

CITY OF TSHWANE

"we are the same"

COLLECTIVE AGREEMENT

MIGRATION AND PLACEMENT POLICY

Entered into by and between

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

hereinafter referred to as "The Employer"

AND

INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU) and

SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU)

hereinafter referred to as "Trade Unions"

as parties to the SALGBC, Tshwane division

Agree as follows:

1. That the Migration and Placement Policy for the City of Tshwane Metropolitan Municipality be adopted as policy document that regulates the placement of Employees.
2. That any amendments to the Migration and Placement Policy will be effected by $\frac{2}{3}$ (two-thirds) concurrent majority of Employer representatives and Trade Unions' representatives.
3. That this agreement will come into effect on the date of signature by parties.

STATEMENT OF INTENT

At the meeting of the Consultative Forum: Human Resources held on Thursday, 17 January 2002, the adoption of the Employer's proposed Migration and Placement Policy was considered. The parties, inter alia, resolved:

- That three days in succession be set aside for **discussions** with the unions to finalise the policy;
- That after an agreement has been reached on the discussions with the unions, the policy be referred to the Mayoral Committee;
- That the Migration Policy be finalised by not later than 31 January 2002;
- That the **GPMAD ratify the policy** at its first meeting.

1. INTRODUCTION

The creation of Tshwane Metropolitan Municipality has significant implications for managing employees and will have an impact on employee morale and motivation.

To effect the integration of the structures this policy and procedure is intended to regulate the migration and placement of employees. Once in effect, it is essential that the policy and the procedure is fairly applied.

2. PURPOSE

The policy manual is primarily concerned with the **permanent placement** of employees by means of migration and placement to the posts provided for in terms of the organisational arrangements for service delivery. Once the placement of the current workforce has been finalised the migration policy will lapse (come to an end). The future migration or movement of employees (promotions, demotions, transfers and secondments) will, however, be determined and guided by new conditions of employment for the City. The Policy document, amongst others, will guide the following actions associated with Migration.

- The organisation structures will be utilized in accordance with applicable legislation and policy directives; and
- Deploying employees to such structures in terms of sound and justifiable migration and placement principles.

3. DEFINITIONS IN TERMS OF MIGRATION POLICY

Migration means the process of placing or "repositioning" employees from one post or position to another under the same employer.

Transfer entails a change of employer by structure and substituted in the place of the existing structures under the section 12 Notice published in terms of the Structures Act and under section 197 of the Labour Relations Act.

Placement is the process of placement in a post within the new organisational structure on the basis of staff follows function.

Direct placement is the process of appointing an employee directly in the same or similar post.

Selective placement is the process of selecting an employee to be appointed to the same or similar post where more than one employee could be placed into that post (i.e. the post is competitive).

Deployment is the process in which an employee is appointed to another post, which reflects contractual changes in respect of location, status or job content.

Redeployment is the process of appointing a displaced employee from the corporate pool to a post according to the operational needs of the organisation.

Retraining is (a) the process of preparing an employee to perform the inherent requirements of the job to which he/she has been/will be migrated, placed, redeployed etc provided that (b) where an employee cannot be migrated or where the employee has been in the corporate pool without being migrated, placed, redeployed etc. for longer than the allowable period and is deemed by the Placement Committee to be at risk on non-deployment, the employee is appropriately retrained having regard to the purposes of the Skills Development Act (No. 99 of 1998) as set out in s2 (a) thereof.

All appointments whether they are the result of placement, deployment or redeployment to be effected through a reasonable offer of employment in the appointed post or position in the new structure and the acceptance by the employee concerned.

Substantial in terms of this policy, the job content should be 50% or more/larger portion thereof.

Job content is a written summary of the incumbent's main functions or key performance areas.

4. OBJECTIVES

- To ensure effective and orderly service delivery in the interim within the CTMM until the population of the new structure.
- To develop a fair placement procedure that minimises claims and disputes.
- To develop an internal Appeal Committee that can promptly deal with objections and disputes, which may arise in the process without detracting from the Bargaining Council procedures.

- To fully involve the trade unions as representatives of employees, in the process and the approach to population in which parties may engage in a meaningful joint consensus seeking process. The purpose of this will be to alleviate fears and uncertainties and generally encourage constructive participation in the process.
- To communicate the process transparently and non-selectively to employees and their representatives at all times.
- To develop a process that minimises the redundancy claims by employees.
- The parties are committed to ensure continuity of employment and every attempt will therefore be made to ensure that no retrenchments or redundancy will occur, provided that the affected employees are willing to accept reasonable alternative positions that are offered.
- To develop a process that facilitates a smooth transition to the new City of Tshwane organisational structure, that can take place in a reasonable period of time, and within the legislative time constraints.

