



Local Government Employment Regulations & Procedures

For

Puntland State of Somalia

Draft

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Contents

| | |
|---|----|
| 1. Introduction: | 4 |
| 1.1. Guidelines: | 5 |
| 2. Section 1. – Disclosing Information | 6 |
| 2.1. Information Sharing: | 6 |
| Article I | 6 |
| 2.2. Personal Relationships: | 6 |
| Article II | 6 |
| 2.3. Confidential Information: | 6 |
| Article III | 6 |
| 2.4. Private Employment: | 7 |
| Article IV | 7 |
| 2.5. Representation: | 7 |
| Article V | 7 |
| 2.6. Endorsements: | 7 |
| Article VI | 7 |
| 3. Section 2. – Child Labor | 8 |
| 3.1. Child Labor: | 8 |
| Article VII | 8 |
| 4. Section 3. – Health and Safety | 8 |
| 4.1. Safety Precautions: | 8 |
| Article VIII | 8 |
| 5. Section 4. – Recruitment & Selection | 9 |
| 5.1. Employment Policy: | 9 |
| Article VIII | 9 |
| 5.2. Gender Sensitivity Practices | 9 |
| 5.3. Steps | 9 |
| 5.4. Step 1: Identify Vacancy and Evaluate Need | 10 |
| 5.4.1.1. Newly Created Position | 10 |
| 5.4.1.2. Replacement | 10 |
| 5.4.1.3. Carefully evaluate any changes needed for the following: | 11 |
| 5.5. Step 2: Develop Position Description | 11 |

| | | |
|----------|--|----|
| 5.5.1.1. | Identify Duties and Responsibilities..... | 12 |
| 5.5.1.2. | 1. General Information..... | 12 |
| 5.5.1.3. | Position Purpose | 12 |
| 5.6. | Step 3: Essential Job Functions | 13 |
| 5.7. | Step 4: Minimum Requirements..... | 14 |
| 5.8. | Step 5: Preferred Qualifications..... | 15 |
| 5.8.1.1. | Checklist for Hiring Employees | 15 |
| 5.9. | PROBATIONARY EMPLOYMENT PERIOD | 18 |
| 5.10. | Length of Probationary Period..... | 18 |
| 5.11. | Job Training..... | 18 |
| 5.12. | Working Hours & Leave | 19 |
| 5.13. | Working Hours and Holiday Entitlements..... | 19 |
| 5.14. | Additional Time Off..... | 19 |
| 5.15. | Action for Non Compliance..... | 20 |
| 5.16. | Criminal Non-Compliance: | 20 |
| 5.17. | Equal Opportunity..... | 20 |
| 5.18. | Settlements and Disputes | 21 |
| 6. | Performance Management..... | 21 |
| 6.1. | Performance Appraisal | 21 |
| 6.2. | Implementing Appraisals | 22 |
| 7. | Termination..... | 22 |
| 8. | Section 5 – Secondment Procedures and Processes | 26 |
| 8.1. | The Utilization of Civil Servants for Other Local Government Offices..... | 26 |
| 9. | Secondment Process For An Employee To An External Party (Outside The Local Governments of Puntland)..... | 27 |
| 10. | Conclusion..... | 28 |
| 11. | Oversight & Implementation of Local Governance Employment Regulations | 29 |

1. Introduction:

This regulation document is created to help the Puntland state of Somalia local government officials. It is designed to help elected officials, human resource professionals, local government staff, and other officials to search and navigate the recruitment, selection and negotiation processes to find individuals who are best suited to serve in advertised positions or other capacities. All local Administrators are like an orchestra conductor, directing and managing a team of professional, administrative, and field staff objectives of the community's elected officials. Based on the laws of Puntland Numbers 5 & 7 the local governments have full autonomy and a duty to establish themselves in their respective communities or localities. This means constructing units, offices, regulations and procedures that will allow local governments to better function and provide the necessary services and collecting revenue to their respective communities.

The Puntland Constitution grants districts administrative autonomy to the districts subject by Law No. 7 Article 119, the districts are established by the state political structure. They are subject to the administration of the state government, except where legislation allows them to fully exercise autonomy. In essence, this provides the component of decentralization between local governments and state government. Decentralization is defined in Article 116 as giving full autonomy on economic and administrative affairs for the local governments. Although, the type of decentralization is devolution and clear from the mandate policy written. With regards, to the Constitutional and legislative issues, Civil Service Human Resource Manual issues are to be governed and established policies and procedures approved by the state government. Only approved Human Resource Manual related to recruitment and selection policy as established in Recruitment, Selection Policy and Procedure for Puntland Civil Service, issued by the Puntland Civil Service Commissioner in 2012. Furthermore, there seems to be a mixed confusion of interpreting the laws and their provisions but, it is evident that the Constitution provides complete autonomy for local jurisdictions to create local government facilities and administrative services for all localities.

Nevertheless, local government officials shall be, committed by the code of ethics set forward in this guideline of regulations. This guide will offer best practices that will be meaningful to the community in selecting officials or hiring staff members. The following material provides tips and guide lines on the processes that the governing body needs to employ to successfully answer these questions. Professional local government officials and staff members shall be, committed to the following:

1. Serving as Stewards of representative democracy.

2. Practicing honest standards of honesty and integrity in local governance, as expressed through Puntland state of Somalia code of ethics.
3. Networking and exchanging knowledge and skills across the boundaries of Somalia.
4. Lifelong learning and professional development.
5. Financial integrity and responsibility for management of the community.
6. Implementing best management practices.

The principle of the administration of local government staff is based on decentralization is set forth in the Constitution of the Republic of Somalia based on laws No. 5, 6 & 7 which clearly, provide full autonomy to the local governments to help establish and provide services to their communities such as in Article 110. The regulations aim to establish an open, competitive and transparent procedure to recruit capable and skilled staff experienced in urban and rural development and social services at a district level. It will also, establish a system of performance management that will increase staff outputs. Furthermore, the objective is to recruit the best qualified candidates to work in local governments.

