



**REVISED ACTING APPOINTMENTS AND ALLOWANCE POLICY**

**Policy Governance**

<b>Policy Title</b>	<b>REVISED ACTING <u>APPOINTMENTS AND ALLOWANCE</u> POLICY</b>	
<b><u>Role &amp; Process</u></b>	<b><u>Responsible Individual Name and/or Date</u></b>	<b><u>Responsibility Accepted Signature</u></b>
<b><i>DCSS Director</i></b>		
Policy Custodian	DCSS	
Policy Author	DCSS	
LLF Consultation Date		
LLF Consultation Reference	(ITEM #)	
Council Approval Date	PENDING	
Council Approval Reference	(COUNCIL RESOLUTION NUMBER)	
<b><i>DCSS Director</i></b>		
Policy Approved	PENDING	
Policy Inception Date	DATE OF APPROVAL AT COUNCIL	
Review Cycle Period	3 YEARS (AS AND WHEN NECESSARY)	
Review Start Date		
Review Completion Date	(AFTER NECCESARY CONSULTATION AND SUBSEQUENT APPROVAL)	
Legislative References	<ul style="list-style-type: none"> <li>• Constitution of RSA Employment Equity Act, 1998 (Act 55 of 1998);</li> <li>• Skills Development Act, 1998 (Act No. 97 of 1998);</li> <li>• The Basic Conditions of Employment Act, 1997 (Act No.75 of 1997);</li> <li>• Labour Relations Act, 1995 (Act 65 of 1995);</li> <li>• Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);</li> </ul>	

	<ul style="list-style-type: none"> <li>Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)</li> <li>The <i>Promotion of Equality and Prevention of Unfair Discrimination Act</i>, 2000 (Act No.4 of 2000) (PEPUDA)</li> <li>Collective Agreements</li> <li>The South African Qualifications Authority (SAQA)</li> <li>Government Gazette Act No, 40167 of the 29 July 2016.</li> <li>Any relevant legislation.</li> </ul>	
Policy Review "Triggers"	CHALLENGES	
<b>Comments</b>	<b>PER REQUEST</b>	

**Document Control Sheet**

**No.: .1**

**Name of the Policy: Revised Acting Appointments and Allowance Policy**

**Distribution List**

Copy	Person	Location
Electronic (read/Print only)	All Staff	Dr Doc.

Revision	Page Number	Date	Description of Amendment
New	All	.....	<b>New document</b>
<b>Annual review No.1</b>		.....	<b>Annual review</b>
<b>Annual review No.2</b>		.....	<b>Annual review</b>

## Document Approval

<b>This document has been approved for use by Council as per the process outlined below:</b>	
Recommended by:	<b>Local Labour Forum dated..... as per item .....</b> <b>Portfolio committee dated..... as per item .....</b> <b>Mayoral committee dated..... as per item .....</b>
Approved by:	<b>Council</b>
Item number:	<b>Council Resolution number .....</b>
Date:	<b>(Date/Month/Year).....</b>

## **TABLE OF CONTENT**

- 1. Introduction**
- 2. Purpose**
- 3. Legislative Framework**
- 4. Definition**
- 5. Collective Agreement on Condition of Services**
- 6. Delegated Powers**
- 7. Criteria**
  - 7.1 Key Position
  - 7.2 Requirement and the Employment Equity Act No.55 of 1998
  - 7.3 Temporary Employment
  - 7.4 Cascading
  - 7.5 Administration Protocol
  - 7.6 Acting on a Vacant Post
  - 7.7 Expiry of Acting Appointment
- 8. Conflict of Business and other Interests**
- 9. Application for Acting Allowance**
- 10. Period to Qualify for Acting Allowance**
- 11. Acting and Re-instatement**
- 12. Upholding of this Policy**

## **1 INTRODUCTION**

- 1.1 Circumstances require from time to time that personnel has to act in higher positions.
- 1.2 The Director must evaluate the situation in his Directorate timeously and decide if acting in a certain position is really needed.
- 1.3 The Director has to apply for acting in a higher position for one of his / her sub-ordinates, in accordance with the approved application form.

