



# CAPE WINELANDS DISTRICT

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## **1 PURPOSE**

The Cape Winelands District Municipality (CWDM) is committed to provide quality, affordable and reliable municipal services on a strategic level in the municipality. In delivering on this mandate, the municipality regards its human resources and staff component to be the most critical asset to be utilized in providing services on a sustainable basis. Although all employees are valuable, some employees have skills that are so vitally important to the municipality that without those skills, service delivery will seriously be jeopardized.

In this regard, the CWDM is therefore committed to acquiring, developing, maintaining, nurturing and retaining a qualified, competent, motivated and dedicated workforce to meet the challenges faced in delivering the quality, affordable and reliable municipal services referred to above. This policy provides the guidelines regarding the proposed scarce skills policy for municipal officials. This Policy shall be known as the CWDM Scarce Skills and Retention Policy.

A great deal of time and money is invested in the recruitment, training and development of employees and as such every effort should be made to retain those employees who have scarce skills. The application of the under-mentioned recruitment and staff retention strategies for scarce skills will contribute to a more competent and stable workforce to meet the objectives of local government in general, the objectives of the Municipality's Integrated Development Plan and the Service Delivery and Budget Implementation Plans of individual Departments, Directorates, Divisions and the Municipality.

## **2 POLICY OBJECTIVE AND SCOPE**

### **2.1 The current situation in terms of scarce skills manifests itself within the municipality as follows:**

- 2.1.1 Certain positions have been vacant for long periods of time and cannot be filled despite several initiatives and attempts at recruitment;
- 2.1.2 Vacant positions are advertised, and very little interest is solicited from potential applicants through extensive advertising;
- 2.1.3 In some cases, the advertisement of vacant positions attracts little or no qualified candidates who meet the minimum criteria;

- 2.1.4 In some cases, potential candidates withdraw their applications or are not interested when informed about the total remuneration package;
- 2.1.5 The factors listed above necessitate proactive and innovative human resources practices to ensure that the municipality can attract, develop and retain competent and committed staff.

## 2.2 The Objectives of the Policy:

- 2.1.6 The identifying of scarce skills within the Municipality;
- 2.1.7 To provide a formal basis to declare the municipality's commitment to its staff and to attract and retain a competent and motivated workforce to serve the community;
- 2.1.8 To identify a broad range of strategies, methodologies and practices that will assist with the attraction and retention of all staff of the municipality;
- 2.1.9 To provide policy guidelines for the designation of identified occupational groupings, positions and individual cases as "scarce skills" for the application of this policy;
- 2.1.10 To provide the formal basis of the institution and/or extension of other related human resources practices, including, inter alia, enhanced recruitment and selection processes, career planning, succession planning, mentorship and training and development.

## 3 DEFINITIONS

**"Employee Retention"** can be defined as those policies, practices and work methods that are applied to ensure that a competent, motivated and dedicated workforce is maintained and retained by the municipality to deliver quality services to the community.

**"Employer"** refers to the municipality that is established in terms of Provincial Notice 489 dated 22 September 2000 and the Local Government: Municipal Structures Act, Act No 117 of 1998.

**"External Candidate"** refers to an individual who is not employed by the municipality

**"Internal candidate/employee"** means an employee who is permanently employed and has successfully completed a minimum of six months' probation period.

**“Job Evaluation”** means the process through which jobs within local government are evaluated through the TASK Job Evaluation System.

**“Labour Relations Act”** refers to the Labour Relations Act (Act No 66 of 1995) as amended.

**“LGSETA”** means the Local Government SETA

**“Municipal Finance Management Act”** refers to the Municipal Management Finance Act (Act 56 of 2003 as amended).

**“Numerical goals”** means designated goals based on relevant demographics whereby disadvantaged groups in the workforce achieve proportional representation in prescribed levels and categories.

**“Reasonable accommodation”** means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment.

**“Relevant demographics”** means the most recent statistics of the economically active population of the Cape Winelands District Municipality Area as provided by STATS SA (and if this is not readily available, the statistics of the Western Cape Province).

