



cooperative
governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

LOCAL GOVERNMENT: MUNICIPAL STAFF AND GUIDELINES

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OUTLINE OF THE PRESENTATION

1. Purpose
2. Problem Statement
3. Policy and legislative Context
4. Transformation Trajectory of LG
5. Objectives of the Regulations
5. Overview of the Regulations
6. Implementation and support
7. End

1. PURPOSE

- ❑ To provide an overview of the Regulations.
- ❑ To facilitate the implementation of the Regulations.

2. PROBLEM STATEMENT

- ❑ Despite such evidence of progress, a diagnostic report on the performance of municipalities conducted in 2014 revealed that **some municipalities are still experiencing governance and institutional challenges** in meeting their obligations.
- ❑ Some of the challenges include:
 - Induced municipalities to adopt disparate HR systems resulting in **excessive disparities that impede mobility of staff in the sector.**
 - **Bloating of municipal administration** in non-core functions of municipalities.
 - **Incoherent HR practices** resulting in the concentration of critical skills in affluent municipalities.
 - High incidence of **irregular and inappropriate appointments.**
 - **Poor skills development** programmes negatively impacting the capacity of municipalities to fulfil their constitutional obligations.
 - **Ineffective performance management and lack of accountability.**
 - **Poor planning, under-expenditure** by municipalities on capital budgets and **ineffective revenue collection** strategies.
 - **Incoherent disciplinary and grievance procedures.**

3. POLICY AND LEGISLATIVE CONTEXT

- ❑ **NDP – Building a Capable and Developmental State (Chapter 13)**

- ❑ **Constitution of the Republic of South Africa, 1996** – national and provincial government, by legislative and other measures to support and strengthen the capacity of municipalities to perform their functions [s154(1)]

- ❑ **Municipal Systems Act, 2000** – Local Public Administration and Human Resource (Chapter 7)
 - The Minister promulgated regulations and issued guidelines setting uniform standards for municipal staff systems and procedures for **ALL municipal staff and senior managers (s72)** [Gazette No, 45181].
 - The Regulation and Guidelines take effect from 1 July 2022.
 - All municipalities are required to develop HR policies consistent with the regulations (s67).
 - The HR policies must be developed/ reviewed and adopted by municipal council before 1 July 2022.

4. TRANSFORMATION TRAJETORY OF LG

- Since the new transformation agenda of LG was adopted in 2000, the **system of local public administration and HR has undergone significant changes**. These, *inter alia*, include:
 - LG: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006
 - To set out uniform standards to facilitate a culture of performance and accountability, including consequences for substandard performance.
 - LG: MFMA: Municipal Regulations on Minimum Competency Levels, 2007
 - To regulate uniform financial competences to improve financial management and viability of municipalities.
 - LG: Regulations Regarding the Participation of Municipal Staff Members in Municipal Elections, 2011
 - To regulate the participation of municipal staff in elections.
 - LG: Disciplinary Regulations for Senior Managers, 2011
 - set uniform procedures for management of discipline for senior managers.
 - LG: Regulations on appointment and conditions of employment of municipal managers and managers directly accountable to municipal managers, 2014
 - To provide for procedures and competency criteria for appointment of municipal managers and managers directly accountable to municipal managers and consequences of appointments made in contravention of the MSA and its Regulations.

5. OBJECTIVES OF THE REGULATIONS

The objectives of the Regulations are to:

- Create a **career local public administration** that is fair, efficient, effective and transparent;
- Create a **development oriented local public administration** governed by good human resource management and career development practices;
- Ensure an **accountable local public administration** that is responsive to the needs of local communities;
- Ensure that **high standards of professional ethics are fostered** within local government;
- **Strengthen the capacity of municipalities to perform their functions** through recruitment and appointment of suitably qualified and competent persons; and
- **Establish a coherent HR governance regime** that will ensure adequate checks and balances, including enforcement of compliance with the legislation.

6. OVERVIEW OF THE REGULATIONS

□ The Regulations are organised into 9 chapters. This presentation outlines the proposed regulations by Chapter:

- Chapter 1: Interpretation and application.
- Chapter 2: Staff establishment, job description and job evaluation.
- Chapter 3: Recruitment, selection and appointment of staff.
- Chapter 4: Performance management and development system.
- Chapter 5: Skills development.
- Chapter 6: Dispute resolution.
- Chapter 7: Disciplinary code and procedures.
- Chapter 8: Remuneration related matters.
- Chapter 9: General (transitional arrangements, repeal and short title).

