

DR. J.S MOROKA LOCAL MUNICIPALITY



REVIEWED ACTING POLICY

POLICY STATEMENT

TABLE CONTENTS

NO	DESCRIPTION	PAGE
1.	PURPOSE	4
2.	SCOPE OF APPLICATION	4
3.	LEGAL FRAMEWORK	4
4.	DEFINITIONS	4
5.	PRINCIPLES	5
6.	POLICY PROVISION	
7.	PROCEDURES	5
8.	AUTHORITY	23

POLICY STATEMENT

This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.

Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

Ms. M M MATHEBELA
MUNICIPAL MANAGER

Date

1. PURPOSE

The purpose or objective of this policy is to:

- 1.1. Provide continuity and operational stability so that there is no vacuum in the municipality that may compromise the efficiency, effectiveness thereby resulting in poor service delivery.
- 1.2. Ensures that the practice of the acting in higher post or equivalent post and payment of an acting allowance is managed in an equitable, fair and transparent manner to enhance organisational performance.
- 1.3. Establish the authority of the Municipal Manager or designates to temporarily assign duties to existing position.

2. SCOPE OF APPLICATION

- 2.1 This policy applies to all bargaining employees irrespective of whether they are employed by the municipality in a permanent full-time capacity, or on a fixed term basis, which excludes section 56 and 57 managers, wherein their provision is under GG No. 37245: Appointment of senior managers and their conditions of services or sec 56 (9) and Sec 57 of the Local Government: Municipal Systems Act.

3. LEGAL FRAMEWORK

- 3.1. Basic Conditions of Employment Act (Act 75 of 1997)
- 3.2. Labour Relations Act (Act 66 of 1995)
- 3.3. Municipal Systems Act (Act 32 of 2000)
- 3.4. Municipal Finance Management Act
- 3.5. Government Gazette No 36620 and 37795
- 3.6. SALGBC Main Collective Agreement, 2015, as extended
- 3.7. Mpumalanga Collective Agreement on Conditions of Services, 2018.

4. DEFINITIONS

- 4.1. For the purposes of this policy –

3.1.1 **“Acting allowance”** means an allowance paid to an employee who temporarily performs the functions and responsibilities of a higher post when the post is vacant or the usual incumbent is on leave or taking up official duties elsewhere in a temporary capacity.

3.1.2 **“Employee”** means a person employed by the Employer and shall include a permanent employee or a contract employee as defined, but excludes an independent contractor or its employees.

3.1.3 **“Contract Employee”** means an employee appointed on a fixed term contract to perform a specific task.

3.1.4 **"Permanent employee"** means an employee appointed to a post on the staff establishment of a municipality on an open-ended contract.

5. PRINCIPLES

- 4.1 An employee who acts in another post continues to perform his normal duties during the acting period.
- 4.2 Acting in a position does not in any way create a right or expectation that the employee will be appointed to a vacant post when it is advertised.
- 4.3 An employee who is appointed on an acting post must have completed his/her probationary period.
- 4.4 Acting Allowance is fully taxable.
- 4.5. In an acting position, the acting employee undertakes the full range of duties & responsibilities of the higher graded post.
- 4.6 Acting periods should not exceed a period of three months, only in exceptional cases may the acting appointment be extended for one or two months or within the three months threshold.
- 4.7 Termination of an acting period should be indicated on the appointment letter.

6. POLICY PROVISION

6.1. ACTING APPOINTMENT FOR OTHER EMPLOYEES

- 6.1.1. Acting in Section 56 and Section 54A shall be dealt with in accordance with the applicable legislation and regulation.
- 6.1.2. When an employee is required to act in a higher or equivalent post for a period not less than three (3) consecutive working days, an acting allowance at an annual rate equal to the difference between an employee's salary and the commencing notch of the salary of the post in which he acts, shall be paid to such employee in addition to his salary in respect of the period in which he acts, provided that:
 - 6.1.2.1. Employee has been duly appointed in writing by the Municipal Manager (or his assignee) to act in the higher post.
 - 6.1.2.2. Any interruption of less than three working days in total shall be deemed to form part of the acting period as occasioned by any of the following circumstances:
 - 6.1.2.2.1. Illness supported by a medical certificate;
 - 6.1.2.2.2. Family bereavement;
 - 6.1.2.2.3. Attendance at court as a witness, if subpoenaed