Role of the Commentary

All provisions of the Staff Regulations and Rules set out in the present guide is followed by a commentary. The Commentary describes and explains to individual provisions and helps all staff members to better understand each provision by bringing meaning to the context. This is a guide that will be, essential in assisting the use of management and staff on the guide published by the local governments of Puntland. Staff may use the guide for interpretation and applying those rules. The commentary will be updated as needed from time to time in consultation with representatives, staff and staff management through a council member committee.

1.1. Guidelines:

All decisions pertaining to appointments pay, to pay adjustments, promotions and discipline should prohibit discrimination because of race, religion, gender, national origin, political affiliation, disability, age, or marital status. It should be the member's personal and professional responsibility to actively recruit and hire a diverse staff and skilled individuals meeting requirements throughout their organizations. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

2. Section 1. – Disclosing Information

2.1. Information Sharing:

Article I

The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation. This means disclosing all personal interests, business transactions and conflict of interest with private individuals and businesses.

- 1.1 Handle all matters of personnel on the basis of merit so that fairness and impartiality govern member's decisions, pertaining to appointments, pay adjustments, promotions and discipline.
- 1.2 Any undisclosed information will result in the consequence of dismissal by a review panel or the Board of Council Members.

2.2. Personal Relationships:

Article II.

Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed. Any undisclosed information will be, reviewed and examined with appropriate consequences such as dismissal and banning any member for 1 year from working with local governments.

2.3. Confidential Information:

Article III

Members should not disclose to others, or use further personal interests, confidential information acquired by them in the course of their official duties. For example; Council must not leak out information about proposed community projects until a consensus or approval has been given. Another example; would be the ability to help private businesses acquire contracts based on inside information. Council Members should sign an oath of confidentiality that swears members to privacy and any information disclosed by any Council Member or Staff will face consequences through a review panel and dismissed immediately and face some sort of court of law for further punishment.

2.4. Private Employment:

Article IV

Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, services, or business creates a conflict of interest with or impairs the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

2.5. Representation:

Article V

Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve. All unauthorized representations will result in dismissal with severe consequences.

2.6. Endorsements:

Article VI

Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they don't receive any compensation.

1.3 Books or other publications

1.4 Professional development or educational services provided by nonprofit membership organizations or recognized educational institutions.

1.5 Product and / or services in which the local government has a direct economic interest.

Members' observations, opinions, and analysis of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of the professional articles and reports.

3. Section 2. – Child Labor

3.1. Child Labor:

Article VII

Child labor shall not be accepted. Refer to the ILO Conventions 138 and 182 and to the UN Convention on the Rights of the Child.

2.1 Puntland Local Governments will not accept child labor. No person shall be employed at an age younger than the accepted age for employment as permitted by national laws of Puntland.

2.2 Young workers must meet legal limitations on the employment of persons below the age must be acknowledging to the UN Convention on the Rights of the Child, a person is a child until the legal age set by the laws of Puntland. We recognize the rights of every child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

4. Section 3. – Health and Safety

4.1. Safety Precautions:

Article VIII

Facility safety is a priority at all times while staff members are working within, local government premises. No hazardous materials or equipment are accepted on local government property. Local government officials will be subject to providing proper safety training for its members and staff.

3.1 Emergency exits on all floors must be clearly marked, well lit and unblocked all the way out of building premises. Evacuation through emergency exits must always be possible during working hours.

3.2 The employer must work proactively to avoid accidents causing harm to any employee in the workplace. Relevant first aid equipment must be available and where legally required a doctor or nurse should be available during working hours.

3.3 Working environment must be regularly maintained and cleaned and must provide a healthy working environment.

3.4 Local government administrators shall also, provide safety and fire hazard prevention courses on yearly basis to help ensure safe working environment for everyone. For example; safety CPR courses in an event of a health problem with staff or members of council.

3.5 All local governments shall be restricted and ban smoking from the facilities to help provide clean air for everyone from staff or public individuals. Staff shall be permitted to smoke outside of premises in designated areas that do not pose a threat or hazard to the government facility.

5. Section 4. – Recruitment & Selection

5.1. Employment Policy:

Article VIII

Definition of Recruitment:

The process of finding and hiring the best-qualified candidate (from within or outside of an organization) for a job opening, in a timely and cost effective manner. The recruitment process includes, analyzing the requirements of a job, attracting employees to that job, screening and selecting applicants, hiring, and integrating the new employee to the organization.

5.2. Gender Sensitivity Practices

Attracting, recruiting and selecting the best person for a job is an important business issue. It is an equality critical component of an organizations gender equality strategy. Keep in mind that employees are not a homogenous group but, reflect the growing diversity of the larger population. By recognizing and valuing the differences of women and men such as; age, religion, cultural and linguistic backgrounds, disability and building consideration for differences into your recruitment and selection process, your government of Puntland stands to benefit from the diversity of women's and men's contributions. The equity of an organizations recruitment and promotion policies impacts on the level of access employees have to different occupations, areas and levels within that organization. Equitable policies and practices in recruitment and selection ensure that the best person for the job is chosen and that the organization gains the person with the skills and abilities most appropriate to its needs.

5.3. Steps

In order to increase efficiency in hiring and retention and to ensure consistency and compliance in the recruitment and selection process, it is recommended the following steps be followed (also refer to Staff Recruitment and Selection Hiring Checklist). Details for each step include the minimum recommended best practice to attract a talented and diverse applicant pool:

- Step 1: Identify Vacancy and Evaluate Need
- Step 2: Develop Position Description
- Step 3: Develop Recruitment Plan
- Step 4: Select Search Committee
- Step 5: Post Position and Implement Recruitment Plan
- Step 6: Review Applicants and Develop Short List
- Step 7: Conduct Interviews
- Step 8: Select Hire
- Step 9: Finalize Recruitment

Affirmative Action, Equal Employment Opportunity and Diversity are not separate actions in the recruitment and selection process. They are key variables which are woven into each step of the process to support UCR's achievement of excellence.

5.4. Step 1: Identify Vacancy and Evaluate Need

Recruitments provide opportunities to departments to align staff skill sets to initiatives and goals, and for departmental and individual growth. Proper planning and evaluation of the need will lead to hiring the right person for the role and team.