Chapter 1: Interpretation and Application

CHAPTER 1: INTERPRETATION AND APPLICATION

- **Scope of application** - Unless specified otherwise, these regulations apply to all municipalities and municipal staff below management echelon (**exclude: senior managers and CWP/ EPWP**).
- **Guidelines** - Warrants that the regulations be interpreted together with the accompanying **guidelines**.

Chapter 2: Staff establishment

CHAPTER 2: STAFF ESTABLISHMENT

Determining staff establishment

- ❑ The powers to review staff establishment vests with council.
- ❑ The Regulations mandates every municipality to develop an HR Plan.
- ❑ Sets out **organisational design metrics** and guiding principles for the design of the service delivery model, functional operating model and staff establishment.

Dimension	Category A	Category B	Category C
Structural layers	<ul style="list-style-type: none"> • Six to Seven (6-7) layers 	<ul style="list-style-type: none"> • Five to Seven (5-7) layers. 	<ul style="list-style-type: none"> • Five to Six (5-6) layers.
Structural shape	<ul style="list-style-type: none"> • Strategic: 0.2 - 1% • Managerial/ Specialist: 1 - 20% • Operational: 80 - 90% 	<ul style="list-style-type: none"> • Strategic: 1% • Managerial/ Specialist: 1% - 15% • Operational: 85% - 95% 	<ul style="list-style-type: none"> • Strategic: 1% • Managerial: 5% - 15% • Specialist: 30% - 55% • Operational: 15% - 30%
Span of control	<ul style="list-style-type: none"> • Municipal Manager: 7 - 8 • Directors: 6 - 7 • Divisional Managers: 5 – 6 • Managers: 5 – 6 • Supervisors: 9 - 15 	<ul style="list-style-type: none"> • Municipal Manager: 6 - 8 • Directors: 5 - 7 • Divisional Managers: 5 – 6 • Managers: 5 – 6 • Supervisors: 9 – 15 	<ul style="list-style-type: none"> • Municipal Manager: 6 - 8 • Directors: 5 - 6 • Divisional Managers: 4 – 5 • Managers: 4 – 5 • Supervisors: 9 – 12
Core to support employee ratio	<ul style="list-style-type: none"> • Core to support employee ratio of 70:30 • The ratio is based on actual headcount and not number of roles 		

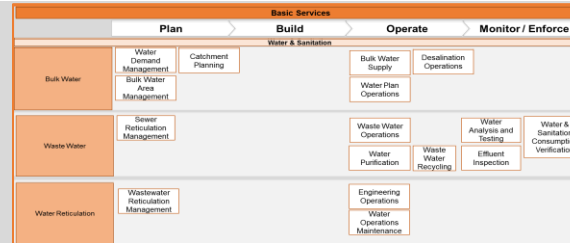
ORGANISATIONAL DESIGN APPROACH

Design principles



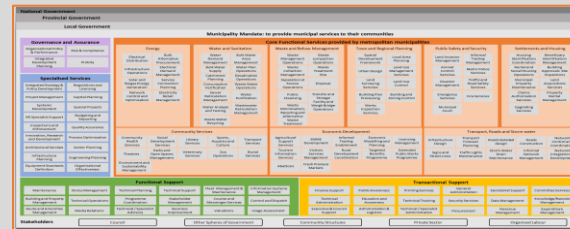
Depicts the **parameters** of the design

Capabilities



Depicts **what** the municipality does to deliver on strategy and to communities

Service Delivery Model



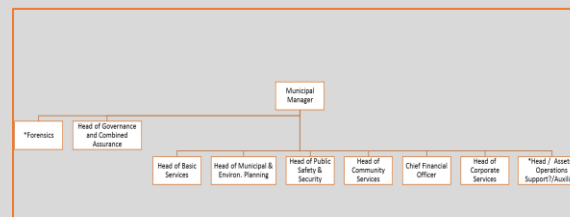
Depicts **where** the capabilities are performed

Functional Operating Model



Depicts **how** the capabilities are functionally clustered

Macro Structure



Depicts **how** the clustered capabilities are operationalised

Procedures for determining staff establishment

- ❑ A municipal manager must review its staff establishment under the following conditions:
 - **after election of a new council;**
 - **adoption of a municipal IDP; or**
 - **when there are changes to the boundaries** of a municipality or its functions.

