

**MINISTRY**

**COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER 2019/606**

**DATE OF PUBLICATION: 08 MARCH 2019**

**606. Mr D America (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

1. What number of vacant funded posts are in the waste management department within the Ekurhuleni Metropolitan Municipality, (b) what are the grading levels of the posts and (c) how long has each position been vacant?NW729E

**Reply:**

1. Ekurhuleni Metropolitan Municipality has a total of eight hundred and nine (809) vacant funded posts in the Waste Management Department.
2. The Grade Levels of the positions range from Classic Scale 3 to Classic Scale 14.
3. All positions have been vacant since the approval of the organisational structure of the municipality in 2015.
   1. A parliamentary question was received requesting the following:

(a) What number of vacant funded posts are in the waste management department within the Ekurhuleni Metropolitan Municipality?

(b) What are the grading levels of the posts?

(c) How long has each position been vacant?

* 1. Section 66 of the Local Government: Municipal Systems Act, 32 (Act No.32 of 2000) (“Systems Act”) provides that:

1. *“A municipal manager, within a policy framework determined by the municipal council and subject to any applicable legislation, must develop a staff establishment for the municipality and submit to the municipal council for approval.*
2. *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.*
3. *A decision to employ a person in a municipality, and any contract concluded between the municipality and that person in a municipality and that person in consequence of the decision, is null and void if the appointment was made in contravention of subsection (3)”.*
   1. The Regulations on Appointment and Conditions of Employment of Senior Managers, 2014 provides that:

*(1) ”A municipal manager must, within 180 days of the promulgation of these regulations, review the municipality’s staff establishment having regard to the principles set out in these regulations, the functions and powers listed in Part B of Schedule 4, Part B of Schedule 5 to the Constitution, Chapter 5 of the Municipal Structures Act, and based on―*

* 1. *a municipality’s strategic objectives; and*
  2. *a municipality’s core and support functions*

*(2) Notwithstanding subregulation (1), a municipality must at least provide for the following departments on the staff establishment to—*

*(a) provide development and town planning services;*

*(b) provide public works and basic services to communities;*

*(c) provide community services;*

*(d) manage the finances of a municipality; and*

*(e) render corporate support services.*

*(3) The municipal manager must review the municipality’s staff establishment within 180 days in any of the following instances:*

*(a) The election of a new municipal council;*

*(b) the adoption of the integrated development plan of the municipality as contemplated in section 25 of the Act;*

*(c) material changes to the functions of the municipality; or*

*(d) the determination of new municipal boundaries.*

*(4) The staff establishment must provide for―*

*(a) permanent posts; and*

*(b) fixed term posts.*

*(5) In the case of fixed term posts, the municipal manager must have due regard to the following:*

*(a) The financial implications of such post to the municipality;*

*(b) any existing contractual obligations of the incumbent manager and the financial implications thereof on the budget of the municipality;*

*(c) the need of the municipality to retain institutional memory and scarce skills, and to promote stability and continuity within the municipality; and*

*(d) the sustainability of the municipality.*

*(6) The municipal manager must, within 14 days of finalising the staff establishment, submit the staff establishment, a detailed report and recommendations on the draft staff establishment to the municipal council for approval.*

*(7) The report contemplated in subregulation (6) must outline the process followed in developing the staff establishment, which must include―*

* + 1. *a summary of the mandate and service delivery priorities of the municipality and how the proposed staff establishment addresses these;*
    2. *a summary of the proposed posts that are envisaged to―*
       1. *materially change;*
       2. *change to a limited or non-material degree;*
       3. *be abolished; and*
       4. *not be affected by the changes;*

*(c) a motivation of the proposed changes, including an analysis of the strengths, weaknesses and limitations of the current staff establishment;*

*(d) job descriptions, duties, functions, competency requirements and responsibilities according to which one or more posts of the same grade are established, including the grading or relative size and value of a job;*

*(e) details of the financial implications of the changes including, but not limited to, the outcomes of job evaluation processes, remuneration costs for senior managers, costs for relocation, new facilities and equipment, if any;*

*(f) non-financial implications of the changes, including the impact on existing staff, key stakeholders and other processes within the municipality;*

*(g) a project plan that specifies the timeframes within which the implementation is envisaged take place; and*

*(h) the stakeholders and change management requirements.*

*(8) The municipal council must at its next meeting following receipt of the staff establishment, approve the staff establishment, with or without amendments, as proposed by the municipal manager”.*

* 1. The following response was received from Ekurhuleni Metropolitan Municipality:

(a) Ekurhuleni Metropolitan Municipality has a total of eight hundred and nine (809) vacant funded posts in the Waste Management Department.

(b) The Grade Levels of the positions range from Classic Scale 3 to Classic Scale 14.

(c) All positions have been vacant since the approval of the organisational structure of the municipality in 2015.

**Ends…**