5.4.1.1. Newly Created Position

When it is determined a new position is needed, it is important to:

- Understand and take into consideration strategic goals for the agency and/or department. Are there any upcoming changes that may impact this role?
- Conduct a quick analysis of local government core competencies. Are there any gaps? What core skills are missing from the department? Evaluate the core skills required now and those which may be needed in the future.
- Conduct a Job Analysis if this position will be new to your department. This will also help to identify gaps.

5.4.1.2. Replacement

When attrition occurs, replacing the role is typically the logical step to take. Before obtaining approval to advertise the position, consider the following:

- As with a newly created position, it may be helpful to conduct a Job Analysis in order to tailor the position to what is currently required and to ensure proper classification. Your HR Classification Analyst can assist in reviewing and completing.

- Review the role and decide if there are any changes required as certain tasks and responsibilities performed by the previous person may not or should not be performed by the new person

5.4.1.3. Carefully evaluate any changes needed for the following:

- Level required performing these tasks; considering the appropriate classification level. Be aware that changes in the classification of positions from represented to non-represented will require union notice and agreement
- Tasks carried out by the previous employee
- Tasks to be removed or added if any of the work will be transferred within department
- Supervisory or lead responsibility
- Budget responsibility (if any)
- Work hours
- Is there still a requirement for this role at all?

5.5. Step 2: Develop Position Description

A position description is the core of a successful recruitment process. It is used to develop interview questions, interview evaluations and reference check questions. A well-written position description:

- Provides a first impression of the campus to the candidate
- Clearly articulates responsibilities and qualifications to attract the best suited candidates
- Provides an opportunity to clearly articulate the value proposition for the role
- Serves as documentation to help prevent, or defend against, discrimination complaints by providing written evidence that employment decisions were based on rational business needs
- Improves retention as turnover is highest with newly hired employees. Employees tend to be dissatisfied when they are performing duties they were not originally hired to perform.
- Optimizes search engine results by ensuring job postings rank high in candidate search results when searching on-line
- Determine classification and is used to map to the appropriate Payroll Title
- Identifies tasks, work flow and accountability, enabling the department to plan how it will operate and grow
- Assists in establishing performance objectives
- Is used for career planning and training by providing clear distinctions between levels of responsibilities and competencies required
- Is used as a benchmark to assist in ensuring internal and external equity

5.5.1.1. Identify Duties and Responsibilities

Prior to developing the job description the hiring manager should identify the following:

1. General Information
2. Position Purpose
3. Essential Functions
4. Minimum Requirements
5. Preferred Qualifications

5.5.1.2. 1. General Information

Basic position and pay information will need to be determined to assist with the development of the job description and job classification and for entering into the local government systems. This information will be different for each position being recruited:

- Payroll Title — The Payroll title and associated title code determines the, ranking status, Personnel Program Code and Description, and the Bargaining Unit Code and Description fields in the Local government systems.
- Pay Grade/Step
- Working Title — Market titles should be recognizable and common to various industries as most job seekers search for commonly referred to market titles when conducting on-line job searches
- Department Name
- Department Head
- Supervisor Name
- Title Codes and Full-Time Equivalent numbers of employees supervised
- Special Requirements and Conditions:
 - Specific requirements job seekers must possess or complete in order to be hired (e.g. background check, valid driver's license, etc.)
 - Bona Fide Occupational Qualifications (BFOQ's) which are in compliance with UCR's applicable policies (e.g. physical or mental requirements)
 - Contact Staff Employment for assistance with special requirements and conditions

5.5.1.3. Position Purpose

Describes the departments, functions the unit's functions, and/or the organizational unit's functions. The statement should summarize the position's essential functions and its role in relation to supporting, administering, or managing the activities of the department, unit, or organizational unit.

Posted Position Purpose:

- Includes a description of the role and its relation to the department, organization and University
- Includes the estimated duration (i.e. Limited 6-9 months or Contract 2.5 years) for non-Career positions
- Lists the number of openings when there is more than one position being recruited
- Describes any pre-employment assessments if applicable.
- Is optimized for search engines. Candidates conduct job searches by entering key words or phrases into search engines.
- Most candidates utilize “job aggregators” such as Google and indeed versus searching individual local government job posts.
- To ensure your position reaches the top of candidate search results, include key words such as “career”, “job”, skills and title of the position in the beginning of the posted position description (first 150 words).

Attracting a Talented Diverse Applicant Pool:

- Once you have identified the position purpose, essential functions and qualifications, you will want to go back and review the description. Is it written to attract an individual who is a top performer? Does it describe the inclusive culture of your organization?
- Marketing the job to a diverse audience is just as important as accurately describing the role.

5.6. Step 3: Essential Job Functions

Essential job functions describe the duties and responsibilities of a position. A job function is considered essential when the performance of the function is the purpose for the position. Typically, an essential function occupies a significant amount of time of the employee’s time and requires specialized skills to perform. By accurately describing the essential functions of the job, job seekers will have a clear understanding of the role and your expectations for performing them.

When developing essential functions for the position the following should be noted:

- Functions of the job which are critical for the position are arranged by importance and percentage of time spent
- Complexity level and authority for the role should be described to help attract the appropriate level of qualified candidates
- Essential tasks listed should be inter-related to the accomplishment of the essential function e.g., the essential function of event planning is composed of several independent tasks including scheduling and securing the venue; interviewing vendors and executing contracts for service; arranging for food delivery; supervising event workers and ensuring clean up. Therefore, the various tasks required to successfully accomplish the essential function should be identified and described.

5.7. Step 4: Minimum Requirements

The minimum requirements or “basic qualifications” are those qualifications or criteria which was established in advance and advertised to potential applicants:

- Must be relevant and relate to the duties and responsibilities of the job (e.g., should not list driving requirement if not part of responsibilities or duties of the job).
- “Soft skills” can be required qualifications (e.g., communication/collaboration) and will:
 - Vary among applicants
 - Not be absolutely ascertained in resume
 - Be evaluated in interview
- Can be position/department specific (e.g. valid driver’s license)
- Can be assessed by reviewing the resume
- Must be objective, non-comparative and business related:
 - Objective
 - Correct: Bachelor’s degree in Business Administration
 - Incorrect: A business degree from a “good school”
 - Noncompetitive
 - Correct: 5 to 7 years of experience designing computer software programs
 - Incorrect: Must be one of the top five among the applicants in years of experience
 - Business Related
 - Correct: 5+ years of experience in accounting
 - Incorrect: Must have experience with volunteering for Habitat for Humanity
- The minimum requirements should support the accomplishment of the essential function. For example, the essential function of event planning could require:
 - Organizational skills (to ensure all details are cared for)
 - Communication skills (to interact with vendors and guests)
 - Prior event planning experience

Listing too many skills as requirements significantly limits your applicant pool and selection. It is recommended no more than 3-5 “hard” job skills (e.g., Bachelor’s degree, 5 years accounting experience, experience in accessing and retrieving data from financial systems using PC based tools and other “technical job skills”) in addition to the “soft skills” be listed depending upon the level of the position.

