



Department of Public Works, Roads and Transport
Mpumalanga Provincial Government

RECRUITMENT POLICY

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ABBREVIATIONS

CORE	:	Code of Remuneration
CV	:	Curriculum Vitae
HRM	:	Human Resource Management
HRM&D	:	Human Resource Management & Development
HRP & A	:	Human Resource Practices & Administration
HRU&CD	:	Human Resource Utilisation and Capacity Development
KPA	:	Key Performance Areas
MEC	:	Member of the Executive Council
MMS	:	Middle Management Services
PSR	:	Public Service Regulations, 2016
SM	:	Senior Manager
SMS	:	Senior Management Services
SAQA	:	South African Qualifications Authority
OSD	:	Occupational Specific Dispensation
SAPS	:	South African Police Services
EXCO	:	Executive Council

DEFINITIONS

Accounting Officer	means	a person mentioned in Section 36 of the Public Finance Management Act, 1999 (Act No.1 of 1999) and includes any person acting as the Accounting Officer;
Department	means	Department of Public Works, Roads and Transport;
Head-Hunting	means	Searching and identification of persons with the required skills of certain post with criteria categorized as scarce skills and request them to apply for the post;
Qualifying employee	means	Employee at a lower level of the post and/or an employee acting on the post that meets the basic requirement for the advertised vacant funded post;
Reference Checking	means	Background check done to confirm the details in the CV as well as the behaviour of the candidate inside or outside working environment;
Representatives / Observer(s)	means	In line with the organizational rights and organizational agreements it refers to recognized Trade Unions (Organized Labour) existing within the Department as well as Employment Equity members;
Screening	means	Is a methodical survey to assess suitability for a particular post or a preliminary assessment of job candidates based on specified criteria;
Selection Committee	means	Section 67 of the Public Service Regulations as amended define selection committee as panel members, i.e. shall consist of at least three members who are employees of a grade equal to or higher than the grade of the post to be filled or suitable persons from outside the public service; and
Vetting	means	Is a process of examining and evaluating a candidate where detailed security check is conducted to determine security standards.

1. INTRODUCTION

- 1.1. Recruitment may be broadly defined as the process of attracting applicants, who may comply with the criteria of a position to be filled in an organization in order to meet its human resource capacity requirements;
- 1.2. It is also an important instrument for organizations to address and achieve employment equity in compliance with the Constitution, applicable legislation and other initiatives of the Government;
- 1.3. In promoting and achieving equal employment opportunity and fair treatment in its employment practices, the Department of Public Works, Roads and Transport commits itself to implement the provisions of the Public Service Act of 1994 (Act No. 103 of 1994) as amended, the Public Service Regulations, 2016, the Employment Equity Act, 1998 (Act No. 55 of 1998) as amended and any other applicable legislation; and
- 1.4. In this policy the Head of Department shall be referred to as the Accounting Officer.

2. OBJECTIVES

The objectives are to:

- 2.1. Provide guidelines, norms and standards in the filling of vacant funded posts in an effective and efficient manner that promotes equity and representation of all racial groups; and
- 2.2. Give directions and maintain consistency in the recruitment process.

3. REGULATORY FRAMEWORK

- 3.1. Public Service Act, 1994 (Act No. 103 of 1994);
- 3.2. Public Service Regulations, 2016 (PSR);
- 3.3. Labour Relations Act, 1995 (Act No.66 of 1995);
- 3.4. Employment Equity Act, 1998 (Act No. 55 1998);
- 3.5. Basic Conditions of Employment Act, 1997 (Act No.75 of 1997);
- 3.6. Protection of Personal Information Act, 2013 (Act No. 4 of 2013);
- 3.7. Constitution of the Republic of South Africa of 1996.

3.8. Policy on the Utilization of Foreign Nationals to Address Human Resource and Skills Needs in the Public Service (01 December 2009).