5. PRINCIPLES

- Job security is a priority.
- Skills retention is a priority.
- Skills development is a priority.
- Employment Equity is a priority.
- Unbroken service delivery.
- The process should encourage high-level employee involvement and promote trade union participation.
- The parties will engage in a meaningful joint consensus seeking process in good faith with the intention of agreeing on a migration policy.
- The principle that function follows structure and staff follows function based on a validated job content applies. Employees shall not be moved from one location to another without the function, which the employee is performing necessitating such movement except in cases of redeployment or based on the employer's operational requirements.
- The incumbents in acting positions have no superseding right to permanent placement within those positions.
- Transparency must underpin the whole process regarding decision making and implementation.

- Sufficient and adequate resources shall be allocated to ensure efficient application of the procedure.
- All employees to be placed must be suitably qualified or have the capacity to become suitably qualified within a reasonable period of time in respect of the specified suitable posts.
- Efficient and speedy resolution of objections.
- The procedure will adhere to the principle of fairness in line with the LRA as amended.
- Human Resources advisory unit, within the guidelines of this policy manual prepare a practical and user-friendly administrative manual to guide the migration and placement process envisaged in this policy manual. The aim of the administrative manual should be:
 - To standardise procedures and streamline the migration and placement process;
 - To Promote sound and consistent decision; and
 - To create sufficient control measures for the execution of the process within the approved policy.

6. MIGRATION PROCEDURE

6.1 Placement Committee

Arising from the need to finalise and ensure proper migration of employees into the new organisational structure, the following members are proposed to form part of the Placement Committee:

- | | | |
|-------------|---|---|
| Chairperson | ✓ | Clr A Ditshoke: Portfolio Incumbent: Human Resources or Present Political Incumbent |
| Member | ✓ | Mr VB Mothuloe: General Manager: Human Resources |
| Member | | Adv BM Shai: Strategic Executive: Corporate Services |
| Member | | 2 IMATU |
| Member | | 2 SAMWU |
- Strategic Executive Officer of the department concerned

Functions of the placement committee (inter alia)

- To consider all submissions made by the Strategic Executive Officers for migration and placement of employees in their various departments.

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- To communicate all their decisions to the employees concerned via the Office of the Strategic Executive: Corporate Services.
- The Placement Committee has the right to approve or reject submissions.
- The placement committee will ensure and oversee the consistency and fair application of the migration process and placement policy.

Human Resource advisory unit, within the guidelines of this policy, will prepare a practical and user-friendly administrative process to guide placement committee.

The placement of staff shall be done in a manner consistent with the objectives of Employment Equity and Skills Development Act.

6.2. Appeal Committee

Every employee and or a trade union (IMATU/SAMWU) shall have the right to refer his/her grievance on placement or non-placement to the Appeal Committee, within 5 days after the Placement Committee makes known its results or decisions.

The following members are proposed to form part of the Appeal Committee:

Chairperson	Clr Ditshego: Portfolio incumbent: Human Resources or Present Political Incumbent
Member	Mr SSW Nkosi Chief Operating Officer
Member	IMATU (Alternate)
Member	SAMWU (Alternate)

Functions of the appeal committee

- To consider migration and placement objection in all instances.
- The decision of Appeal Committee must be made available within 7 working days after the conclusion of its meeting. Such decisions shall be deemed to be final.
- Should the appeal committee be unable to reach an agreement, it shall refer the matter to the Mayoral Committee for determination
- Any objections emanating from the Appeal Committee may be submitted to the Bargaining Council for conciliation and arbitration (if necessary)

6.3 CRITERIA FOR APPOINTMENT

6.3.1 Migration and placement to a post in the new structure shall be undertaken in accordance with the following matrix:

CRITERIA	PROCESS
1. Job contents the same and post levels the same (i.e. 100% "match").	Direct placement.
2. Job content substantially the same and post level the same (i.e. not identical but largely the same).	Direct placement.
3. Job content the same or substantially the same and post level the same <u>if more candidates than posts.</u>	Selective Placement and potential displacement of unsuccessful candidates into corporate pool if no deployment opportunities exist.
4. Job content substantially the same and post level higher.	Selective Placement and potential displacement of unsuccessful candidates into pool if no deployment opportunities exist.
5. Job content changed and post level the same.	Deployment.
6. Job content decrease and post level lower.	Deployment.
7. Job content increase and post level higher.	Deployment.
8. New posts.	Deployment or Placement.

6.3.2. An employee that cannot be placed, or deployed in the new structure is considered to be displaced into the corporate pool and shall be dealt with in terms of the redeployment process.