5.8. Step 5: Preferred Qualifications

Preferred qualifications are skills and experience preferred in addition to basic qualifications and can be used to narrow down the pool of applicants. These preferred skills, knowledge, abilities and competencies can describe a more proficient level at which the essential functions can be performed such as:

- Prior experience with corporate/institutional event planning (prior experience in a related area can be preferred) and knowledge of applicable Puntland policies and procedures (prior experience within the Puntland system can be preferred).
- Civil Service experience, certifications and/or advanced degree are additional

5.8.1.1. Checklist for Hiring Employees

- Determine the need for a new or replacement position.
- Think creatively about how to accomplish the work without adding staff (improves processes, eliminate work you don't need to do, divide work differently, etc.).
- Hold a recruitment, planning, meeting with the recruiter, the HR leader, the hiring manager, and, potentially, a coworker or internal customer.
- Develop and prioritize the key requirements needed from the position and the special qualifications, traits, characteristics, and experience you seek in a candidate. (These will assist your Human Resources department to write the classified ad; post the job online and on your Web site; and screen resultant resumes for potential candidate interviews.)
- With HR department assistance, develop the job description for the position.
- Determine the salary range for the position.
- Decide whether the department can afford hiring employees to fill the position.
- Post the position internally on the "Job Opportunities" bulletin board for one week. If you anticipate difficulty finding a qualified internal candidate for the position, state in the posting that you are advertising the position externally at the same time.
- Send an all-company email to notify staff that a position has been posted and that you are hiring employees.
- All staff members encourage talented, qualified, diverse internal candidates to apply for the position. (If you are the hiring supervisor, as a courtesy, let the current supervisor know if you are talking to his or her reporting staff member.)
- Interested internal candidates fill out the Internal Position Application.
- Schedule and interview, for internal candidates, with the hiring supervisor, the manager of the hiring supervisor or a customer of the position and HR. (In all cases, tell the candidates the timelines you anticipate the interview process will take.)
- Hold the interviews with each interviewer clear about their role in the interview process. (Culture fit, technical qualifications, customer responsiveness and knowledge are several of the screening responsibilities you may want your interviewers to assume.)
- Interviewers fill out the job candidate evaluation form.

- If no internal candidates are selected for the position, make certain you clearly communicate with the applicants that they were not selected. Whenever possible, provide feedback that will help the employee continue to develop their skill and qualifications. Use this feedback as an opportunity to help the employee continue to grow their career.
- If an internal candidate is selected for the position, make a written job offers that includes the new job description and salary.
- Agree on a transition timeline with the internal candidate's current supervisor.
- If you've created another internal opening, begin again.
- End the search.
- If no qualified internal candidates apply, extend the search to external candidates, if you didn't advertise the position simultaneously. Develop your candidate pool of diverse applicants.
- Spread word-of-mouth information about the position availability in your industry and to each employee's network of friends and associates.
- Network and post jobs on online social media sites such as internet ads. Ask your employees to publicize the position through their online social media networks.
- Place a classified ad in a newspaper with a delivery reach that will create a diverse candidate pool.
- Recruitment online. Post the classified ad on jobs and newspaper-related websites including the company website.
- Post the position on professional association websites.
- Talk to university career centers.
- Contact temporary help agencies.
- Brainstorm other potential ways to locate a well – qualified pool of candidates for each position.
- Through your recruiting efforts, you've developed a pool of candidates. People are applying for your open job. Whether you have developed a candidate pool in advance of the job opening or you are searching from scratch, the development of a qualified pool of candidates is crucial.
- Send postcards or emails to each applicant to acknowledge receipt of the resume. (State that if the candidate appears to be a good match for the position, relative to your other applicants, you will contact them to schedule an interview. If not, you will keep their application/resume on file for a year in case other opportunities arise.)
- Once you have developed a number of applicants for the position, screen resumes and / or applications against the prioritized qualifications and criteria established. Note that resume cover letters matters as you screen.
- Phone screen the candidates whose credentials look like a good fit with the position. Determine candidate salary requirements, if not stated with the application, as requested.
- Schedule qualified candidates, whose salary needs you can afford, for a first interview with the hiring supervisor and an HR representative, either in-person or on the phone. In all cases, tell the candidates the timeline you anticipate the interview process will take.
- Ask the candidate to fill out your official job application, upon their arrival for the interview.
- Give the candidate a copy of the job description to review.