3.9. Directives as issued by the Minister of Public Service Administration and the Minister Of Employment and Labour.

4. SCOPE OF APPLICATION

This policy is applicable to all employees and prospective employees, (either full time or on contract) appointed in terms of the Public Service Act, 1994 (Act No. 103 of 1994) as amended.

5. POLICY STATEMENT

The Department commits itself to recruit suitable qualified employees with the relevant skills and competencies. The recruitment of such employees is done in an open and transparent manner and in line with this policy.

5.1. RECRUITMENT PROCESS

5.1.1. PRINCIPLES

The Human Resource Management must advertise in terms of Section 65 of Public Service Regulations, 2016 (PSR) and other guiding principles as issued by the Department of Public Service and Administration (DPSA) cited below:

- a) An Accounting Officer must ensure that vacant posts in the Department are advertised, as efficiently and effectively as possible, to reach the entire pool of potential applicants, including designated groups;
- b) An advertisement for a post must as a minimum specify the job title, salary scale, core functions, place of work, inherent requirements of the job, including any other requirements prescribed in the PSR;
- c) A vacant post in the Senior Management Services (SMS) must be advertised nationwide;
- d) An Accounting Officer must advertise any other vacant post, as a minimum, within the Department, but may also advertise such post:
 - i. in the public service;
 - ii. locally; or
 - iii. nationwide.

- e) When advertising outside the Department must ensure that the same advert is posted in the public service vacancy circular issued by the DPSA;
- f) An advertisement for a post must not unfairly discriminate against or prohibit any suitably qualified person or employee from applying;
- g) A funded vacant post must be advertised within six months after becoming vacant and be filled within twelve months after becoming vacant;
- h) An advertisement contemplated in sub regulation (4) may be utilised to create a pool of potential employees for a period of not more than 6 months from the date of advertisement to fill any other vacancy in the Department if:
 - i. the job title, core functions, inherent requirements of the job and the salary level of the other vacancy is the same as the post advertised; and
 - ii. the selection process contemplated in section 67 of the PSR has been complied with.
- i) With due regard to the criteria in Regulation 67(5)(b) to (f) or PSR, an executive authority may fill a vacant post without complying with sub regulations (3) and (4) if:
 - i. the Department can fill the post from the ranks of employees who have been declared in excess and are on a salary level linked to the grade of that post;
 - ii. the Department can appoint into the post an employee who was appointed under an affirmative action measure as contemplated in section 15 of the Employment Equity Act, 1998 (Act No. 55 of 1998);
 - iii. the post is to be filled through a transfer of an employee in terms of Section 12(3) or 14 of the Act; or
 - iv. the post falls within an occupation or category of employees as directed by the Minister.

5.1.2. ADVERTISING POST/S

- a) The Human Resource Management must request inputs/drafts for core functions from Programmes and compile the final advertisement (in line with the Code of Remuneration (CORE) or Occupational Specific Dispensation (OSD) prescripts for the relevant vacant funded post to be filled;

- b) The language and style of the advertisement must be clear and simple, to attract candidates from all sectors of the population;
- c) The advertisement must state that the Department of Public Works, Roads and Transport is an Affirmative Action and Employment Equity Employer;
- d) The clause "Persons with disabilities are encouraged to apply" must be standard in all advertisements;
- e) The advertisement must indicate posts that are subject to competency assessment;
- f) Provision indicating that an applicant who does not receive response from the Department within three (3) months of the closing date must consider the application unsuccessful;
- g) Correspondence must be limited to short listed candidates and feedback after the interviews must be communicated to candidates within three (3) months after the approval of appointment by the Accounting Officer;
- h) Where tangible errors have been identified on the advert, an erratum must be issued in the same media platform where the post was advertised within the duration of the advert;
- i) In addition to 5.1.1. above, advertisements for SMS posts must contain the following:
 - i. The signing of employment contract on appointment;
 - ii. The signing of performance agreements on appointment; and
 - iii. Completion and submitting the financial disclosure form 30 days after assumption of duty.

