.
- 2.3 The historical evolution of staff establishment indicates that the Municipality never had the staff establishment of less than three thousand five hundred (3500) employees and/or total staff complement in looking into the pre but closer to the 1994 democratic break through period when the Municipality was under the Apartheid spatial development segregation demarcated into four (04) administrations as follows:

Employee Information As On 28 October 1994 – First (1st) Amalgamation¹

	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
Bainsvlei Local Municipality	+80. Final figure undeterminable	80	Undeterminable	Undeterminable

Employee Information As On 28 October 1994 – First (1st) Amalgamation

	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
Bloemspruit Local Municipality	+80. Final figure undeterminable	80	Undeterminable	Undeterminable

Employee Information As On 28 October 1994 – First (1st) Amalgamation

	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
Mangaung Local Municipality				

¹ Staff Establishments under these administrations would have provided for more positions than the warm bodies found. Further, that the vacancy rate was always within the acceptable norm. What is more important to underline is the fact that it was apparent as early as that time that Mangaung could not function with less than three thousand five hundred (3 500) staff compliment to provide services of requisite standard, effectively and efficiently.

	+250. Final figure undeterminable	250	Undeterminable	Undeterminable
--	-----------------------------------	-----	----------------	----------------

Employee Information As On 28 October 1994 – First (1st)

Amalgamation

	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
Bloemfontein Local Municipality	+4000. Final figure undeterminable	4000	Undeterminable	Undeterminable

2.4 The 1994 democratic breakthrough heralded a transitional arrangement typified by the Transitional Local Councils and birthed three (03) for our area being the following:

Employee Information As On 30 November 2000 – Second (2nd)

Amalgamation

Bloemfontein Transitional Local Council/Municipality	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
	+4 410 Final figure undeterminable	4 410	Undeterminable	Undeterminable

Employee Information As On 30 November 2000 – Second (2nd)

Amalgamation

Botshabelo Transitional Local Council/Municipality	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
	+250. Final figure undeterminable	956	Undeterminable	Undeterminable

Employee Information As On 30 November 2000 – Second (2nd)

Amalgamation

Thaba Nchu Transitional Local Council/Municipality	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
	+215. Final figure undeterminable	215	Undeterminable	Undeterminable

Employee Information As On 18 May 2011 – Third (3rd)

Amalgamation

Motheo District Council/Municipality	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
	+96. Final figure undeterminable	96	Undeterminable	Undeterminable

**Employee Information As On 03 August 2016 – Second (4th)
Amalgamation**

Naledi Council/Municipality Ikgomotseng/Soutpan	Local and	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
		+139. Final figure undeterminable	139	Undeterminable	Undeterminable

2.5 The 3rd and 4th (latest amalgamations) of the former Motheo District Municipality as shown above deposited a total of ninety – six (96) with the last intake of one hundred and thirty – nine (139) coming from the former Naledi Local Municipality and Ikgomotseng/Soutpan area in 2016, employees from these geographic areas were recently placed in the staff establishment after Council approved the Placement Policy on 19 December 2022. It is apparent, therefore, that at the conclusion of the transitional phase and all the amalgamations to date, Mangaung always needed a total staff complement that is no less than three thousand five hundred (3 500).

The picture in the current era is as on table A1 below:

Table A1: Directorate Vacancy Information as on April 30, 2023

Directorate	Total Posts	Filled Posts	Vacant Posts	Vacancies as a % of total posts
Waste and Fleet Management	1082	584	498	46,03%
Strategic Projects and Service Delivery	140	61	79	56,43%
Community Services	1016	418	598	58,86%
Planning	260	78	182	70,00%
Office of the City Manager	459	240	219	47,71%
Human Settlements	263	110	153	58,17%
Financial Services	480	237	243	50,63%
Technical Services	1965	723	1242	63,21%
Economic & Rural Development	65	25	40	61,54%
Public Safety & Security	1706	267	1439	84,35%
Corporate Services	673	389	284	42,20%
Grand Totals	8109	3132	4977	61,38%