- Hold screening interviews during which the candidate is assessed and has the opportunity to learn about your organization and your needs.
- Fill out the Job Candidate Evaluation Form for each candidate interviewed.
- Meet to determine which (if any) candidates to invite back for a second interview.
- Determine the appropriate people to participate in the second round of interviews. This may include potential coworkers, customers, the hiring supervisor, the hiring supervisor's manager and HR. Only include people who will impact the hiring decision.
- Schedule the additional interviews.
- Hold the second round of interviews with each interviewer clear about their role in the interview process. (Culture fit, technical qualifications, customer responsiveness and knowledge are several of the screening responsibilities you may want your interviewers to assume.)
- Candidates participate in any testing you may require for the position.
- Interviewers fill out the candidate rating form.
- Human Resources checks the finalists' (people to whom you are considering offering the position) credentials, references and other qualifying documents and statements.
- Anyone who has stated qualifications dishonestly or who fails to pass the checks is eliminated as a candidate.
- Through the entire interviewing process, HR, and managers, where desired, stay in touch with the most qualified candidates via phone and email.
- Reach consensus on whether the organization wants to select any candidate (via informal discussion, a formal discussion meeting, HR staff touching base with interviewers, candidate rating forms, and so on). If dissension exists, the supervising manager should make the final decision.
- If no candidate is superior, start again to review your candidate pool and redevelop a pool if necessary.
- HR and the hiring supervisor agree on the offer to make to the candidate, with the concurrence of the supervisor's manager and the departmental budget.
- Talk informally with the candidate about whether he or she is interested in the job at the offered salary and stated conditions. Make certain the candidate agrees that they will participate in a background check, a drug screen and sign a Non – Compete Agreement or a Confidentiality Agreement, depending on the position. (This should have been signed off on the application.) If so, proceed with an offer letter. You can also make the job offer contingent on certain checks.
- If not, determine if negotiable factors exist that will bring the organization and the candidate into agreement. A reasonable negotiation is expected; a candidate that returns repeatedly to the company requesting more each time is not a candidate the company wants to hire.
- If the informal negotiation leads the organization to believe the candidate is viable, HR will prepare a written position offer letter from the supervisor that offers the position, states and formalizes the salary, reporting relationship, supervising relationships, and any other benefits or commitments the candidate has negotiated or the local agency has promised.
- The offer letter, the job description and the Company Non-Compete or Confidentiality Agreement are provided to the candidate.

- The candidate signs the offer documentation to accept the job or refuses the position.
- If yes, schedule the new employee's start date.
- If no, start again to review your candidate pool and redevelop a pool if necessary.

5.9. PROBATIONARY EMPLOYMENT PERIOD

The probationary period allows an employee time to become proficient in the basic responsibilities of a new position and permits the supervisor to assess the individual's performance. The employee and supervisor are encouraged to communicate frequently during the probationary period.

5.10. Length of Probationary Period

Generally, non-exempt positions have a three month probationary period and exempt positions have a six month probationary period. Different probationary periods may be identified by the selecting department subject to the approval of the appropriate Human Resources department. A probationary period will not normally exceed twelve months. A probationary may be extended for three months as described below. This policy does not apply to senior level executive, senior level professional and certain local government officials and administrative professional positions.

If a position is reclassified, a probationary period will generally be waived if the incumbent has satisfactorily performed the duties of the position for a period of time equal to, or greater than, the normal probationary period.

5.11. Job Training

- New workers in a local government agency are usually given an induction program in which they meet other workers and are shown the skills they must learn. Generally, the first few days at work will simply involve observation, with an experienced worker showing the 'new hand' the ropes. Many agencies or institution will have a detailed training scheme, which is done on an 'in-house' basis. This is particularly true of larger public companies such as banks and insurance companies. In conjunction with this, staff may be encouraged to attend college courses to learn new skills and get new qualifications. Training thus takes place in the following ways:
 - On the job - learning skills through experience at work
 - Offsite job - learning through attending courses.
 - Promotion within an agency or institution depends on acquiring qualifications to do a more advanced job. In accountancy for example, trainee accountants will be expected to pass exams set by the Association of Chartered Certified Accountants (ACCA). At the same time, a candidate for promotion must show a flair for the job. It is the responsibility of the training department within an agency or institution to make sure that staff with the right skills are coming up through the agency or being recruited from outside.

- To be properly qualified, civil servants must have passed examinations that make them eligible for membership of one or more professional association bodies, such as Certified Project Managers.

Induction is the process of introducing new employees to an organization and to their work responsibilities in that organization.

5.12. Working Hours & Leave

You must comply with legal restrictions on employees' working hours and time off. Failing to do so could lead to claims from employees, enforcement action or even prosecution. Giving employees fair holidays, weekends, sick leaves, annual leave, sabbaticals and pay can also help to improve performance reduce accidents and cut unauthorized absenteeism. You are legally required to consider requests from all employees for flexible working patterns.

5.13. Working Hours and Holiday Entitlements

The Working Time Regulations set requirements for employees' holidays, working hours and rest breaks. The regulations are designed to help protect employees' health, safety and welfare in line with the local governance of Puntland directive.

Employees are entitled to work a maximum of 48 hours a week, unless they freely opt out from this limit. The working time regulations also include requirements for work breaks and for rest periods between working days.

Employees have a statutory holiday entitlement of a minimum of 2-3 weeks' paid leave a year. This applies pro rata to part-time workers: for example, an employee working two days a week has an annual leave entitlement of 11 days. The holiday entitlement can include public holidays such as bank holidays.

Special rules apply to young employees, night workers and Sunday working.

5.14. Additional Time Off

Employees have statutory entitlements to maternity, paternity and adoption leave. Parents and care – givers are also, entitled to take unpaid parental leave or care leave. For example, employees can take reasonable unpaid time off to deal with an emergency involving a dependent. This includes the right to bereavement leave for a dependent's funeral.

Employees are entitled to paid or unpaid leave for a variety of activities. For example, you need to allow employee representatives paid time off for carrying out their duties (for example, as a health and safety representative). You also need to allow employees unpaid time off for various public service activities such as acting as a magistrate. If you are making an employee redundant, you must allow time off for job-seeking.

You should have a clear policy on sick leave, time off related to a worker's disability, and any discretionary leave you allow. You should also make clear the procedures employees must follow to request leave.

5.15. Action for Non Compliance

All ethics officials and supervisors shall ensure that employees adhere to the highest standards of ethical conduct. Employees are required to comply with all local government statutes, and government-wide ethical policies, ethical conduct regulations, including, but not limited to, those covering training, financial disclosure, outside activities, prohibited financial holdings, and acceptance of awards. Moreover, to ensure that every citizen can have complete confidence in the integrity of the local government, each civil servant employee shall respect and adhere to the fundamental principles of ethical service.

5.16. Criminal Non-Compliance:

If the Supervisor's preliminary review of the relevant facts gives him or her reasonable grounds to believe that a criminal statute may have been violated, the Supervisor must immediately suspend the review and forward all records identified in the Office of the Inspector General referral form, Referral of Potential Criminal Conflict of Interest or Ethics Violations, to for assessment pursuant to Office of the Inspector General procedures. In addition, the Supervisor must simultaneously inform the Council Members, and place a copy of the referral packet into the employee's ethics file. Under no circumstances should the Supervisor interview the employee under review or attempt to gather information from outside the agency. If the Office of the Inspector General declines to pursue the matter, Supervisor will either conduct a review as an administrative matter or forward it to the Council Members for action. When forwarded to a Council Members, the Supervisor may resume his or her review of the matter, and if necessary as outlined below, refer the matter to the employee's supervisor for consideration of disciplinary action.