5.2. HEAD HUNTING (SKILLS SEARCH)

The Department must head-hunt prospective employees where it has been proven that it is extremely difficult to find the suitable candidate. Candidates that are headhunted must be encouraged to apply in order to be subjected to the same evaluation criteria as those that have applied for the advertised post.

5.3. SELECTION

5.3.1. PROFILING

The HRM must be responsible for the compilation of profiles for all received applications per post.

5.3.2. SELECTION (SHORT-LISTING AND INTERVIEWING COMMITTEE)

5.3.2.1. COMPOSITION OF SELECTION COMMITTEE FOR SHORTLISTING AND INTERVIEWS

- a) The Accounting Officer must appoint a competent selection committee.
- b) The composition of the selection committee must be balanced in terms of prioritization of gender representation where possible;
- c) The selection committee must consist of officials serving within the Mpumalanga Provincial Government irrespective of their workstations or suitable persons from outside the public service;
- d) The selection committee must comprise of at least minimum of three (3) and a maximum of four (4) officials who are graded equal to or higher than the post advertised in order to avoid replacements;
- e) The Human Resource Management must provide the Secretariat to the selection committee;
- f) In addition to the selection committee there must be one (1) representative from Employment Equity Committee and one (1) representative from each recognized Organized Labour (Trade Unions) in the Department, they too are required to declare any conflict of interest.
- g) The Organized Labour (Trade Unions) and Employment Equity Committee must nominate (in writing) a representative to serve as an observer to the selection committee responsibilities;
- h) The recruitment process will proceed without the attendance of organized Labour and Employment Equity Committee representative after it has been proven that they were invited and opted not to attend.
- i) The chairperson of the selection committee must be of a grading higher than the post to be filled and the panel can nominate a replacement in an

event the appointed Chairperson is absent, but this person must be a level higher than the post to be filled.

- j) An official from the section (where the post is filled) must be part of the three selection committee members as in d) above of the selection committee (where possible).

5.3.3. FUNCTIONS OF SELECTION COMMITTEE

- 5.3.3.1. To recommend the suitably qualified candidates for shortlisting, interviewing or appointments to the Accounting Officer or Executive Council where applicable for approval;
- 5.3.3.2. The proceedings of the selection process (short-listing/interviews) must be recorded in writing by the Secretariat as assigned by the Human Resource Management Section;
- 5.3.3.3. The selection committee must sign a confidentiality and declaration form before the selection process (short listing / interviewing) begins. Those who are conflicted must immediately recuse themselves from the proceedings;
- 5.3.3.4. The selection committee must shortlist and interview at least a minimum of three (3) and a maximum of six (6) candidates per post meeting minimum requirements, unless deviation is approved by the Accounting Officer; and
- 5.3.3.5. Any selection committee member unable to proceed with the selection process for any particular reason(s), the matter must be communicated in writing to the Accounting Officer within 48 hours.
- 5.3.3.6. Discussions and decisions of the selection committee must be treated as highly confidential. If any member makes him/herself guilty of breaching such, the Department should apply measures as set out in the disciplinary code.

5.4. SUITABILITY CHECKS

5.4.1 Human Resource Management with the assistance of Security Management must conduct suitability checks for all selected candidates.

5.4.1.1 The suitability checks must include the following:

- a) Reference checking;
- b) Screening;
- c) Qualifications verification;
- d) Security / name clearance; and
- e) Lifestyle audit/preliminary vetting on specific posts where applicable.