Chapter 3: Recruitment, selection and appointment

CHAPTER 3: RECRUITMENT, SELECTION AND APPOINTMENT

Principles

- ❑ The **recruitment, selection and appointment of a staff member** to a post on the staff establishment must—
 - **comply with the requirements of the municipality's employment equity policy and plan:** Provided that if a municipality is unable to adhere to the employment equity plan due to specialised scarce skills required for a specific post, the municipality must record reasons for deviation from the policy;
 - **use objective competencies** specified in the Regulations; and
 - **be filled through advertising** in accordance with regulation 14.

Determination of recruitment needs

- ❑ Every municipality must **fill all funded vacant posts** on the staff establishment **within six months of a funded post becoming vacant.**

General requirements for appointment of staff

- ❑ Only **SA citizen or foreign national with a valid work permit** who meet the **relevant competencies, qualifications and experience** may be employed in a municipality.

CHAPTER 3: RECRUITMENT, SELECTION AND APPOINTMENT

Advertising of vacant post

- The municipality **must advertise a post after the approval** has been obtained.
- The adverts must specify the relevant competencies as prescribed
- A funded vacant post **may be advertised within the municipality, locally or nationwide.**

Application for vacant post

- All applications for employment must be made on the **prescribed application form.**
- Any **misrepresentation or failure to disclose material information** and the application form, **is a breach of the Code of Conduct** for Municipal Staff.

Selection panel

- A **selection panel consisting of at least 3 – 5 members** must be appointed for each advertised post, for shortlisting, interviews and make recommendations on the outcome of the process.
- A **selection panel member must -**
 - **disclose any interest or relationship with shortlisted candidates; or**
 - **recuse himself or herself** from the selection panel if he/she has conflict of interest; and
 - **sign a declaration of confidentiality** to avert the disclosure of information to unauthorised persons.
- The regulations makes it mandatory for **union representative to** attend interviews: Provided that failure by the union to attend the interviews from proceedings will not invalidate the decision of the panel.

CHAPTER 3: RECRUITMENT, SELECTION AND APPOINTMENT

Interviews

- ❑ The **selection panel** for a post, **must remain the same at all times.**
- ❑ If the selection panel **does not quorate**, the panel **must be reconstituted.**
- ❑ The **prescribed competencies** will serve as a basis for selection criteria.
- ❑ **Municipalities** are authorized to utilise alternative recruitment methods for critical and scarce skill post.

References and personal credential verification

- ❑ Municipalities are required to conduct reference checks and personal credential (**current or previous employer; qualifications; previous misconduct or poor performance; etc.**)

Appointment

- ❑ An appointment may only take effect if –
 - the recommended candidates meets the prescribed requirements.
 - A formal approval has been granted by the relevant delegated authority;
 - the post exist on the approved structure; and
 - funded.

Appointment of support staff to offices of public office bearers

- ❑ A **person appointed to support the office of a public office bearer must either be—**
 - **seconded** from a post on that municipality's approved staff establishment or another municipality's staff establishment; or
 - **appointed on a fixed-term contract of employment linked to the term of office of the public office bearer (NOT TERM OF COUNCIL).**
- ❑ The **duration** of the secondment or fixed-term employment contract, **may not be longer than 30 days after the public office bearer vacates office.**

Re-employment of dismissed staff

- ❑ Before a municipality appoints a candidate, it must confirm the declaration of integrity form the prescribed application form.
- ❑ Any **person who was found guilty of misconduct may not be employed in a municipality for a prescribed period.**

Probation

- ❑ All new recruits will be appointed on **3 months probations not exceeding 12 months of the date of appointment with applicable conditions.**

Acting appointment

- ❑ **An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised for a period of 3 months and not exceeding 9 months if extended.**
- ❑ **A person acting in a higher post has no right or expectation to be appointed to that post.**
- ❑ **A staff member may only act in a post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies.**
- ❑ **The performance of a staff member appointed to act in a post must be assessed in terms of these Regulations.**

