

ACTING POLICY: SECTION 57 MANAGERS

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1. Policy Purpose

- 1.1. Council acknowledges that from time to time the Municipal Manager, 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. The purpose of the policy is the following:
 - 1.2.1. To ensure that continuity of operations in the Council is maintained during the absence of the Municipal Manager.
 - 1.2.2. To provide a policy guideline for the handling of acting arrangements in the position of the Municipal Manager.
 - 1.2.3. To provide a policy guideline within which the acting arrangements can occur, and acting allowance may be paid.

2. Policy Scope

This policy is applicable to:

- 2.1. All section 56 Managers acting in the position of the Municipal Manager.

3. Policy Definitions

- 3.1. "council" means the municipality.
- 3.2. "acting" refers to where an employee, by written approval of the Executive Mayor or Municipal Manager is appointed to act as the Municipal Manager.

4. **Legislative Framework**

4.1. The Council remains responsible to continually align this policy content with all the relevant legislation.

4.2. Appointing a Section 57 Manager as the Acting Municipal Manager is regulated amongst other in the following legislation:

4.2.1. Local Government Municipal Systems Act no 32 of 2000.

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 and the incumbent must accept the acting appointment in writing before the acting commences.

5.1.2. It must be unequivocally stated that no expectation is created when an official is appointed as Acting Municipal Manager.

5.2. **Municipal Manager**

5.2.1. In the absence of the Municipal Manager any other Section 56 employee shall be appointed by the Executive Mayor or delegated authority to act as Municipal Manager.

5.2.2. Any person appointed to act as Municipal Manager must at least have skills, expertise, competency and qualifications as prescribed.

- 5.2.3. Any acting appointment contrary to the Systems Act is null and void.
- 5.2.4. The Municipal Manager or the delegated authority must authorise the payment of an acting allowance to an employee who acts as Municipal Manager during his/her absence.
- 5.2.5. An acting allowance is only payable when an employee acts as a Municipal Manager for a minimum of 5 uninterrupted consecutive working days.
- 5.2.6. An acting appointment as Municipal Manager exceeding 14 days must be condoned by Council.
- 5.2.7. The Section 56 employee who acts in the post of the Municipal Manager will be paid the difference between his/her remuneration package and that of the Municipal Manager.
- 5.2.8. The acting allowance payable in terms of this policy shall be fully taxable and included in the monthly salary of the acting employee.

5.3. **Termination of Acting Position**

- 5.3.1. When the acting is terminated a written handover report must be submitted by the acting appointee on the status of the functions to the delegated authority.
- 5.3.2. Failure to submit the required handover report may result in the acting and acting allowance being forfeited.

6. Leave Arrangements in Respect of Persons Appointed To Act as a Municipal Manager:

6.1. Where the acting 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:

- 6.1.1. Illness supported by a medical certificate for periods up to two (2) days.
- 6.1.2. Family bereavement for periods up to two (2) days.
- 6.1.3. Subpoenaed to appear in court as a witness for periods up to two (2) days.

7. Performance Management

7.1. An employee who is appointed to act as Municipal Manager will be required to adhere to the Performance Management regulations of 2006, as well as the Municipality's PMS policy.

8. Acting appointment procedure

8.1. An acting appointment must be in writing from the delegated authority, and the incumbent must accept the acting appointment in writing before the acting commences.

8.2. An acting appointment must be forwarded to the Human Resource section before the 10th of every month for the acting allowance to be processed with that month's payroll.

8.3. No retrospective acting appointments shall be considered

Approved by Council.

Date: 31 March 2021



C DU PLESSIS
MUNICIPAL MANAGER

APRIL 2021

DATE