## **2 PURPOSE**

- 2.1 Council acknowledges that from time to time an employee, due to certain circumstances (such as death, resignation, leave, etc.) may not be in a position to discharge his/her duties and responsibilities in terms of the contract of employment.
- 2.2 Council further recognizes that from time to time there would be a need to appoint another employee to discharge the duties of that particular employee in their absence, hence the need to enter into an acting appointment and payment of acting allowances. In this regard the following are applicable:
  - 2.2.1 An employee is deemed to be acting in another post when he/she is duly appointed by the Municipal Manager to do so.
  - 2.2.2 An employee who acts in another post must also be required to execute his/her original duties, functions and powers.
- 2.3 The purpose of the policy is the following:
  - 2.3.1 To ensure continuity of operations in the Municipality is maintained during the absence of the incumbent.
  - 2.3.2 To promote on-the-job experience and exposure to other employees.
  - 2.3.3 To provide a policy guideline for the handling of acting appointments in various positions within Council.
  - 2.3.4 To provide a policy guideline within which acting appointments can occur.

## **3 LEGISLATIVE FRAMEWORK**

- 3.1 The municipality remains responsible to continually align this policy content with all the relevant legislation.
- 3.2 Appointing staff in acting positions is regulated amongst others in the following legislation and collective agreement:
  - 3.2.1 Local Government Municipal Systems Act no 32 of 2000.
  - 3.2.2 Divisional Conditions of Service Collective Agreement.
  - 3.2.3 In the event of conflict between the policy and the Municipal Systems Act and/or the Collective Agreement, then the Municipal Systems Act and/or Collective Agreement will prevail.

## 4 DEFINITIONS

**Acting** - is a situation where an employee on a lower level and/or equal position takes full responsibility as well as accountability for a higher and/or equal position. In other words, the person who acts must man the higher position completely.

**Short term** - Short-term acting is defined as acting in a position where the incumbent of the higher and/or equal position is absent from duty due to leave.

**Long term** - Long-term acting is defined as acting in a vacant position but is limited to three consecutive months. The Municipal Manager shall approve the payment of acting allowance for any such period longer than three months.

**Vacant position** - means a position left unoccupied due to resignation, retirement, suspension, etc, and should be in line with clause 8.6 of the policy.

## 5 COLLECTIVE AGREEMENT ON CONDITIONS OF SERVICE

5.1 The conditions of service determine as follows with regard to acting allowance:

5.1.1 If an employee, acts in a higher post for a period of not less than 10 consecutive working days, an acting allowance equal to the difference between his/her salary and the minimum notch of the salary scale pertaining to the post in which he/she is acting.

5.1.2 An employee permitted to act in an equal position to whom the additional duties of the acting post have been assigned, shall be entitled to an acting allowance fixed at 12.5% of the employee basic monthly salary.

5.1.3 When an employee is required to act in a Section 56 or Section 57 position for a period not less than ten (10) working days the acting allowance will be calculated as follows:

- ✓ Total remuneration package of Section 56 or 57 Manager x 60% Minus Basic Salary of acting incumbent.

### [10. ACTING IN A FIXED TERM POSITION

*Employees request to act in a fixed term position will be entitled allowance to 60% of the total cost to company remuneration package of that particular position.*

*The principle at 9 above shall be applicable to fixed term positions.]*

## 6 BENEFITS

6.1 For the purposes of the policy, benefits shall mean the fringe benefits i.e. Pension Fund, Housing Allowance, Medical Aid, UIF, Skills Levy and 13<sup>th</sup> Cheque (Discretionary Benefit or as agreed by Collective Agreement).

- 6.2 These are the benefits that an employee is entitled to without rendering a service, but while in the employ of the employer.
- 6.3 The above benefits shall remain with the percentage of the substantive position of the incumbent and shall not increase to be equal to that of an acting position.

## **7 DELEGATED POWERS**

- 7.1 The granting of acting appointments and allowances is delegated to the Municipal Manager by Council.

## **8. CRITERIA**

To grant acting appointments and allowances, the following criteria should be taken into consideration:

### **8.1 Key position**

To qualify for acting allowance, the acting must take place in a key position. A key position is defined as a position where the incumbent is in charge of a division or section and is fully accountable for the responsibilities attached to it.

### **8.2 Requirements and the Employment Equity Act no. 55 of 1998**

- 8.2.1 The incumbent should meet the minimum requirements of the position he/she is requested to act on. The minimum requirements shall be defined as the requirements of the position and that as set out in our Recruitment Policy or as captured under section 20(3) of the Employment Equity Act no. 55 of 1998.

- 8.2.2 Acting appointments should be confined to employees reporting directly to the applicable acting position unless operational requirements dictate otherwise and based on the merits of every case.

### **8.3 Temporary employment**

The temporary employment of personnel must not be catered for in the acting capacity.