Chapter 4: Performance management and development system

CHAPTER 4: PERFORMANCE MANAGEMENT

- ❑ The Regulations cascade PMDS from senior managers to staff below.
- ❑ **Objectives:** Promote a culture of performance and accountability
 - To identify development needs of staff.
- ❑ Every **municipality must adopt a PMDS** that complies with the provisions of this regulations.
- ❑ Establishment of a **team-based performance management** – for specific group/s.
- ❑ A PDMS policy to provide for dispute resolution processes.
- ❑ **Participation of staff members in the overall PMDS** of the municipality.
- ❑ Mandatory **Annual Performance Agreement**.
- ❑ PMDS governance structure/s - **Moderation Committees**.
- ❑ **Recognition of outstanding performance**. Procedures to address **sub-standard performance** and sets out the roles, responsibilities and obligations of the respective role players.
- ❑ Guidelines for **staff acting in senior positions**.

Annexure A: Competency Framework

LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR OCCUPATIONAL STREAMS

- ❑ The Regulations **incorporates a Local Government: Competency Framework** for Occupational Streams.
- ❑ Consist of the following **6 competency sets** that contribute to an individual's performance in a particular job:
 - Knowledge, experience and qualifications;
 - Professional Competencies (Technical);
 - Personal Competencies;
 - Public Service Orientation;
 - Management / leadership orientation; and
 - Administrative Competencies.
- ❑ Objectives of the competency framework: job design, recruitment & selection, PMDS, succession planning, career pathing & training and development.
- ❑ All recruits must meet the competency requirements mentioned above.
- ❑ A **staff member** who was **appointed before these Regulations came into effect** and who does not meet the minimum competency requirements of the relevant post as prescribed, **shall be deemed to be meeting the requirements of the post.**
- ❑ A municipality must utilise the workplace skills plan to identify and address the staff member's competency gaps and development needs.

LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR OCCUPATIONAL STREAMS

- ❑ The competency framework maps different jobs under one of the following LG functional clusters:
 - Development and Town and Regional Planning;
 - Technical Services;
 - Community Services;
 - Finance; and
 - Corporate Services.

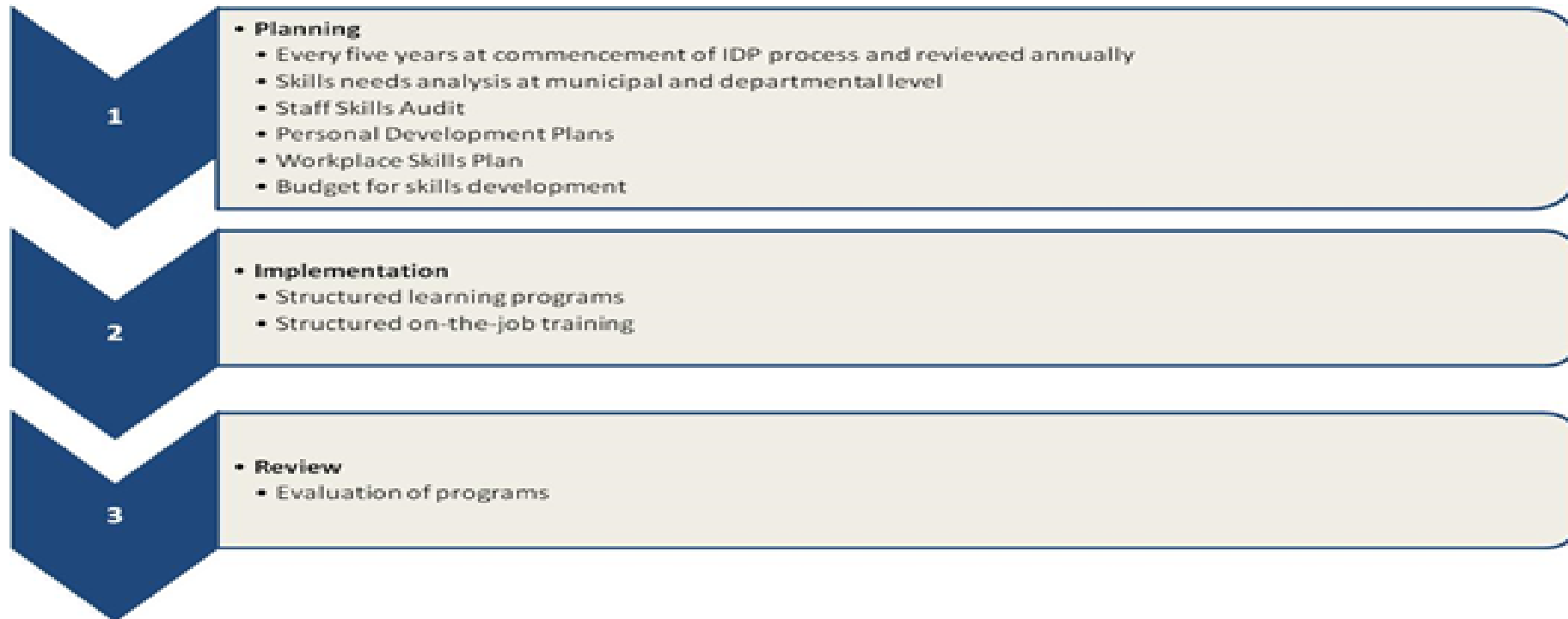
- ❑ Functional clusters are subdivided into job families which regulates the career streams to which job competencies and minimum requirements are mapped.