**“Remuneration”** means as set out and provided for in terms of the Basic Conditions of the Employment Act, the Labour Relations Act and the relevant Collective Agreements within Local Government.

**“Scarce Skills”** means those skilled people with the required academic and/or technical qualifications, knowledge in their field of expertise, including those specialized supporting functions to essential services, with the appropriate work experience and/or supervisory/management skills that are not easily obtained and which, if not in supply or available, can seriously disrupt effective and efficient service delivery to the community.

**“Scarce Skills Allowance”** means a temporary non-pensionable allowance calculated as a percentage of the employee’s basic monthly salary, and payable on a monthly basis, for positions that have been designated as such in terms of this Policy.

**“Scarce skills occupants”** means occupations within a municipality with which the employer experiences various degrees of difficulty to recruit and retain their services.

**“Serious Shortage”** means relative scarce skill and related experience.

**“Extreme or Severe Shortage”** means absolute scarce skills and related experience.

**“Skills Development Act”** refers to the Skills Development (Act No 97 of 1998) as amended.

**“Skills Development Levies Act”** refers to the Skills Development Levies Act (Act 9 of 1999) as amended.

**“Systems Act”** refers to the Municipality Systems Act (Act 32 of 2000) as amended.

**“Suitably qualified person”** means a person qualified as a result of any one-off, or any combination of that person’s formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job.

## **4 LEGISLATIVE AND POLICY FRAMEWORK**

### **4.1 This policy and its application must be in accordance with the following legislative prescripts:**

- 4.1.1 Skills Development Act, Act 97 of 1998
- 4.1.2 Skills Development Levies Act, Act 9 of 1999
- 4.1.3 Labour Relations Act, Act 66 of 1995
- 4.1.4 Employment Equity Act, Act 55 of 1998
- 4.1.5 Municipal Finance Management Act, Act 56 of 2003
- 4.1.6 Basic Conditions of Employment Act, No. 75 of 1997
- 4.1.7 Local Government: Municipal Systems Act, Act 32 of 2000
- 4.1.8 SALGA Circulars
- 4.1.9 The SALGA Conferences on Human Resources Development
- 4.1.10 LG SETA Skills Shortages & Skills Gaps Guide 2020 & 2021

- 4.1.11 Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000),  
Local Government: Municipal Staff Regulations (Government Gazette,  
20 September 2021 No 45181, GN No 890 & 891)
- 4.1.12 In terms of the Protection of Personal Information Act, 2013 (Act No. 4 of  
2013) any personal information of employees will only be processed for  
the specific purpose of complying with the prescriptions of this policy  
and/or applicable legislation.

## **5 POLICY FRAMEWORK**

- 5.1** CWDM Education, Training and Education Policy
- 5.2** CWDM Recruitment and Selection Policy
- 5.3** CWDM Individual Performance Management Policy
- 5.4** CWDM Employee Study Aid and Leave Policy
- 5.5** CWDM Mentoring and Coaching Policy
- 5.6** CWDM Succession Planning and Career Pathing Policy
- 5.7** CWDM Human Resource Strategy
- 5.8** CWDM Probation Period Policy

## **6 FUNDAMENTAL PRINCIPLES**

- 6.1** The CWDM Scarce Skills and Retention Policy is based on the following  
fundamental principles:
  - 6.1.1 It is the responsibility of the Council of the Municipality to determine the  
strategic and operational needs of the organization.
  - 6.1.2 The Municipality must experience difficulty in attracting and retaining  
critical expertise in certain fields / jobs.
  - 6.1.3 The policy and its implementation must be fundamentally aimed at  
identifying those critical skills shortages, attracting individuals who have  
the skills required and retaining those individuals once appointed.

- 6.1.4 It is the responsibility of the Municipality to develop and retain especially those employees who have skills that are scarce and in high demand.
- 6.1.5 The principles and criteria of the payment of a scarce skills allowance will form part of the Employment Contract of all permanent Employees who are in posts identified as scarce skills posts.