3. DISCUSSION

- 3.1 From the preceding background and especially table A1 above, it becomes evident that an organisation that needed more employees than three thousand five hundred (3 500) to render services efficiently and effectively when its jurisdiction was narrow pre – 1994 democratic breakthrough, now find itself having to achieve that noble goal of delivering quality services to the people of the City with exactly three thousand one hundred and thirty – two (3 132) employees as at 30/04/2023 with the figure decreasing continually due to natural attrition etc.
- 3.2 It vindicates the fact that from the earlier empirical studies, Work Study exercises and/or investigations, MMM Staff Establishment was never thought of as a less than three thousand five hundred (3 500) staff complement. It demonstrates just how unfortunate that it has been kept static over such an extended period where it has instead been shedding due to various factors including natural attrition.
- 3.3 The Prototype Staff Establishment under the Municipal Staff Regulations (MSR) will undoubtedly also properly realign all of the functional units and components in line with the recently approved Macro Organisational Structure but we can hardly ever run away from the reality of the requisite strengths for each of the functional units where they would have been properly located as well as many of those other lower level especially in the service delivery Directorates thus questioning why the recruitment, selection and appointments processes may reasonably be halted.
- 3.4 To this end, and notwithstanding other operational efficiencies that still needs to be leveraged systematically to achieve greater results, it is advised that the evidence is sufficient to support the fact that there is an acute relationship between the level and/or standard of service currently subjected to the community of the Metro and the quantitative strengths and quality human capital we have available to do work at all levels and areas already determined as critical after consultations by the Interim Executive Management Team (IEMT).
- 3.5 Coupled with the above, is the primary objective for the existence of this IEMT and/or National Intervention Team which is the Mandatory Financial Recovery Plan as against the stubborn factors holding the administration back including excessive overtime and the administration that is plunged into a “Hollywood State” where nearly every employee is acting to the neglect of need to stabilise employee costs relating to overtime and acting appointments.

Expenditure of overtime and acting appointment as at 30 April 2023				
Budget	Original budget	Adjustment budget	Actual Expenditure-	Over expenditure
Overtime	R80 000 000	- R95 154 695	R171 917 696	- R76 763 001
Acting Appointments	R841 039	R39 668 670	R30 604 769	0

3.6 It is appreciated that Council in its own wisdom resolved under item 196.1 – 19/12/2022 that: ***No vacancies be advertised until the organogram has been finalised for approval by the City Manager.***