Examples of criminal non-compliance include, but are not limited to:

- Participation in a particular matter that has a direct and predictable effect on an employee's personal or imputed financial interest.
- Acceptance of compensation from a non-government source for official duties; or
- Willful falsification of information on a public financial disclosure report.

5.17. Equal Opportunity

Equal opportunity is governed by the local governments of Puntland. It's forbidden to discriminate against individuals on the basis of race, color or gender. The employer must reasonably accommodate all employees who possess disabilities with satisfactory accommodations. There must be equal treatment for men and women. Employees older than 40 or with disabilities should be equally treated without any discriminatory practices in the work place.

5.18. Settlements and Disputes

Grievances and conflicts are an inevitable part of the employment relationship. The objective of public policy is to manage conflict and promote sound labor relations by creating a system for the effective prevention and settlement of labor disputes. Labor administrations typically establish labor dispute procedures in national legislation. A key objective of effective systems is to ensure that wherever possible, the parties to the dispute resolve it through a consensus-based process such as conciliation and mediation, before reverting to arbitration and/or adjudication through a tribunal or labor court.

6. Performance Management

Performance management aims to acknowledge employee achievements, support their personal and professional development, and motivate and empower them to perform their work effectively. Performance management helps employees to develop their understanding, knowledge and skills so, that they can contribute to the achievement of the enterprise's goals and gain personal and job satisfaction. It is a vital part of any quality human resource system.

Every Local Government Agency wants and should expect high performance from each employee. The elements of a competency-based performance management system will, if implemented well, enable high performance which will define enterprise and personal success. Using performance management processes, an enterprise can be better placed to meet competitive challenges. This is followed by:

- Identifying the critical positions
- Determining the most important competencies for those positions
- Providing the education, training and feedback required by employees
- Holding each person accountable for their results.

6.1. Performance Appraisal

The key to the performance management process is 'performance appraisal'. Performance appraisal is simply an evaluation of how well an employee performs his or her job compared to a set of predetermined standards'. It is a systematic process of feedback on an employee's work performance, and agreement to future training plans, job goals and job aspirations.

To be effective, a performance appraisal needs to have a set of agreed criteria that will be the basis of feedback as well as of setting future goals. Units of competency provide a very effective tool for setting benchmarks or criteria for work performance. The performance criteria within units of competency can be used as measures to assess against in a performance appraisal or review.

The advantage of using units is that they provide an industry-agreed benchmark for what encapsulates effective job outcomes together with the necessary knowledge and skills. This detail can be easily adapted to fit specific job, site or individual requirements and then be used as

the basis for systematic assessment (self, peer and supervisor). Units can also be easily customized to form objectives or key performance indicators by including specific measures within units employees will have measurable targets to aim for. Where gaps in performance exist, training needs are more easily identified.

6.2. Implementing Appraisals

Training Packages can be used to assist enterprises to implement performance appraisal, and to help employees to perform to the standards required by their job. For example, using the process below, employers will be guided through the creation of competency lists or profiles for each staff member. Employees can undertake self-assessment to rate their level of skills and knowledge against the units that are relevant to them, and the result of their assessment can be printed off and brought to the appraisal meeting between them and their manager. The advantage of using nationally endorsed units of competency is that they provide objective criteria for job requirements.

7. Termination

“Misconduct” means some form of wrongdoing. Usually it will involve deliberate wrongdoing, but there may be circumstances where an employee acts so carelessly that it amounts to misconduct (i.e. gross negligence or recklessness).

“Serious misconduct” involves serious wrongdoing. Where, after a fair process, it is established that an employee’s actions amount to serious misconduct, an employer may terminate the employee’s employment without notice (sometimes referred to as “instant” or “summary” dismissal). Because of this, the misconduct must be sufficiently serious that it undermines the trust and confidence that the employer has in the employee (e.g. theft, sexual or other assault, the use of illegal drugs at work).

Sometimes employment agreements list conduct that the agreement says amounts to “serious misconduct”. If an employee engages in misconduct that is listed, that doesn’t necessarily mean that serious misconduct has automatically occurred. In every case the employer must consider all the facts and the employee’s response before it decides whether serious misconduct has occurred. When this is done, what looked like serious misconduct may not be so serious?

Also note that minor misconduct cannot become serious misconduct just because that minor misconduct is on the serious misconduct list.

Defining Discipline

The purpose of any disciplinary action is to prevent recurrence of the inappropriate behavior/misconduct. The emphasis is on corrective action that is required to change the employee’s conduct and giving the employee a reasonable opportunity to do so, not on punishing the employee.

An employer should generally take the following steps when considering disciplinary action for possible misconduct or serious misconduct.

Process

Where there are performance issues, it is generally expected that the employer will have tried other ways of improving the employee's performance before the employer starts a disciplinary process. This might involve providing clear direction about what is required, or support and training to assist the employee.

If the employee's performance has failed to improve after attempts to resolve performance issues, the employer may wish to start a disciplinary process. The process is essentially the same as it is for misconduct (provision of information, advice about representation, meeting to discuss the employee's response before any decisions are made etc).

When issuing a warning for poor performance, it is important for the employer to tell the employee clearly about the employer's expectations, and to put in place a process and time frames for monitoring the employee's performance and providing feedback.

The employer also needs to ensure that the employee has a reasonable opportunity to improve his or her performance, which includes the provision of enough time to improve, as well as appropriate support and assistance.

Poor Performance

Poor performance is a situation where the employee is not meeting the reasonable expectations of his or her job.

Proof

A disciplinary investigation is not a criminal prosecution – the employer does not need to prove that misconduct occurred 'beyond all reasonable doubt'. However, to discipline an employee for misconduct, the employer needs to be convinced that the misconduct occurred, and there needs to be reasonable grounds to support that. The more serious the misconduct in issue (e.g. theft, drugs), or the more serious the possible consequences are for the employee (e.g. final warning, dismissal), the stronger the employer's supporting information and reasoning needs to be before action is taken.