5.5. SELECTION PROCESS/ INTERVIEWING

- 5.5.1. Interviews must be conducted in a fair and objective manner;
- 5.5.2 All selection committee members must be responsible for the preparations of the questions with possible answers on the day of the interview, in the presence of Organized Labour (Trade Unions) and Employment Equity representative, except for SMS posts;
- 5.5.3 Follow-up questions should be allowed for clarity and consistency, provided the probing arise from the answer provided by the candidate and are related to the post in line with sound labour practices;
- 5.5.4 HRM (Secretariat) must prepare a report signed by the Chairperson of the selection committee to the Accounting Officer;
- 5.5.5 For post level 13 and above the MEC must verify all the recommendations and documentation before forwarding to the Executive Council (EXCO) for approval;
- 5.5.6 Both Middle Management Services (MMS) and SMS posts must be subjected to same principle of 45% for oral interview, 5% for rating qualifications and 5% for experience as well as 45% for competency assessment of the top two (2) candidates;
- 5.5.7 The top two (2) candidates for the posts of MMS and SMS must be subjected to the competency assessment. The results of the competency

assessment are taken into consideration when finalizing the recommendations; and

5.5.8 Communication will only be limited to the recommended candidates.

5.6. APPOINTMENTS

5.6.1 Should the first candidate decline the job offer, a request to appoint the second best candidate may be made to the Accounting Officer within three (3) months of the filling of the post in a case of salary level 1-12.

5.6.2 Should the first candidate decline the job offer, a request to appoint the second candidate may be made to the Executive Council within three months by the MEC in a case of salary level 13 and above.

5.6.3 Re-employment of former employees must be in line with Regulation 60 & 61 of the PSR, 2016, cited hereunder:

- a) An Accounting Officer must not re-appoint a former employee if that employee left the public service:
 - i. earlier on the condition that he or she would not accept or seek re-appointment; or
 - ii. due to ill health and cannot provide sufficient evidence of recovery.
- b) Notwithstanding sub regulation (1)(a) and subject to regulation in respect of the act of misconduct period of prohibition, an executive authority may appoint such former employee in a post if:
 - i. no other suitable candidate could be recruited in terms of the PSR;
 - ii. the appointment is made for a fixed term not exceeding three years; and that term may be extended only once for a further term not exceeding three years; and
 - iii. the employee has not been previously appointed in terms of this regulation.
- c) Notwithstanding sub regulation (1)(a) and subject to regulation in respect of the Act of misconduct period of prohibition, an executive authority may appoint such former employee additional to the establishment if:

- i. the appointment is made for a period not exceeding 12 consecutive calendar months unless otherwise directed by the Minister; and
 - ii. the employee may not be appointed more than twice in terms of this regulation.
- (d) Former employees who resigned or retired early or prematurely, must be re-employed if they are successful in obtaining a post through competition, except employees whose service were terminated subject to restrictions on their further employment in the Public Service (Former employees who took a voluntary severance package);
- (e) Previous service must be taken into account in selection only in as far as it demonstrates the employee's suitability to undertake the duties of the post for which is applied for;
- (f) Since former employees are no longer employees, they must not compete for posts, which are reserved for serving employees, even if they are currently working within the Public service as external contractors; and
- (g) The re-appointment period must be in contract and may be renewed but not to exceed three years irrespective of the changes in the rank.

5.7 EMPLOYMENT CONTRACT

- a) The Department must appoint employees on contract for a limited period where:
- i. An existing employee is expected to be absent for a period not exceeding twelve months and the work cannot be performed by other existing employees;
 - ii. Additional work which is not of permanent nature is identified and demands additional human capital; and
 - iii. No suitable vacancy to which permanent appointment can be made.
- b) The recruitment and selection requirements for a contract employee are the same as for the recruitment and selection of permanent employees;

- c) Any employment contract considers the following conditions that are complied with:
 - i. Funds for compensation and budget for all other necessities are available before an employment contract is issued;
 - ii. The head of the unit provides reasons for the appointment of staff on contract and confirms that there is no permanent employee to perform the tasks;
 - iii. The standard contract for appointment of contract employees are used; and
 - iv. The rank and level, duration of contract and specific duties to be performed are spelt out vividly in the employment contract.
- d) A contract employee is remunerated on the same salary level and scales as those applicable to permanent employees with an exception of Candidates employees on OSD;
- e) A contract employee on a fixed term contract exceeding three months is paid an additional 37% of the salary for benefits;
- f) Appointment on SMS level is remunerated in terms of the relevant level of the SMS package; and
- g) Non-South African citizen (foreigner) shall be appointed in terms of the Policy on the Utilization of Foreign Nationals to address Human Resource and Skills needs in the Public Service.