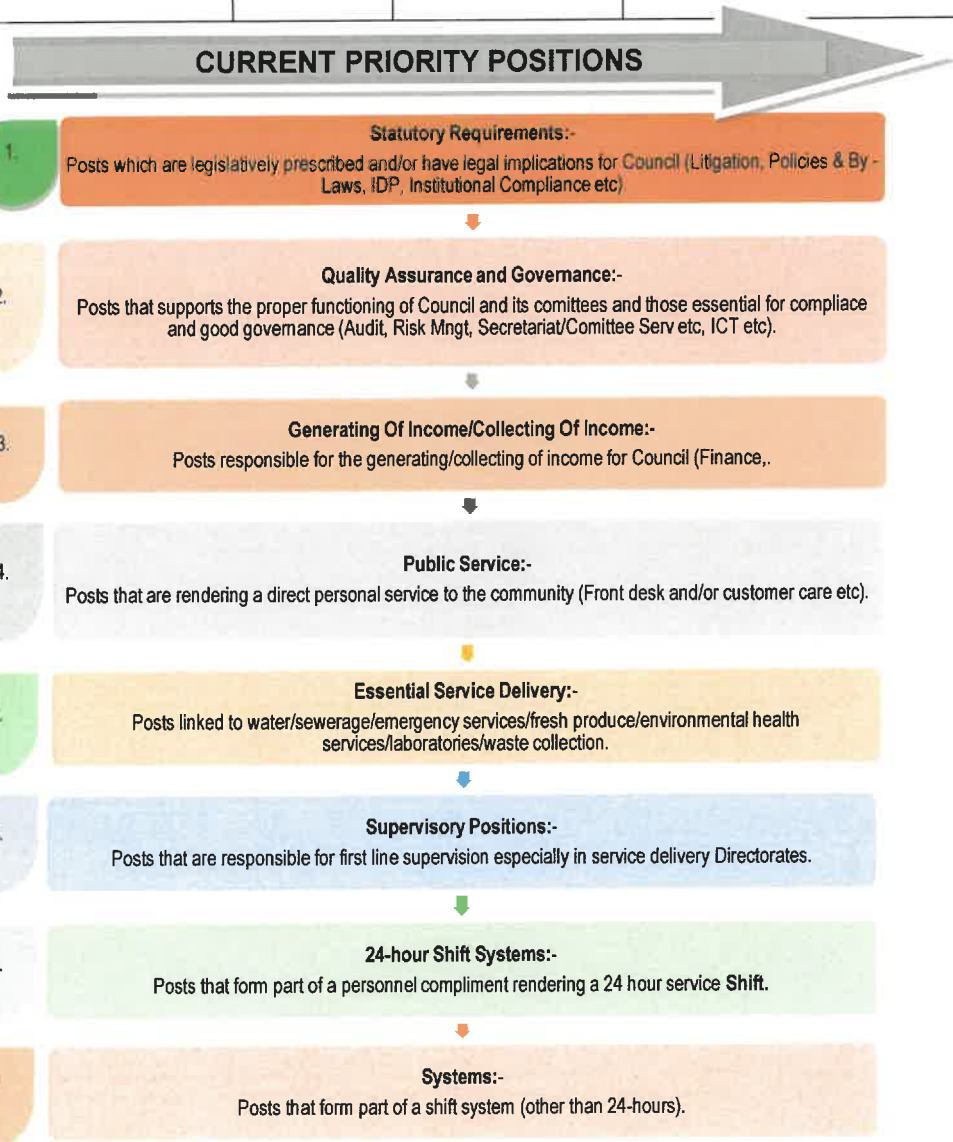
3.7 In this context, that the approval of the recruitment, selection and appointment plan as **an interim and/or transitional arrangement** pending the final *review* and approval of the staff establishment for staff below management because these positions will undoubtedly be reflected in the *reviewed* staff establishment / micro organisational structure as they are critical operational positions therefore an approval and or non – approval of the final staff establishment / micro organisational structure will have no bearing and/or effect on these positions which are currently acted upon without compliance with regulatory frameworks.

3.8 Furthermore, it should be highlighted that the average age of the MMM workforce is currently 58.34 years. This high average age has its own challenges as employees tend to be more sluggish and more away from their workplace due to doctor's appointments and sick leave which impacts on the daily numbers of employees (warm bodies) actually, available to do work in a specific workplace and/or functional component or unit at a given time. Another crucial element to be considered is the fact that currently stands at 30.21% on employee cost related as against the forty percent (40%) threshold granted by National Treasury.

ACTIVITY	TIMELINE	RESPONSIBILITY	STATUS
Review of the Staff Establishment / Micro Organizational structures and submission thereof through the processes for consultation and final approval.	Ongoing	Lead: Head: Corporate Services / Human Resource Management Sub directorate	<ul style="list-style-type: none"> Service provider appointed by COGTA halted pilot of prototype/ fit for purpose staff establishment due to contractual challenges. Municipality with support of SALGA to proceed with draft staff establishment.
Finalisation of the Placement Policy/Collective Agreement and final placement of the former Naledi Local Municipality and Ikgomotseng/Soutpan Employees	May 31, 2023	Acting Head: Corporate Services / Labour Relations Sub directorate	<ul style="list-style-type: none"> Former Naledi Local Municipality and Ikgomotseng/Soutpan Employees placement has been finalized. The next phase is to consider any objections to the placement.
Identification of critical vacancies (positions) and budgeting in line therewith.	February 28, 2023	EMT	Critical vacant funded positions identified.
Submission of Labour Requisitions by line function Directorates.	February 28, 2023	EMT	Labour requisition submitted to by Corporate Services and the initiation of the recruitment,

			selection and appointment processes adhering to the Standard Operating Procedures (SOP) and in compliance to the MSR.
Official reopening of the recruitment, selection and appointment season characterized by the issuing of several vacancy bulletins in the identified critical areas.	June 01 2023	Corporate Service Department	<ul style="list-style-type: none"> • Issue readily Internal Vacancy Bulletins for all critical funded vacant positions. • Establishment of selection panel.