Warnings

In circumstances where the misconduct is not serious, or where the employer otherwise decides not to dismiss, the employer may decide to give the employee a warning. Employers should check the employment agreement to see whether written or verbal warnings are required. The

type of warning required may be different at different stages of the process. A final warning should be in writing, unless there is a different process in the employment agreement.

When issuing a warning, it is important for the employer to be specific about the misconduct for which the employee is being warned, and the consequences of further misconduct.

If an employee has had warnings previously, the employer will need to consider whether it can take those into account when deciding whether to dismiss the employee, or to give a further or final warning.

One issue is whether the previous warning is sufficiently recent to be able to be relied on. If a warning is too old, it may be unfair for the employer to rely on it. The other issue is whether there is a close enough connection between the previous warning and the most recent misconduct. Generally speaking, a warning for one type of misconduct cannot be relied upon when dealing with another type of misconduct.

Suspension

In particularly serious cases, where there is risk in the employee remaining at work, the employer may want to consider suspending the employee while the employer carries out the disciplinary process. Generally, there is no right to suspend unless the relevant employment agreement provides for suspension. However, in very serious cases (e.g. alleged sexual assault or where there are significant health and safety issues) suspension may be possible. .

Suspension is a disciplinary step in and of itself, so the employer must have a good reason for suspending (e.g. alleged theft resulting in a need to ensure the accounts are not interfered with during the investigation; alleged sexual assault resulting in the need to protect the employee who may have been sexually assaulted).

The employer must implement any suspension fairly before the employer decides to suspend. The employee should be given an opportunity to comment on the proposed suspension, and the reasons why the employer thinks suspension is appropriate. The employer must consider the employee's comments with an open mind. That is, the employer must be prepared to listen to the employee and consider what they have to say before making a final decision.

Involuntary Termination

In order to ensure uniform and consistent procedures for employee terminations the local government (employer) has established rules applicable to all such terminations.

All involuntary terminations must be approved by the employee's manager, coordinated with Human Resources and processed in accordance with the provisions outlined in this policy. Notwithstanding the foregoing, should a manager be present when serious misconduct occurs, he/she may immediately suspend the employee, pending an investigation and notification to Human Resources.

1. When the employer initiates a termination (i.e., the employee is terminated), the termination is considered involuntary.
2. Involuntary terminations may occur for a variety of reasons, including with cause (i.e., employee misfeasance or malfeasance) or without cause (i.e., as a part of a layoff).
3. When practical, employees will be warned and counseled. However, failure to correct behavior or further violation of company policy may result in additional disciplinary action, up to and including termination. Depending on the nature of the offense, the local governments reserve the right to terminate any employee without warning.
4. Warnings and counseling are to be documented on the Disciplinary/Counseling/Termination Report. The local government agency will generally terminate an employee after the third offense.
5. With respect to all involuntary terminations:
 - a. The local government agency will inform the employee of the reason for termination.
 - b. The date of separation will be the employee's last day worked.
6. With respect to all involuntary terminations without cause:
 - a. The employee's record will indicate an involuntary termination without cause (i.e., from layoff).
 - b. Severance pay is:
 - Discretionary, based upon a number of factors (i.e., length of service to the Company, level of responsibility, reason for separation, etc.). No employee is entitled to severance pay upon termination.
 - Given only with the approval of the Chief Executive Officer.
7. When appropriate, Human Resources will attempt to schedule and conduct an exit interview with the terminated employee.

Voluntary Termination

When an employee decides voluntarily to terminate employment with the employer, the termination is for one of the following four reasons: retirement, resignation, job abandonment, or failure to return to work upon leave expiration. The following describes each one of the reasons for voluntary severance of employment.

- Retirement. Retirement is the relinquishment of a job by an employee after he or she reaches the specific age and attains the service requirements necessary to collect retirement benefits. Central office must be notified of an employee's retirement.
- Resignation. Resignation is the voluntary decision by an employee to terminate employment.
- Job Abandonment. Job abandonment occurs when an employee is absent from work for three or more consecutive work days and has failed to call his or her supervisor or notify the supervisor of the reason for the absence. When this situation occurs, it is treated as a voluntary resignation effective on the last day the employee worked. Job abandonment cases must be reviewed.
- Failure to Return to Work Upon Leave Expiration. When an employee is not paid while on an approved leave of absence, such an absence is considered an inactive pay status. For such a period of approved absence, a date must be specified for the return of the employee to active pay status. Failure of an

employee to return from an approved leave on the specified date is treated as a voluntary resignation effective on the date scheduled for return.

Returning Assets during Termination

- If an employee does not return local government equipment, Puntland local governments will not allow the employer to withhold the cost of the equipment from his / her final paycheck unless the employee consents to such a deduction. However, the employer can still sue employees to recover equipment that was lent to them in the course of employment and not returned, so it is a good idea to return all company equipment upon departing a employment.

Cause of Termination

- The reason the employee leaves his place of employment is irrelevant to the regulation regarding local government property. Whether an employee quits or is fired, the employer cannot deduct wages from his final paycheck if the employee fails to return local government unless the employee consents to a wage deduction for this purpose. The employer must give the employee her final paycheck by the next scheduled payday and must include the full amount except for deductions allowed by the local governments of Puntland.

Purchased Equipment

If an employee purchased any equipment for use on the job, such as uniforms, the employee may keep that equipment, as he / she paid for it. The employer cannot deduct the cost of the equipment from the employee's wages at the time the employee purchased the equipment, nor can the employer deduct anything from the employee's wages for this equipment at the time the employee leaves the job

8. Section 5 – Secondment Procedures and Processes

8.1. The Utilization of Civil Servants for Other Local Government Offices

Article X

Secondment Process When a Secondment Opportunity Arises

1. When a secondment need arises the immediate responsible line official in consultation with his or her management team, including the relevant Office Director, identifies a candidate for appointment in a secondment capacity.
2. The identification of a suitable candidate should be based on the inherent requirements of the secondment position. The motivation to appoint a particular candidate must briefly outline the identified candidates profile in relation to others in the department in respect

of ability or potential, employment equity objectives, succession plans and skills development needs. (If no suitable candidate can be identified, the recruitment and selection process will be followed).

