

ACTING POLICY

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1. Policy Purpose

- 1.1. 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.
- 1.2. 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 his/her absence, hence the need to enter into an acting arrangement and pay an acting allowance where applicable.
- 1.3. In this regard, the following is applicable:
 - 1.3.1. An employee is deemed to be acting in another post when he/she is duly appointed in writing by the Municipal Manager to do so.
 - 1.3.2. An employee who acts in another post must also be required to execute his/her original duties, functions and powers.
- 1.4. The purpose of the policy is the following:
 - 1.4.1. To ensure continuity of operations in the Council is maintained during the absence of the incumbent.
 - 1.4.2. To promote on-the-job experience and exposure to other employees.
 - 1.4.3. To provide a policy guideline for the handling of acting arrangements in various positions within Council.
 - 1.4.4. To provide a policy guideline within which acting arrangements can occur and acting allowance may be paid.

2. Policy Scope

This policy is applicable to:

- 2.1. All permanent employees of the Council including fixed term contract employees.

3. Policy Definitions

- 3.1. "council" means the municipality.
- 3.2. "acting" refers to where an employee, by written approval of the Council or Municipal Manager or Manager reporting to the Municipal Manager, is appointed to act in a higher post.

4. Legislative Framework

- 4.1. The Council remains responsible to continually align this policy content with all the relevant legislation.
- 4.2. Appointing staff in acting positions is regulated amongst other in the following legislation and collective arrangement:
 - 4.2.1. Local Government Municipal Systems Act no 32 of 2000.
 - 4.2.2. Divisional Conditions of Service Collective Agreement.
 - 4.2.3. In the event of conflict between the policy and the Systems Act and/or the Collective Agreement, then the Systems Act and/or Collective Agreement will prevail.

5. General Policy Provisions

- 5.1. The powers of Council and the Municipal Manager in terms of this policy may be delegated as Council or the Municipal Manager may determine.
 - 5.1.1. Any acting appointment must be made in writing to act in a higher post, by a person duly authorised to do so and the incumbent must accept the acting appointment in writing before the acting commences.
 - 5.1.2. An official who has been appointed to act in accordance with the provisions of this Policy may only act in a higher post for the maximum period permissible and under the conditions stipulated in the policy after which the arrangement shall be reviewed.
 - 5.1.3. The individual to be appointed to act should generally be the next in line in terms of seniority and Council should try to avoid appointing employees lower in line unless valid reasons exist for such appointments.
 - 5.1.4. An official acting in a vacant position should not expect to be automatically appointed permanently when the sourcing and placement measures for the position are undertaken.
 - 5.1.5. Acting allowance will be paid in the month following the period in which the acting took place.
 - 5.1.6. Any employee permanently employed on an indefinite contract that acts in a post of a Section 56 employee shall be paid an acting allowance based on 60% of total cost of employer remuneration of Section 56 employees.

5.2. **Managers Reporting to the Municipal Manager**

- 5.2.1. In the absence of a Manager the Municipal Council must appoint an employee to act in the post of a manager reporting to the Municipal Manager.
- 5.2.2. Any person appointed to act as Manager must at least have skills, expertise, competency and qualifications as prescribed.
- 5.2.3. A person appointed to act may do so for a maximum period of 3 months and with permission of the MEC for a further 3-month period.
- 5.2.4. The Municipal Manager must authorise the payment of an acting allowance to an employee who acts as a Manager during the absence of the Manager concerned.
- 5.2.5. Acting allowance shall only be payable when an employee acts as the Manager for a minimum of 10 uninterrupted consecutive working days.
- 5.2.6. The acting allowance payable where a permanent employee acts in the post of a Manager reporting to the Municipal Manager shall be a non-pensionable acting allowance of 60% of total cost of employer remuneration of the Manager.
- 5.2.7. The acting allowance payable in terms of this policy shall be fully taxable and included in the monthly salary of the acting employee and be paid on the pay day of the month following the conclusion of the acting period.

5.3. **Other Permanent Employees Acting**

- 5.3.1. An acting allowance shall be paid to an employee acting in a higher or equal level position subject to:
 - a) Written confirmation of acting appointment by Municipal Manager or his nominee prior to acting.
 - b) The employee is acting in a post for a continuous period of 10 working days.
 - c) The acting allowance will be a non-pensionable amount payable being the difference between the current salary of the employee acting and the minimum notch of the salary scale pertaining to the post in which the employee is acting or 2.5% of basic salary of the post in which employee is acting – whichever is greater.
 - d) An employer shall not require an employee to act for longer than 3 months in the post and after 3 months such acting appointment must be reviewed.
 - e) Any acting appointment does not guarantee a permanent appointment to that particular position.

5.4. Required Skills and Experience

- 5.4.1. The skills of the individual considered for the acting position must meet the requirements reflected in the HR plan and/or the competency profile related to the position. This ensures that the objectives in the IDP and SDBIP can be met.
- 5.4.2. The Municipal Manager may at his discretion waive compliance with the provisions of 5.5.1 above where it is not possible to make an acting appointment fully compliant with 5.5.1

5.5. Performance Management

- 5.5.1. Where an employee is appointed to act for period in excess of 30 working days, the acting employee shall be required to report on the performance indicators attached to the higher days.
- 5.5.2. Employees appointed to act in section 54 A and 56 positions for periods equal to three months or more shall be required to conclude a performance agreement as required by legislation.
- a) Where such employee is appointed to act for period in excess of 30 working days, the acting employee shall be required to report on the performance indicators attached to the higher days.

5.6. Termination of Acting Position

- 5.6.1. When the acting position is terminated a written handover report must be submitted by the acting appointee on the status of the functions to the immediate superior of the acting position.
- 5.6.2. Failing to submit the required handover report may result in the acting to be forfeited.

6. LEAVE ARRANGEMENTS IN RESPECT OF PERSONS APPOINTED TO ACT IN A POSITION

- 6.1. Where an employee has been appointed to act in a higher position in terms of this policy, such employee shall only be permitted, subject to approval by the Municipal Manager, or the executive authority in the instance where an employee has been appointed to act in a section 57 position, to take leave in accordance with leave regulations and policy.
- 6.2. Where an employee has been granted leave, the payment of any acting allowance and associated benefits shall be forfeited for the period in respect of which the employee has been granted leave provided that any interruption in the period of acting shall be considered to be part of the period of acting if occasioned by any of the following:
- 6.2.1. Illness supported by a medical certificate for periods up to two (2) days;

- 6.2.2. Family bereavement for periods up to two (2) days;
- 6.2.3. Subpoenaed to appear in court as a witness for periods up to two (2) days
- 6.3. Where an employee appointed to act in any position under this policy, is absent without leave or permission, the acting allowance, and associated benefits for such period of absence shall be forfeited and the acting appointment may be terminated with immediate effect.

7. Acting appointment procedure

- 7.1. To ensure uniformity, and to meet the requirements as set out by Section 66(3) of the Municipal Systems Act as amended, Section 20(3) of the Employment Equity Act and Section 16 of the Eastern Cape Divisional Bargaining Council Agreement all requests for acting appointments must be first sent to the Human Resource section for authorisation and only after approval by the Municipal Manager the acting appointment will be actioned.
- 7.2. Human Resource will issue an acting appointment letter to the person required to act, therefore letters or communication to an employee from the user department is not permitted. HR will also cc the salaries section with regards to the acting appointment and thus payment of the acting allowance.
- 7.3. No retrospective acting appointments shall be considered.



C DU PLESSIS
MUNICIPAL MANAGER

30 October 2018

DATE