## **7 GENERAL POLICY PROVISIONS**

- 7.1 Cognisance must be taken of the following key principles when considering the application of the CWDM Scarce Skills and Retention Policy:
  - 7.1.1 The nurturing and retention of staff is not a once-off project, but a constant management tool interlinked with performance management, mentoring, training and development, succession and career planning;
  - 7.1.2 The retention of staff is not the sole responsibility of the Division: Human Resources, but the collective responsibility of line and senior management in all departments;
  - 7.1.3 The principles of necessity, consistency and transparency must characterize all transactions relating to the interpretation and application of this Policy;
  - 7.1.4 The payment of a Scarce Skills Allowance in terms of this Policy must be seen as a short or medium-term tactic to acquire and retain quality staff; the long-term objective is to institute human resources practices across the board that typify the municipality as the “employer of choice” that attracts quality personnel on a continuous basis;
  - 7.1.5 Financial affordability and sustainability serve as a key consideration when making decisions and when considering the application of this Policy.

## **8 IDENTIFYING SCARCE SKILLS**

- 8.1 It is the responsibility of the Employer to identify certain posts and / or occupational groups affected by a scarce skills challenge, using any or all of the following criteria:

- 8.1.1 The turnover rate of employees in a particular occupation must be significantly above the average turnover experienced by the Municipality;
- 8.1.2 High vacancy rate;
- 8.1.3 The demand for a particular skill exceeds the supply;
- 8.1.4 There must be a shortfall for the identified skill in the local, provincial and national government market, indicating strong factors attracting such employees into the private sector;
- 8.1.5 Vacancies should be proven to be difficult to fill, after at least two attempts;
- 8.1.6 The skills must require an advanced knowledge in a field, science or discipline obtained through formal studies and / or specialized instruction and / or years of service or experience;
- 8.1.7 The skills / knowledge / experience must be critical to a specific project and / or service;
- 8.1.8 All normal recruitment processes must have been exhausted before a motivation is submitted for the payment of a scarcity allowance;
- 8.1.9 Lack of relevant experience (skills related);
- 8.1.10 New / emerging occupation (skills related);
- 8.1.11 The above-mentioned are indicators (amongst others – to be determined by the Municipal Manager or his/her nominee) that may illustrate scarcity in a particular occupational grouping of positions or specific position.

## **9 OCCUPATIONAL SHORTAGES AND HARD TO FILL VACANCIES**

- 9.1** The Local Government Sector Education and Training Authority's (LGSETA) Skills Shortages & Skills Gaps Guide 2020 & 2021 refers to hard-to-fill vacancies as those vacancies in the organisation that takes longer than six (6) months to find a suitably experienced and qualified candidate. These skills shortages occur when the employer is unable to fill vacancies, or experience considerable difficulties in filling vacancies, due to the demand for workers in certain occupations being greater than the supply of workers who are available and willing to work under existing work and employment conditions;

- 9.2** Occupations listed in a specific year by the LGSETA as occupational shortages will be regarded as scarce skills occupational in terms of this policy and can be seen as annexure to this policy;
- 9.3** Posts determined as scarce skills posts in terms of this Policy shall be reviewed every twelve (12) months to allow for the relevant adjustments, based on changing trends and to confirm whether the occupation remain scarce;
- 9.4** In terms of sub-section 1(5) of the Municipal Staff Regulations: Guidelines for Implementation, Chapter 2, a Committee of Council may monitor the implementation of the approved staff attraction and retention strategy and plan.