### **8.4 Cascading**

- 8.4.1 The acting in a particular position must not have a cascading effect within the applicable Directorate or Political Offices and that of the Municipal Manager;
- 8.4.2 Exceptions to 7.4.1 would only be applicable based on the merits of every case, including section 56 related positions

## **8.5 Administration Protocol**

Appointment to an acting position should be informed and mindful of administrative protocols where those in positions of seniority get preference.

## **8.6 Acting on a Vacant Post**

Vacant posts where there is an acting incumbent, on a Municipality's permanent staff establishment should be filled within six (6) months unless there is a compelling reason not to do so.

## **8.7 Expiry of Acting Appointment**

8.7.1 When the acting appointment expires, a specially designed exit interview should be conducted with the individual to gather information on the difficulties experienced, the objectives achieved and the recommendations for improving the effectiveness of acting assignments.

8.7.2 The Human Resources Unit should analyse the data collected during the "exit" process, implement relevant improvements and report accordingly.

## **9. CONFLICT OF BUSINESS AND OTHER INTERESTS**

9.1 Individuals considered for acting position should declare any conflict of business and other related interest that must be considered before the acting appointment is finalised.

9.2 Appointing individuals that have conflict of business and related interests must be avoided.

## **10. APPLICATION FOR ACTING ALLOWANCES**

10.1 Absence during the period of acting can be categorised as follows:

10.1.1 Vacation leave

10.1.2 Sick leave

10.1.3 Special leave

10.1.4 Maternity leave

10.2 Any interruption of less than three (3) working days in total shall be deemed to form part of the acting period if occasioned by any of the following circumstances:

10.2.1 Illness supported by a medical certificate;

10.2.2 Family bereavement;



### 10.2.3 Attendance at Court as a witness, if subpoenaed.

### 10.3 Approval:

Application for acting allowances must be approved by the Municipal Manager *[in consultation with the Work Study Section]* before the intended acting takes place by means of an application form.

### 10.4 Short term acting:

#### 10.4.1 Temporary acting

Short term acting would be applicable when the incumbent of the position is absent from work due to leave, suspension or any other factor that may lead to the temporary absence of the incumbent

#### 10.4.2 Less requirements and acting

The employee requested to act for a short term or specified period may not be expected to meet all the requirements of the position, especially the academic qualifications, so long as the Supervisor makes a recommendation based on the performance, skills and the potential to do the work also mindful of section 20(3) of the Employment Equity Act.

*[ When an official is acting in a higher position on the short term, the days absence from duty, except when involved in council business, do not qualify for remuneration purpose.]*

## 11. **PERIOD TO QUALIFY FOR ACTING ALLOWANCES**

11.1 Acting allowances shall be paid when an employee acts in a higher and/or equal post for a period, not less than ten consecutive working days.

11.2 Acting allowance would be paid normally as regulated by applicable regulations, policy or adopted guidelines.

#### 11.3 Payment of the acting allowances

Payment of an acting allowance, for the purpose of this policy, shall be suitable to a person who has acted in line with 10.1 above, payments for the acting allowances would also be handled in the following manner:

11.3.1 The incumbent shall perform or execute full responsibility related to a particular position.

11.3.2 Fringe benefits shall be paid on vacant positions.

11.3.3 Payment of the Acting Allowance must be the difference of the original position and the one acting in.

#### 11.4 Consecutive acting period

An Official is entitled to be paid for having acted consecutively for ten official days as captured in the collective agreement

*[8.4 Acting within a month*

*All other allowances paid to a person acting on a vacant position would not be applicable to a person acting within a month.]*

**12. ACTING AND RE-INSTATEMENT**

- 12.1 In the event that an acting employee is suspended or seconded his/her return to duty for whatever reason must be to the original position of his/her appointment;
- 12.2 This means that the incumbent is not entitled to return to the position that he/she acted upon before departure; and
- 12.3 Acting in a position does not create a right or a legitimate expectation;

**13. UPHOLDING OF THIS POLICY**

The Directorate: Corporate Support Services is responsible to administratively uphold this policy.

**13 REVIEW**

This policy will be reviewed every three (3) years and/or as soon as there is change in Legislation.

Signed by the Parties and witnesses on the following date and place:

Date.....

Place.....

.....  
a. **Municipal Manager**

.....  
b. **SAMWU Chairperson**

.....  
c. **IMATU Chairperson**

.....  
d. **Witness (1)**

.....  
e. **Witness (2)**