- 6.1.3. Acting appointments to vacant posts must be reviewed every 3 (three) months.
- 6.1.4. Vacant posts on a Municipality's permanent staff establishment should be filled within (six) months unless there is a compelling reason not to do so.
- 6.1.5. Unless operational requirements dictate otherwise, acting appointments should be confined to employees reporting directly to the applicable acting position. In the event that there is more than one employee on the same level, the employees shall act on rotational basis.
- 6.1.6. In the event that an employee's salary is equal to or higher than commencing notch of the salary scale of the post in which he is due to assume an acting position, an acting allowance fixed at **12,5%** of the employee's basic salary be paid.
- 6.1.7. Acting allowance includes all benefits and tools of trade (e.g. Cell phone Allowance, 3G, Travelling allowance etc.) of the higher post if acting is for a period of 22 working days or longer.

6.2. **ACTING APPOINTMENT**

- 1) An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimized.
- 2) Unless indicated otherwise in the appointment to the acting post, a staff member of a municipality who is acting in a higher post in the same municipality must continue to perform the duties of the post that the staff member ordinarily occupies during the acting period.
- 3) A person acting in a higher post has no right or expectation to be appointed to that post, except as otherwise provided in these regulations
- 4) A staff member may only act in a post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies.
- 5) The appointment to act in a post must be –
 - (a) with the consent of the staff member;
 - (b) in writing; and
 - (c) authorized by the municipal manager or the person to whom this function is delegated.
- 6) The staff member appointed to act in a post must have the requisite competencies to be able to perform the duties associated with the post
- 7) In selecting a person to act in a post, the following must be considered:
 - (a) the relevant requirements of the post and the person's performance;
 - (b) the municipality development needs; and
 - (c) the municipality's employment equity policy and plan.
- 8) A person may only be appointed in an acting position for a period not exceeding three months.

- 9) Despite sub-regulation (8), the Municipal Manager, or his or her delegate, may extend the period in sub-regulation (8) for a further period of three months, if there is a justifiable reason to do so.
- 10) Any further extensions made under sub-regulation (9) shall not exceed a period of nine consecutive months, whereafter the post must be advertised and filled on a competitive basis.

6.3. ACTING APPOINTMENT FOR BARGAINING EMPLOYEE ON A MANAGER DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGER

Acting appointment for bargaining employee reporting directly to the manager accountable to the Municipal Manager is done in accordance with section 56 (8) of Municipal Systems Act, No. 32 of 2000 as amended.

5.3.1 The municipal council, after consultation with the Municipal Manager must appoint an acting Section 56 manager.

5.3.2 If the municipal council appoints an acting Section 56 Manager for a period of not less than 3 (three) consecutive working days, the acting sec 56 manager shall be paid an acting allowance equal to the difference of 60% of the minimum total remuneration package of the Section 56 Manager, as per the grade/category of the municipality.

5.3.3 A person appointed as acting Section 56 Manager must at least have the skills, expertise, competencies and qualifications as prescribed.

5.3.4 A person appointed as acting Section 56 Manager may not be appointed to act for a period that exceeds three months provided that a municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of acting, for a further period that does not exceed three months.

5.3.7 In the event that an acting section 56 employee's salary is equal to or higher than the commencing notch of the salary scale of the post in which he is due to assume an acting position, an acting allowance fixed at 12.5% of the Section 56 manager's basic salary shall be paid.

5.3.8. The Municipal Manager is responsible for authorising payment of an acting allowance to an employee who acts in the post of a Section 56 Manager.

7. PROCEDURES

7.1. ACTING FOR OTHER EMPLOYEES

7.1.1. Executive Manager, Manager, Divisional Manager, and any person who is in charge by giving instruction to and monitoring the performance should appoint an employee on an acting post in writing and be approved by the Municipal Manager.

7.2. ACTING BARGAINING EMPLOYEE FOR POSITION DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

7.2.1. The municipal manager in consultation with council must appoint a manager directly accountable to the Municipal Manager as per Section 56 (9) the Local Government: Municipal Systems Act (Act No. 32 of 2000).


8. AUTHORITY

8.1. The authority is vested in council.

Council Resolution: R216.03.2023 ND

Date of Approval: 30th March 2023

Accounting Officer Signature:



A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a vertical line extending downwards, is written over a horizontal line.