## **10 REWARD STRATEGY FOR ATTRACTING AND RETAINING INDIVIDUALS WITH SCARCE SKILLS**

- 10.1** Senior Manager or his/her nominee requesting a scarcity allowance to be paid for an occupational group and/or a specific post must first determine if the post or occupation is listed as an occupational shortage;
- 10.2** If the occupation is listed as an occupational shortage, the Senior Manager or his/her nominee must determine the degree to which the post is considered a scarce skills occupation and submit, bearing inter alia paragraph 8 above in mind, a motivation(s) to the Director: Human Resources who will make a recommendation to the Municipal Manager for approval, provided that provision has been made on the budget;
- 10.3** The Municipal Manager will consider the merits of the application, the recommendations made by the relevant Senior Manager or his/her nominee and Director: Human Resources, apply the Policy and come to a decision on the degree of scarcity of the position, after consultation with the Chief Financial Officer regarding the availability of funds in the specific Department's operating budget;
- 10.4** The decision of the Municipal Manager will be communicated to the Employee and Manager of Expenditure by the Director: Human Resources;
- 10.5** The Director: Human Resources will formally notify the employee of the decision and the conditions under which the scarce skills allowance is approved;
- 10.6** The Director: Human Resources will ensure that proper record is kept and will update the Scarce Skills Allowance Register accordingly;

- 10.7** The scarce skills allowance and list of occupational shortages will be reviewed annually before 31 March for implementation from 1 July of the following financial year to allow for the relevant adjustments, based on changing trends and to confirm whether the posts and/or occupational groups originally affected by a scarce skill remain scarce taking into consideration occupations regarded as scarce skills by the LGSETA;
- 10.8** The allowance will no longer be applicable for any new appointments or existing employees should a skill no longer be identified as scarce by the Municipal Manager or should the employee fail to perform at the required level;
- 10.9** In the event of a post advertised with a scarcity allowance, the employment contract of the successful candidate shall stipulate that the payment of the scarcity allowance shall be reconsidered after the six months' probation period and thereafter as required in 10.8 above. This stipulation shall also form part of the advertisement of the post;
- 10.10** The payment of the allowance will be reconsidered in the event of an unsuccessful completion of a six months' probation period and will be stipulated as such in the Employment Contract;
- 10.11** Employees who receive a scarce skills allowance approved prior to Council's approval of specific occupational shortages as in 9.2, holding a post not listed as an occupational shortage, shall retain the allowance subject to the stipulations of the employee's employment contract, initial scarce skill allowance approval or standard of performance;
- 10.12** Should an employee referred to in 10.11 above vacates his/her current position, payment of a scarce skills allowance will be subject to the criteria of this Policy.

## **11 ALLOCATION OF A SCARCE SKILLS ALLOWANCE**

**Procedures for the allocation of a scarce skills allowance are the following:**

Varying degrees of scarcity:

**11.1** A **short-term Scarce Skills Allowance** should be considered when there is a relative scarcity of the skills, i.e. suitably skilled people may be available, but do not meet the following employment criteria:

11.1.1 Geographical location – employees are unwilling to work in rural areas;

- 11.1.2 Equity considerations – there are few or no candidates with the requisite skills from specific groups available to meet the skills requirements of the municipality;
- 11.1.3 Replacement demand would reflect a relative scarcity if there are people in education and training [formal and workplace] who are in the process of acquiring the necessary skills [qualification and experience], but where the lead time will mean that they are not available in the short term to meet replacement demand;
- 11.1.4 The municipality is experiencing difficulty in attracting and retaining the services of the individuals from designated and non-designated groups with scarce skills due to the obligation on the employer to adhere to the collective agreements regulating the salary scales and evaluation of jobs of occupations/designations within the municipality;
- 11.1.5 Occupational groups, designations and individual cases identified in terms of this Clause may be paid a temporary Scarce Skills Allowance.