2



² Category of positions to be advertised and filled urgently to address service delivery shortcomings/challenges.

4. LEGISLATIVE PROVISIONS

4.1 The Local Government Municipal Systems Act NO. 32 of 2000, as amended, provides that a Municipal Manager, within a policy framework determined by the municipal Council and subject to any applicable legislation, must:

(a) Develop a staff establishment for the municipality and submit the staff establishment to the municipal Council for approval.

(b) Section 66 (3): "No person may be employed in a municipality unless the post to which he or she is appointed, is provided for in the staff establishment of that municipality."

4.2 On the other hand, *Section 6(3) of the Local Government Municipal Staff Regulations provides that the Municipal Manager must review the draft staff establishment in consultation with recognised Trade Unions within the Local Labour Forum (LLF) and subsection (4) thereof further provides that the Municipal Manager must within 30 days of reviewing the staff establishment, submit a report and the proposed staff establishment for approval by the municipal Council.*

4.3 Notwithstanding the above legislative provisions from the principal and subordinate legislation, the municipality has approved micro-organisational structure approved by Municipal Council in 2014 of which is currently utilised for acting appointments for critical, funded positions costing the Municipality as aforesaid in paragraph 3.5. Meaning that the filling of funded critical vacancies will be aligned to the approved *reviewed* staff establishment / micro – organisational structure and eventually those positions will be matched and places accordingly when the final review of the staff establishment is approved by Council.

5. DELEGATIONS

The Heads of Department are delegated human resource related responsibilities to support the Municipal Manager in filling critical, funded, vacant positions.

6. IMPLICATIONS

6.1. FINANCIAL

The payment of salaries and benefits associated with positions using the SALGBC salary scales.

6.2. LEGAL

The Municipal Manager has powers assigned to him or her in the MSA (principal) and MSF (subordinate) legislation regarding the filling of vacancies for staff establishments below management.

6.3. COMMUNICATION

None

6.4. COMMUNITY & SERVICE DELIVERY


Poor service delivery and community unsatisfactory is glaring and well known in the Municipality.

7. RECOMMENDATION

IT IS RECOMMENDED THAT COUNCIL:

- (a) Takes note of the report of high vacancy rate in the Municipality and rescinds its decision- council resolution 196-19/12/2022, that “No vacancies be advertised until the organogram has been finalised for approval by the City Manager”. This assertion was authority overreach since authority resides with the Municipal Manager for staff establishment and filling of positions of staff below management.
- (b) That the acting City Manager must commence with filling of critical, funded positions impacting on service delivery pending the final review of the staff establishment for staff below management.

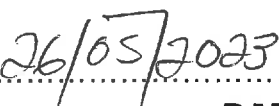
8. SUBMITTED BY:


N Mpangane (Adv)
ACTING HEAD, CS


.....
DATE

9. RECOMMENDED BY:


N Dimalisile (Ms)
ACTING CITY MANAGER


.....
DATE

IT IS RECOMMENDED THAT COUNCIL:

- (a) Takes note of the report of high vacancy rate in the Municipality and rescinds its decision- council resolution 196-19/12/2022, that "No vacancies be advertised until the organogram has been finalised for approval by the City Manager". This assertion was authority overreach since authority resides with the Municipal Manager for staff establishment and filling of positions of staff below management.
- (b) That the acting City Manager must commence with filling of critical, funded positions impacting on service delivery pending the final review of the staff establishment for staff below management.

10. APPROVED BY:

Gregory Nthatsi (Mr)
Acting EXECUTIVE MAYOR


.....
DATE

11. RATIFIED BY:

Ms Gugu Malaza
NATIONAL CABINET REPRESENTATIVE


.....
DATE
26 May 2023