Every employee will be informed within 5 working days of the post into which he or she has been migrated, and will have an opportunity to raise objections (within 5 working days).

Those jobs in the new structure that have to be filled through selective placement will be internally advertised and appointments to those jobs will be on application in accordance with the normal recruitment selection and appointment procedures. Those employees who are not appointed will be placed in the corporate pool of employees for redeployment, re-skilling and/or training.

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NEW POSTS

All new posts, which carry duties and responsibilities that do not exist in any form in the present structures. These posts shall be advertised first internally and if no suitable candidate could be found posts will externally be advertised but giving preference to:

- i. Internal candidates from designated group
- ii. Internal candidates from non-designated group
- iii. External candidates

GUIDELINES FOR THE PROCESS

- i. Job profiles must be completed and validated before placement begins.
- ii. All posts of the same level or higher, with more than one qualifying candidate, will be filled in accordance with objective criteria based on and or suitably qualified.
- iii. Employees must be notified in writing of their offer of placement. The notice must advise the employee of the right to apply for reconsideration against the offer of placement (essentially this means that the employee will have the right to lodge an objection).
- iv. The migration process is to be done in accordance with the agreed delegated authority.
- v. Any employee who is aggrieved by a migration process in respect of which the employee has a material interest may apply in writing to the Appeal Committee for a re-consideration of placement committee decision stating their reasons for their objections.
- vi. The Placement Committee must finalise all placements of staff.

7. MIGRATION – REDEPLOYMENT

7.1 General Guidelines

- i. An employee is regarded as displaced if he/she is unsuccessful in a selective placement process and then is not deployed either because no reasonable alternative post was offered or because the reasonable alternative offer was refused.
- ii. A displaced employee's services are required by the organisation and can be utilised elsewhere in the new organisation.
- iii. Displaced employees will be dealt with according to this process in order to prevent or minimise redundancies and retrenchments.

- iv. The term "corporate pool" is not a literal grouping in that employees are not physically relocated to a pool but will continue to be managed at the level at which they previously occupied posts.
- v. Should no opportunities for displaced employees exist for alternative placement at the appropriate level, affected employees will become part of a "corporate pool" for redeployment to opportunities identified elsewhere in the new organisation. Employees in the corporate pool undergo a developmental assessment. Information regarding their competencies, skills, experience, interests and any other relevant information will be captured in a corporate database that will be regularly maintained in order to facilitate efficient matching of employee competence/potential re-training capability.
- vi. All costs associated with displaced employees in the corporate pool will continue to be borne by the department where the displaced employees originally were held in the transitional structure. The relevant department must make provision in its budget for such employees.
- vii. As placement opportunities within the new organisation are identified, employees within the pool will be informed and assisted in taking up the opportunity to be placed. The corporate database will be used to match employees within the pool with vacant positions on the basis of their competence and/or potential to acquire competence within a reasonable period of time with or without re-training.
- viii. The important principle in the placement of employees from within the corporate pool is the need to reduce the corporate pool. Therefore, employees from within the corporate pool that are either competent to perform in the post based on the inherent requirements and are trainable, will be given preference over other employees who are currently placed.



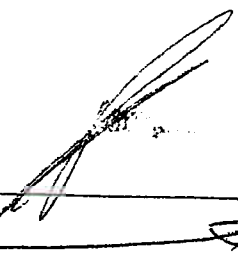

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- In order to facilitate the placement of employees within the corporate pool, the following will take place:

- ix. Where there is a clear match in terms of function and designation (this includes an allowance for limited training), vacant posts will not be advertised. However, employment equity, (i.e. skills/competence) will be used, as criteria to be applied to applicants from within the pool should there be more than one obvious match.
- x. Where there is no obvious match, but there is a good chance of successfully accommodating someone from within the pool, the internal post will be circularised. Employees within the pool will be given preference over other employees from within the organisation who are suitably qualified. Should more than one employee from within the pool be considered suitable applicants, then employment equity will be used as criteria to be applied to applicants from within the pool. Should there be no suitable applicants from within the pool then other (non-pool) internal applicants will be considered according to normal selection/placement criteria.

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7.2 Rules and Guidelines for the Redeployment of Displaced Employees

The motivation for the redeployment of employees from within the pool is to reduce the pool, minimise redundancies and retrenchments.