## **11.2 Longer-term Solution for attracting and retaining skills**

When the Municipality is experiencing difficulty in attracting and retaining the services of individuals from designated groups due to the high demand in the local and national market for these individuals and/or prolonged study/years of service required for a specific designation/occupation:

- 11.2.1 A bursary scheme should be put in place to which the municipality allocates a designated amount. The bursary should be designated for the training of learners or individuals who intends studying in the fields identified as scarce;
- 11.2.2 Employees who leave the employment of the municipality before they have worked back the years for which they received a bursary should be obliged to pay an amount proportional to the bursary they had received;
- 11.2.3 The municipality must ensure that in consultation with the LGSETA, internships in fields that have been identified as scarce are identified and funded/supplemented through the skills levy paid by the municipality in terms of its obligations under the Skills Development Levies Act;

- 11.2.4 The municipality must ensure that these internships are taken up and implemented to enable the municipality to attract individuals at an early stage in fields of scarce skills and where experience is a necessity for the performance of a function/job;
- 11.2.5 Individuals who formed part of internships should be accommodated to obtain the necessary qualifications in the field identified;
- 11.2.6 Internal employees who have demonstrated a desire to qualify themselves in fields where a scarce skill exists should be identified;
- 11.2.7 Such identified employees should be offered bursaries to enable them to study part time in the various identified fields with an obligation to work for the municipality after obtaining their required qualifications for the number *of years they received a bursary*;
- 11.2.8 Employees who are studying part time must be accommodated to enable them to attend classes and examinations where necessary during working hours in accordance with the relevant collective agreements and policies;
- 11.2.9 The Human Resources Division must monitor and evaluate the status of individuals receiving bursaries through this Policy;
- 11.2.10 The municipality must put measures in place to ensure that a transfer of skills by employees with scarce skills takes place during their employment with the municipality in terms of Council's Education, Training and Development Policy;
- 11.2.11 At the same time the municipality must also ensure that a sustainable pool of individuals is established and maintained for future use.

### **11.3 Payment of scarcity allowance:**

- 11.3.1 A scarcity allowance (non-pensionable) will range from 10%-15% of the employee's annual basic salary or an amount as approved by the relevant Senior Manager / delegate after consultation with the Division: Human Resources in which event the allowance may not exceed 15% of the employee's annual basic salary provided that the same amount be paid to all employees should the scarce skills allowance be approved for a specific occupational group and may be payable following the provisions of Clauses 8 and 9 above;

- 11.3.2 The degree of scarcity shall determine the percentage and period of allowance payable. See Clause 11.4;
- 11.3.3 Such allowance must allow for both the possession of skills and the extent of the utilization of the skills in the general performance of duties;
- 11.3.4 Discontinuation of allowance:
- (a) Where the allowance is terminated in terms of Clauses 10.8, three months' notice will apply;
  - (b) After a regrade/re-evaluation, the new salary plus allowance is limited to the old salary plus allowance (allowance decreased).
- 11.3.5 Once the allowance is calculated, it becomes a fixed amount and does not increase with annual salary, increment or grading increases;
- 11.3.6 The scarcity allowance (non-pensionable) will be taxable and must be declared by the official concerned to SARS.
- 11.3.7 When an employee is on unpaid leave due to medical boarding, the employee will not be granted the allowance for the duration of the time from the time the medical boarding commenced until termination; in respect of all other leave the scarcity allowance will be retained.
- 11.3.8 That the stipulations of this policy with regards to termination/discontinuation of the allowance be stipulated in the Employment Contract of an employee or in writing to an existing employee in the event of payment of a scarce skills allowance as an effort to retain qualified, skilled and experienced employees;
- 11.3.9 Before the allowance is payable, the employee must sign an undertaking that the payment of the allowance shall be terminated or reduced in the following circumstances:
- (a) If an identified scarce skills occupation or the degree to which the occupation is considered as a scarce skills occupation is no longer classified as a scarce skills occupation by the Municipal Manager in consultation with the relevant Senior Manager and the Division: Human Resources;
  - (b) If the employee is appointed, transferred or promoted to a post in the same or another occupation with a lower or no

classification in terms of the degree to which the occupation is considered as a scarce skills occupation, the scarce skills allowance is reduced or terminated with effect from date of appointment, transfer or promotion;

- (c) The Municipal Manager retains the right to terminate a scarce skills allowance of a specific post after consultation with the effective incumbent based on operational requirements or performance, provided that the payment of the allowance will only be terminated or reduced after the employee has been given three [3] months' notice in writing of the reclassification.