- ❑ Competency framework consists of **defined competencies for different career streams and competency levels ranging between 1 to 4 or 1 to 5.**

Chapter 5: Skills Development

CHAPTER 5: SKILLS DEVELOPMENT

- Chapter 5 addresses skills development. More specifically:
 - **Part A** sets out the principles for skills development.
 - **Part B** stipulates the skills development process:



- **Part C** stipulates the roles and responsibilities of the various role players in the implementation of the skills development process
- **Part D** defines the process to be followed in reviewing the skills development process
- **Part E** deals with the payment for training of municipal staff.
- All municipalities are mandated to conduct skills audit based on the prescribe on the compency



CHAPTER 5: SKILLS DEVELOPMENT

- ❑ All municipalities are mandated to –
 - conduct skills audit based on the prescribe on the competency framework;
 - identify competency gaps; and
 - upskill staff that have competency gaps.

Chapter 6, 7 & 8

5.6 CHAPTER 6, 7 & 8

- ❑ Chapter 6, 7 & 8 (Dispute resolution, Disciplinary code and procedures. Remuneration related matters) must be dealt with in terms of the collective agreement concluded in the bargaining council designated for municipalities.

Chapter 9: General

4.6 CHAPTER 9: GENERAL

- Provides for delegations of powers and functions specified in the regulations.
- Provides transitional provisions relating to validity of contracts of employment concluded before the regulations become operative.
- Repeals Chapter 2 of the LG Regulations on Appointment and Conditions of Employment of Senior Managers as published 17 January 2014.
- Provides for personnel records of each staff member.
- The Regulations will come to effect on 1 July 2022 .

Other Annexures

4.7 Arrangement of Annexures to the Regulations

- ANNEXURE A: LOCAL GOVERNMENT: COMPETENCY FRAMEWORK FOR OCCUPATIONAL STREAMS
- ANNEXURE B: APPLICATION FORM FOR EMPLOYMENT
- ANNEXURE C: DECLARATION OF CONFIDENTIALITY BY MEMBER OF SELECTION PANEL
- ANNEXURE D: PERFORMANCE ASSESSMENT RATING CALCULATOR
- ANNEXURE E: CATEGORIES OF MISCONDUCT FOR PERSONS DISMISSED FOR MISCONDUCT
- ANNEXURE F: NUMBER OF SUPPORT STAFF IN THE OFFICE OF THE PUBLIC OFFICE BEARERS

6. Implementation and Support

6. Implementation and Support

- A two-pronged implementation support plan has been developed as follows
 - workshops aimed at capacitating municipal HR functionaries, new councillors and senior management to exercise their responsibilities.
 - Train the trainer for municipal HR functionaries to train other staff members (Comprehensive training programme will commence in 2022).

THANK YOU

Ngiyabonga | Re a leboga | Ndo livhuwa | Nndza nkhensa | Ke a leboha haholo | Dankie | Enkosi



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