

Legal Briefs

DOES THE MUNICIPAL COUNCIL HAVE A SAY IN THE APPOINTMENT OF ADMINISTRATIVE STAFF BY THE MUNICIPAL MANAGER?

For example, if the municipal manager had employed, on a part-time basis, a trainee with a view to appointing that person permanently and then the council insists that (s)he advertise the post and appoint someone else, is this interference in the municipal administration?

In terms of section 55 of the Municipal Systems Act, the municipal manager, as administrative head, is responsible and accountable for the management and performance of the

administration of the municipality. In particular, the municipal manager is responsible and accountable for the appointment of staff. Thus, only the municipal manager has the right to appoint his/her staff.

However, the council must oversee that the municipal manager implements the council's human resources (HR) policy and that labour laws are adhered to. If the council detects flaws in HR processes it must highlight those, call the municipal manager to account and insist that law and policy is adhered to. This does not mean that the council has a say or must be asked for its recommendation prior to individual appointments. A careful balance must be struck between oversight over the administration and interference with its workings.