

SECTION HR 16

AMAHLATHI
MUNICIPALITY

DEMOTION,

PROMOTION,

AND

TRANSFER

POLICY

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DEMOTION, PROMOTION AND TRANSFER POLICY

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SECTION HR 16

DEMOTION, PROMOTION AND TRANSFER POLICY

DEMOTION POLICY

1. **Purpose of Policy**

To provide directions on the circumstances under which an employee may be demoted and the procedure to be followed in connection therewith.

2. **Definition of Demotion**

Demotion means the placement of an employee in another post in the Council's service in respect of which the maximum of the salary scale applicable to such other post is higher than that applicable to the post he/she occupies before such placement took place.

3. **Grounds for Demotion**

The Council may demote an employee on the following grounds:

- a) Misconduct
- b) Re-Organisation
- c) Physical or Mental Disability

4. **Procedures prior to Demotion**

An employee shall only be demoted after a full enquiry into the circumstances leading to the need to demote him/her has been held and such employee, assisted by his/her trade union representative, where necessary, has been afforded an opportunity to make representations and be heard in connection with his/her proposed demotion, provided that for purposes of this clause, "enquiry" includes a disciplinary enquiry held by the Council in terms of its Conditions of Service.

5. **Rules Applying to Demotion**

5.1 **Misconduct**

In event of the employee being demoted on the grounds of misconduct, his/her salary/wage shall be adjusted from the first day of the working month/week, as the case may be, in which the Council decides to demote him/her or, in the event of the Council so deciding, on the first working day of the succeeding working

month/week to such notch of the salary scale of the post to which he/she is demoted as the Council may decide.

The date on which the demotion takes effect shall be regarded as the employee's future incremental date, unless the Council determines an earlier date.

5.2 Re-Organisation

In the event of an employee's post being declared redundant and being abolished as a result of a re-organisation of the Council's service, and such employee being demoted by the Council, he/she shall retain his grouping as applicable before such demotion as 'personal-to-incumbent' or 'contractual-to-incumbent', as the case may be.

5.3 Physical or Mental Disability

In the event of an employee being demoted by the Council as a result of the physical or mental disability as determined by a medical panel, the Council may adjust such employee's salary either to the comparative notch, or in the event of there being no comparative notch, to the nearest lower notch of the post to which he/she is demoted, or allow such employee to retain the salary scale applicable to him/her before the date of demotion as 'personal-to-holder' or 'contractual-to-holder' as the case may be.

A demotion in terms of the above paragraph shall take effect from the first day of the working month/week of the relevant employees that follows on the working month/week in which it is decided to demote an employee.

Where a demotion has the effect of the salary of an employee being adjusted to a notch lower than the maximum of the salary scale of the relevant post, such employee shall retain the incremental date applicable to him/her before such demotion.

PROMOTION AND TRANSFER POLICY

1. Purpose of the Policy

1.1 Promotion

1.1.1 To achieve optimum utilization of employee's skills and talents by employing the suitable persons in a more advantageous work situation through promotion.

- 1.1.2 To enhance career advancement of employment.
- 1.1.3 To gain and sustain employee motivation for high quality and productivity.
- 1.1.4 To reward employee behaviour emanating from high quality of work and high productivity with a view to retain such behaviour.
- 1.1.5 To fulfil the legitimate expectation employees have that their efforts will lead to effective performance and who further anticipate important rewards for their accomplishment.
- 1.1.6 To enhance employee's motivation to work.
- 1.1.7 To minimize the effects of job poaching and 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 where they are employed.
- 1.1.8 To comply with the provisions of the Employment Equity legislation which obliges designated employers to, amongst other things, implement affirmative action measures aimed at the acceleration of the employment of persons from the historically disadvantaged groups.
- 1.1.9 To set out criteria for promotion of employees.

1.2 Transfer

- 1.2.1 To ensure that employees are utilised for the purposes of meeting the organisation's Human Resources needs.
- 1.2.2 To enhance career advancement of employees.
- 1.2.3 To address areas of poor work performance and ill discipline on the part of employees.
- 1.2.4 To provide measures for transfer of employees.
- 1.2.5 To provide regulations for transfer of employees on grounds of incapacity and/or operational requirements.

2. Application of the Policy

This policy shall be applicable to all permanent employees of the Municipality with the exception of the following categories of employees:

- 2.1 Municipal Manager
- 2.2 Managers, reporting to the Municipal Manager
- 2.3 All employees appointed in terms of Section 57 of the Municipal Systems Act (Act No. 32 of 2000)
- 2.4 All employees appointed on fixed term employment contract

This policy shall become operative on date on which it is approved by Council.

3. Definitions

In this policy, unless the context indicates otherwise:

- 3.1 **Council** means the Municipal Council, Executive Committee, and/or a Standing Committee thereof dealing with Human Resources related matters, and/or any other person with delegated authority.
- 3.2 **Municipality** means the Amahlathi Municipality.
- 3.3 **Promotion** means the permanent movement of an employee from a position in one job category to a position in another job category of increased responsibility or complexity of duties and on a higher salary range.
- 3.4 **Relative** means a promotion candidate's parent, adopted parent, grandparent, great grandparent, child, grandchild, great grandchild, brother, sister, aunt, uncle, niece, nephew, cousin, spouse, and/or life partner.
- 3.5 **Transfer** means the permanent lateral movement of an employee from one position to another position in the same or another job category assigned to the same salary range, which may include the physical transfer from one location to another, e.g. one town to another.