#### **11.4 Percentages to be paid in the form of a scarce skills allowance.**

The Municipal Manager may approve the following percentages based on the basic salary component of the remuneration package to be paid in the form of a monthly non-pensionable scarce skills allowance:

11.4.1 Serious Shortage: Ten (10) to Twelve (12) %

11.4.2 Extreme and Severe Shortage: Thirteen (13) to Fifteen (15) %

- 11.5** Performance of an employee in a job regarded as a scarce skill occupation shall be taken into consideration when payment of a scarce skills allowance is considered. Employees with poor or substandard performance will not qualify for a scarce skills allowance.

## **12 STAFF RETENTION CRITERIA AND PROCEDURES**

To retain highly qualified and skilled employees any or all of the following criteria and responsibilities may apply when considering allowances:

- 12.1** the employee must receive a bona fide offer of employment from another employer which offer must be in writing and includes details of the salary/remuneration offered to the employee, subject thereto that the Senior Manager / delegate recommending the payment of the allowance must verify the offer and provide a concise written justification along with a copy of the offer letter;

- 12.2 the corresponding provisions of Clauses 8 and 9 must be applied to the extent that the paragraph can be applied for purposes of obtaining the Municipal Manager's approval to institute retention measures;
- 12.3 the recommendation must contain measures as provided for in Clause 10.3 and must be in line with budgetary constraints and any other implications the action could have on the department and the municipality in general;
- 12.4 any counter offers made to the employee in terms of Clause 10.3 and which amend his/her current employment contract must be confirmed in writing and be duly accepted by the employee.

### **13 ADJUSTMENT OF PERCENTAGE OF ALLOWANCE**

- 13.1 The scarce skills allowance must be re-evaluated at least on an annual basis, or such shorter intervals as may be determined by the Municipal Manager, to allow for the relevant adjustments, based on changing trends and to confirm whether the posts and/or occupational groups originally affected by a scarce skills challenge remain scarce;
- 13.2 The percentage of the allowance approved by the Municipal Manager may be revised annually during March, after following due process;
- 13.3 The allowance will no longer be applicable for any new appointments should a skill or post no longer be identified as scarce in terms of this Policy;
- 13.4 The performance of an employee who receives a scarce skills allowance must continuously be monitored by the relevant Senior Manager / delegate;
- 13.5 The percentage of the allowance must be adjusted accordingly and in some instances be taken away completely should his/her performance not be satisfactory. However, measures in regard to poor performance must be instituted against the said individual by the relevant Senior Manager / delegate prior to any change in the allowance as a result of poor performance being recommended for implementation to the Municipal Manager via the Director: Human Resources. Such measures shall include formal discussions with the employee to identify areas of under/substandard performance and to investigate possible methods of capacitating the employee.

## **14 FINANCING THE SCARCE SKILLS ALLOWANCE**

Departments have to defray any expenditure emanating from the introduction of the allowance in terms of Scarce Skills & Retention Policy:

- (a) from existing operating budgets; or
- (b) through the adjustment of the municipal budget within the department's vote.

## **15 REPORTING ON THE IMPACT OF THE SCARCE SKILLS AND RETENTION POLICY**

The Division: Human Resources will submit an annual report to Council based on the review conducted in terms of Clause 13 of this Policy and make recommendations regarding the applications and/or amendment to the Scarce Skills and Retention Policy after consultation at the Local Labour Forum platform.

## **16 IMPLEMENTATION OF SCARCE SKILLS ALLOWANCE**

The implementation date shall be the 1<sup>st</sup> of the month following the month in which the allowance is approved by the Municipal Manager unless otherwise motivated by the relevant Senior Manager and approved by the Municipal Manager.

## **17 EFFECTIVE DATE**

The Scarce Skills and Retention Policy shall be effective from the 1<sup>st</sup> of July 2023.