5.8 SETTING OF HIGHER SALARY (COUNTER OFFER)

5.8.1 Setting of higher salary (Counter Offer) must be in line with regulation 44 of the PSR as amended, cited hereunder:

- a) Subject to sub regulation (2) to (4) an Accounting Officer may set the salary of an employee above the minimum notch of the salary level indicated by the job weight:
 - i. if he or she has evaluated the job;
 - ii. if he or she requires to retain or recruit an employee with the necessary competencies; and

- iii. he or she shall record the reason why the higher salary was awarded.
- b) The setting of a higher salary notch, as contemplated in sub regulation (1) to retain an employee (herein called the "counter offer") must only take place on the first day of the month following the date of approval, if:
 - i. the employee has received an employment offer (herein called the "external offer") from any other body or organ of state;
 - ii. the Department has verified the validity and content of the external offer;
 - iii. the counter offer made is limited to the salary notch closest to the external offer; and
 - iv. the counter-offer must not exceed the salary level of the post.
- c) The setting of a higher salary notch, as contemplated in sub regulation (1) to recruit an employee must only take place on the first day of the month following the date of approval if:
 - i. the Accounting Officer has complied with the process contemplated in regulation 64 of the PSR as amended;
 - ii. the employee occupied an equally graded post immediately before the date of appointment;
 - iii. the higher salary shall not exceed that of the employee immediately prior to appointment; and
 - iv. the higher salary must not exceed the salary level of the post, unless such employee has been awarded a higher salary attached to the grade of the post in terms any other provision of the PSR.
- d) If an employee is awarded a higher salary notch or a higher salary level in terms of sub regulation (1) to (3), he or she must not be disqualified from progression to a higher notch or grade if he or she meets the requirements for such progression.

5.8.2. Acting on Higher Positions, Probations, secondments and transfers, of employees must be applied as per PSR subject to approval of the Accounting Officer.

5.9 ASSISTANCE WITH TRAVELING ARRANGEMENTS TO ATTEND SELECTION INTERVIEWS

- 5.9.1 The Department must arrange where necessary the most appropriate, economical and effective traveling and accommodation for candidates attending interviews; and
- 5.9.2 All travelling and accommodations claims must be in line with the approved Travel and Subsistence Policy of the Department.

5.10 . DISPUTE RESOLUTION

- 5.10.1 Aggrieved candidates, who are not satisfied with the manner in which the process of recruitment, selection and appointments has been dealt with, must utilize the normal process of Labour Relations Act, 1995 (Act No. 66 of 1995) as amended and the Grievance Procedure.
- 5.10.2 Any case of a disagreement among selection committee members, the Chairperson of the selection committee must submit a written report to the Accounting Officer detailing the circumstances that led to the disagreements within 48 hours.

6. ROLES AND RESPONSIBILITIES

- 6.1 The Accounting Officer is responsible for the effective and efficient implementation of this policy as part of internal controls within the department.
- 6.2 All employees in the Department are responsible to ensure compliance and to properly execute their duties in line with the implementation of this policy.

7. MONITORING AND EVALUATION

The HRM Section must monitor and evaluate the implementation of this policy.

8. POLICY REVIEW

8.1 The policy must be reviewed every three years or as and when there are changes in legal frameworks, organizational developments, political and economic trends,

8.2 When there are changes in the envisaged outputs of the Medium Term Expenditure Framework as well as outcomes of monitoring and evaluation.

9. DEVIATIONS

Any deviation from this policy must be subject to the approval of the Accounting Officer.

10. IMPLEMENTATION DATE

This policy must come into effect from the date of approval by the Accounting Officer.

11. APPROVED



MC MOROLO
HEAD: PUBLIC WORKS, ROADS AND TRANSPORT
DATE 06 | 09 | 2023-