- i. Displaced employees in the corporate pool to be considered for redeployment before any vacant posts are filled externally.
- ii. Where redeployment opportunities are identified the following will apply:
 - a) If the opportunities match the displaced employees:
 - Equal post in terms of job content and level one displaced employee (non-competitive situation and obvious match), direct placement to be effected.
 - Equal post in terms of job content and level with more than one suitable candidate in the pool (obvious match but competitive situation), a selection process to be effected to determine most suitable candidate from the pool.
 - b) Where the opportunities do not match the displaced employees:
 - If the opportunity is a higher post than the post the displaced employee occupied and a good chance for redeployment of an employee from the pool exists, such opportunity to be advertised internally and the displaced employee be considered together with other internal applicants.
 - If the opportunity is a lower post than the displaced employee occupied, the displaced employee may be redeployed on a contractual to incumbent basis provided that where more than one displaced employee could be redeployed on a contractual-to-incumbent basis, the most suitably qualified displaced employee shall be redeployed.
- iii. Displaced employees in the corporate pool will receive training and development relevant to redeployment opportunities and organisational needs and with the view to enhance such employee's chances for redeployment.
- iv. A suitable employee will be nominated internally to manage the corporate pool, and will report to the Placement Committee.
- v. Upon receipt of a notice of employees to be redeployed all line managers to inform the Manager: Corporate Pool of specific needs/opportunities where displaced employees can be utilised.
- vi. The Training and Development section to arrange for training/development for employees within the pool according to identified placement and/or present and future needs of the organisation.

1. MIGRATION – ADMINISTRATIVE PROCESSES AND PROCEDURES

- 1.1. The relevant line manager is responsible to inform the Manager: Corporate Pool where the displacement of employees exists or is contemplated and to provide all relevant information pertaining to the displacement of employees to the Manager: Corporate Pool.
- 1.2. The Manager: Corporate Pool is to submit the information to the relevant union(s) and to arrange for consultations with representatives of the relevant union(s) to consider the contemplated displacement and/or proposed re-deployment of employees. Consultations to take place at a directorate/departmental level or such alternative forum as may be established upon agreement between the parties.
- 1.3. After conclusion of the consultations, the relevant line manager in conjunction with Labour Relations and in consultation with the unions and/or employee, shall:
- Identify the employees to be displaced and redeployed;
 - Identify opportunities for redeployment within departments; and
 - Inform the Manager: Corporate Pool of the particulars of the identified displaced employees and identified redeployment opportunities within the departments.
- 1.4. After displaced employees have been identified, the following will apply:
- Displaced employees to be redeployed into the identified opportunities in the departments in accordance with the redeployment policy;
 - Displaced employees who could not be redeployed within the departments to be accommodated in the pool and be managed further in terms of the redeployment policy.
- 1.5. The Manager: Corporate Pool will be responsible:
- To keep and maintain records of identified displaced employees to be redeployed (pool of candidates);
- To assess the potential of displaced employees with regard to skills, abilities, knowledge, qualifications etc. for purposes of redeployment into alternative posts and/or for addressing training needs of the displaced employee in relation to available redeployment opportunities;
 - To identify suitable vacancies and to place employees in such vacancies;
 - To inform line management of the availability of displaced employees for redeployment;

- To monitor vacancies for possible redeployment opportunities and to ensure consideration of displaced employees when opportunities arise.

2. MIGRATION – ARRANGEMENTS UNTIL REDEPLOYED

- 2.1 The displaced employee remains the responsibility of the line manager where the disestablished post occurred until such time as the employee is redeployed.
- 2.2 The responsible line manager should in consultation with the manager: Corporate Pool, determine the interim job/functions, relative to the level of the post the displaced employee previously occupied, to be executed by the employee or to ensure productive utilisation of the employee until the displaced employee is redeployed.
- 2.3 Funds budgeted for the posts of employees to be redeployed will follow the employee.

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"EMPLOYER"

Signed at Tshwane on this day of 25 Sept 2002 on behalf of the CITY OF TSHWANE METROPOLITAN MUNICIPALITY.

Signature: [Signature] Name in full: Moolam Moleto

Capacity: MMC Member Mayoral Committee
CITY OF TSHWANE METROPOLITAN MUNICIPALITY

WITNESS:

1. [Signature] 2. [Signature]

"TRADE UNION"

Signed at TSHWANE on this day of 25 SEPTEMBER 2002 on behalf of the INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU).

Signature: [Signature] Name in full: JACQUES KARL WROZEMANN

Capacity: CHAIR PERSON
INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION (IMATU)

WITNESS:

1. [Signature] 2. [Signature]

"TRADE UNION"

Signed at Tshwane on this day of 25 SEPTEMBER 2002 on behalf of the SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU).

Signature: [Signature] Name in full: Micelle Mthembu

Capacity: BRANCH SECRETARY
SOUTH AFRICAN MUNICIPAL WORKERS UNION (SAMWU)

WITNESS:

1. [Signature] 2. [Signature]

TRANSFER AND MIGRATION

TRANSFORMATION PROCESS