3. The immediate responsible line manager submits the application via the Office Director to the Directorate: Staffing in Human Resources.

The request must include the particulars of the operational need the employee is identified to be seconded, the duration of the secondment period and appointment arrangements to fill the post permanently. The Human Resources Department in collaboration with the immediate responsible Office Manager and the, to whom the successful candidate will be seconded, will make provision and agree on the release date, the temporary replacement, if required, and the budget responsibilities of the seconded employee.

If the immediate Office Manager from whose unit the secondment candidate comes does not approve the secondment, the requesting Office Manager may lodge an appeal to his/her Office Unit Director in which appeal will be considered by the Management Committee for a final ruling.

Having due regard to the operational needs, employment equity, succession plan etc. The specific operational unit, Human Resources Department will compile all relevant documentations, including a letter of secondment to the identified employee.

The Principal and Vice – Chancellor or the Executive Director: Human Resources, where applicable, will sign the letter of secondment. The employee identified to be seconded must accept or decline the offer or secondment in writing.

After termination of the secondment period, the employee would revert back to his/her original position. Should that employee's previous workplace become the subject of restructuring prior to the termination of the secondment period, that employee's position after the secondment period would be, subject to the outcome of the restructuring process.

9. Secondment Process For An Employee To An External Party (Outside The Local Governments of Puntland)

The external company/institution forwards a letter to the Principal requesting the secondment of the particular employee, stating the purpose of the secondment and the period of secondment. The Management Committee considers the request and decides on the secondment and related matters. If the Management Committee approves the secondment, the Human Resources Department drafts a letter, for the signature of the Vice Principal: Operations informing the external party of the decision of the Management Committee.

10. Conclusion

This document addresses a number of factors to consider in recruiting, selecting, negotiating, and hiring a professional local government manager or a civil service administrator. In doing so, it elaborates on the “best practices” for identifying the appropriate skills and background of a manager or civil service administrator, noting that the governing body must identify the qualities, characteristics, experience and areas of expertise that would be found in the ideal candidate. Throughout the entire process, clear communication to staff, the community, and the media is essential for achieving the governing body’s goals. In the end, the process of recruiting and selecting a candidate should be positive and unifying experience, resulting in the appointment of an individual who represents and embodies the governing body’s vision for the future.

Your employee hiring process is critical to your local governance success. Most people contend that their employees are their most important asset. If this is true, then deciding who to hire is one of the most important decisions you make. Like your other key business processes, hiring needs to be approached in an organized, logical manner. Applying a proven process is going to get you the best results.

Too often though hiring is done in a rushed or even panic mode. A good employee has just quit or some critical business need isn’t getting satisfied. When you need a new employee, you need them now.

As a result, we jump in blindly, throw too much money at the problem and rush through without a plan.

It doesn’t have to be this way!

A proven hiring plan includes each of the following components:

- Strategy
- Budget
- Proven Selection System
- Documentation/Measuring System

Strategy

Any good hiring process begins with a strategy. Think of the strategy as your mission statement for all your hiring efforts. In addition to your philosophy, your hiring strategy includes timing issues. How you approach replacement jobs (immediate need) versus additional jobs (more lead time) varies.

Resource allocation is included in your strategy. Who is going to do the actual recruiting? Will you use outside professional services? Who on your staff is accountable for the results?

Your strategy should take into consideration compensation issues. How you pay has a profound impact on hiring. The total package including benefits can dictate your course of action and how quickly you can fill certain positions.

Hiring Budget

Hiring new employees is not free. There are monetary costs. There are time costs. And there are resource costs. A big mistake many organizations make is to not budget for hiring.

Your first step is to start tracking all expenditures. Put line items for recruiting and employment related activities into your chart of accounts. Also put a hiring section into your operating budget.

Plan for the cost, of ads, recruiters and travel expense if any. Plan for the time you and your managers will spend on the interview process.

Proven Selection Process

A proven selection process is a must if you are going to hire good employees. Most managers have never had any type of training on how to interview and choose employees.

The bottom line is it is easy to get off track with all the misinformation on this subject. Make sure you adopt a proven model used by the best companies in the world.

Documentation/Measuring System

You need to track hiring efforts and results just like your sales, expenses and other business processes. Earlier we mentioned putting a section into your budget and line items into your chart of accounts. There are three other key metrics you want to track.

Time to fill your position, cost per hire and source of hire are three measures that help improve your efforts over time. In conclusion, a good employee hiring process gives you the best chance of hiring top employees. Without it, hiring mistakes and wasting money are real possibilities.

11. Oversight & Implementation of Local Governance Employment Regulations

With extensive research and discussions with the Civil Service Commissioner, Minister of Labor and Minister of Interior it is clear, that they favor a structured set of employment regulations to be used and implemented as a rule of law for the local governments of Puntland. The Puntland Local Development document clearly, states that the Civil Service Commission and the Ministry of Labor have a responsibility of creating and adopting principles and regulations that will help the local governments of Puntland to operate in a professional and functional manner. However, the role of the Civil Service Commissioner is very important when it comes to creating, adopting and implementing regulations and procedures.

Having conducted research and many meetings with the Civil Services Commissioner and the Ministry of Labor as well as, the Ministry of Interior it can be, concluded that change will happen within the local governments of Puntland. Through, discussions with the Civil Service Commissioner he convinced that the principles of the new Employment Regulations and Procedures document will move forward for implementation and adoption with the approval of the state of Puntland. The Civil Service Commissioner and the Ministry of Labor feel the lack of regulations and procedures are long overdue and there needs to be a set of standards that help operate local governments on a wide scale of professionalism, integrity, merit and most importantly; providing services to their districts.

Furthermore, with proper planning and creating checks and balances the Civil Service Commission, Ministry of Labor and Ministry of Interior feel that there will be, change regarding new regulations and procedures and it depends on how fast the officials of Puntland are ready to begin creating regulations and procedures that will help engineer a set of regulations and procedures that would allow for better recruitment and selection process for the local governments of Puntland. The ultimate measure is getting the new “Local Governance Employment Regulations” moving in a positive direction of proper adoption and approval by the appropriate officials in charge of all the districts to help set appropriate standards.

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