4. Promotion Process

Vacancies for promotion:

- 4.1 The promotion of an employee shall be undertaken by Council and the employee shall be promoted only in the event of a vacant higher post existing.
- 4.2 An applicant who canvasses support with a view to be promoted in the service of the Municipality shall be disqualified for such promotion.
- 4.3 The Municipality encourages the policy of open promotion of individuals on the basis of academic qualifications, work experience, other relevant job requirements and with due regard to the provisions of the Employment Equity legislation.
- 4.4 The Municipality determined to fill such vacant position(s) earmarked for promotion, with best qualified and the best suited candidate(s).
- 4.5 Any vacancies intended to be filled by way of promotion shall be advertised internally. Such advertisement(s) shall be by way of posting an advertisement(s) at all Municipal notice boards and of circulating through the intranet. The advertisement shall set out clearly all the minimum period of ten (10) working days for the submission of the application(s) in this regard.
- 4.6 All interested candidates shall be entitled to apply for such vacancy by completing and submitting the necessary application form which is obtainable from the Human Resources Department.
- 4.7 Applicants who meet the prescribed requirements shall be short-listed and thereafter interviewed.
- 4.8 If there is no employee / applicant meeting the criteria set out in the advertisement, the post will be filled by way of recruitment.

5. Promotion Committee

A Promotion Committee shall be established to deal with promotion matters.

The Promotion Committee shall comprise of the following representatives:

- 5.1 One (1) Management member from the relevant Department on which the vacancy exists.
- 5.2 One (1) Portfolio Councillor from the Standing Committee responsible for Human Resources related matters.

5.3 One (1) Official from the Human Resources Department.

5.4 One (1) Trade Union representative from each Trade Union.

The Corporate Services Manager shall preside over all the meetings of the Promotion Committee while the Trade Union representative(s) shall play an observer role.

The Promotion Committee shall evaluate and assess the suitability of candidates through conducting interviews and considering submissions made by management of the relevant department relating to such promotion. The Promotion Committee may amongst other things, conduct tests or checks on the candidates for promotion.

The decision of the Promotion Committee may be reached by either unanimity and/or simple majority or the members of the promotion committee.

The Promotion Committee shall make a recommendation to promote or not to promote to the:

a) Municipal Manager.

6. General Provisions

An employee who expresses interest in a position will jeopardize his/her current position or future opportunities.

An employee is not required to notify his/her present supervisor when applying for promotion. However, an employee must have the approval of his/her present supervisor if he/she schedules appointments for interviews by his/her supervisor. Such scheduling should be at a time when it will cause the least disruption of work and may be limited to a reasonable number of interviews by his/her supervisor.

Time that is approved by the supervisor for interviews shall not be docked or otherwise charged against such employee's accrued leave.

A supervisor may not limit the number of interviews scheduled outside the regular work time of the employee.

The effective date of promotion will be determined, jointly, by the two Departments involved (normal notice is one (1) month).

An employee is eligible for a promotional increase when he/she is reassigned from one position to another classified in a higher grade.

However, a re-ranking of a position to a higher grade to reflect more accurately existing duties performed on not the basis for granting a promotional increase to a job holder, even if the upgrading is accompanied by a change in position title.

No employee of the Municipality may participate in decisions which would involve a direct benefit or detriment (appointment, hiring, retention, promotion, salary, leave of absence) of a relative. If the employee applies for a position which is supervised by his relative, the superior to such supervisor relative will be responsible for instituting any special procedures required to assure consideration based solely on merit.

7. Transfer Process / Principles / Regulations

The transfer of an employee may be undertaken by Council at its discretion to meet its Human Resource requirements, or for disciplinary reasons.

An employee shall be transferred only in the event of a vacant post existing unless Council determines otherwise.

Where an employee is transferred for disciplinary reasons such transfer shall be preceded by the invoking of the disciplinary procedures.

The date on which a transfer for disciplinary reasons takes effect shall be regarded as such employee's future increment date unless Council determines otherwise.

An employee transferred for non-disciplinary reasons shall retain the increment date applicable to him/her prior to such transfer.

The transfer of the employee from one location to another requires a written approval of the Municipal Manager.

Transfer of an employee may be either a permanent or temporary nature.

Any transfer for non-disciplinary purposes can only be effected once a written consent from the affected employee(s) has been obtained.

8. Dispute Resolution Procedures

Any dispute relating to both the interpretation of the provisions of this policy as well as the Municipality decision on any specific promotion and/or transfer case(s) shall be dealt with in accordance with the dispute resolution machinery provided for in the applicable Labour Relations legislation.

An employee who has been transferred to a lower post at his/her behest on grounds of misconduct and/or poor work performance shall not retain beneficial conditions of service on personal-to-incumbent basis.

An employee who has been transferred on grounds of operational requirements to a lower post on grounds of operational requirements shall retain his/her beneficial conditions of service on personal-to-incumbent.

Personal-to-incumbent conditions shall be applied without prejudice to other employees and the Municipality, shall not be regarded as general conditions of service.

An employee who has been transferred to a lower post as a result of injury on duty or any form of incapacity inflicted by the Employer/Municipality shall retain his/her conditions of services.

9. Waiving of the Policy and Implementation Provisions

This policy may be partly or wholly waived by the Municipality in consultation with the Trade Unions.

This policy shall be super-ceded by a Bargaining Council Resolution, legislation and enforceable legal order.

This policy takes precedence over all other promotion and transfer provisions.

The policy shall not be implemented retrospectively.