



GREATER TAUNG LOCAL MUNICIPALITY

ACTING POLICY

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1. PREAMBLE

The Policy is intended to provide for a temporary appointment on positions that are vacant and budget for, when the incumbent on the position is on leave (all types), suspended, secondment or in the case of seminars and conference and to provide guidance on allowance payment to the acting employee. The policy will further cater for the additional work performed in case of non-funded positions or as the case maybe at the discretion of the Accounting Officer.

2. DEFINITIONS

Acting allowance	Means a non-pensionable allowance which shall be paid to employees who are appointed to act on positions
Resignation	A formal statement of intention to leave a job
Secondment	Temporary transfer of an official or worker to another position or employment.
Acting appointment	A temporary appointment, in a higher, similar graded or lower graded post on the staff establishment, which appointment is necessitated by the temporary absence, resignation of the regular incumbent of that position or the non-filling of the vacancy.
Regular incumbent	An employee who has been appointed in an approved position in the organisation and who usually performs the duties of such position.
Additional allowance	An extra percentage of money payable for extra duties performed outside scope of work.

3. LEGAL FRAMEWORK

This policy is guided by but not limited to the following:

3.1 Municipal Systems Act 32 of 2000, Section 67 (1) & (2):

Requires the Municipality to develop and adopt appropriate systems and procedures to ensure fair, effective and transparent personnel administration to the extent that they deal with matters falling under applicable labour legislation and affecting the rights and interests of staff members.

3.2 Labour Relations Act 66 of 1995, Section 2:

Amongst others, the objective of the Act is to provide framework, within which employees and their trade Unions, employers and employers' organisations can collectively bargain to determine wages, terms and conditions of employment and other matters of mutual interest and formulate industrial policy.

3.3 Municipal Finance Management Act 56 of 2000, Section 78 (1) states that:

responsibilities must take all reasonable steps that the system of financial management and internal control established is carried out diligently.

Section 66 provides for "Expenditure on staff benefits"

3.4 Employment Equity Act 55 of 1998, Section 2 and regulation 2 recognize the following:

- *Promotion of equal opportunity and fair treatment in employment*
- *Equal pay for work of equal value.*
- *Regulation 7 further recognizes factors justifying difference in terms and conditions of employment including remuneration.*

3.5 Collective Agreement on conditions of Service for NW Division of SALGBC, Clause 7: Provides for both acting conditions and acting allowance.

3.6 New Main Collective Agreement, Clause 4:

*Aims at promoting fair treatment of employees.
Endeavour to ensure effective and efficient employment relations that will enhance service delivery.*

3.7 Local Government: Municipal System Act, 2000 (Act 32 of 2000): Municipal Staff Regulations. 20 September 2021

4. SCOPE

This policy is applicable to all full-time employees of Greater Taung Local Municipality; this excludes interns and experiential learners.

5. OBJECTIVES OF THE POLICY

To provide a uniformed standard to regulate the appointment of staff on acting positions. In doing so, the policy addresses the issue of appointing staff on acting positions and deals with the payment of an acting allowance when applicable.

This policy applies to all employees who are appointed in an acting capacity in a post that is at a higher level or equivalent to the post they normally occupy.

6. GENERAL PRINCIPLES

6.1 An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimized.

6.2 A person acting on a higher post has no right or expectation to be appointed permanently in that post except as otherwise provided in the regulations.

6.3 A person may only act on a post that is equivalent to or higher than the post that the staff member ordinarily occupies.

6.4 The staff member appointed to act in a post must have the requisite competencies to be able to perform the duties associated with post.

6.5 An acting appointment on non-Section 56/57 (Municipal Systems Act of 2000) may only be made for a period not exceeding six months.

6.6 Any further extension made under 6.5 shall not exceed a period of six consecutive months, whereafter the post must be advertised and filled on a competitive basis.

6.7 The Municipal Manager, or his or her delegate, may extend the period for a further period if there is a justifiable reason to do so, which justifiable reason shall be recorded on the acting appointment request.

6.8 An acting appointment on Senior Management positions may be made in accordance with Section 56 or 57 of Municipal Systems Act of 2000.

6.9 An employee who is acting in a higher post must continue to perform duties of the post that the employee ordinarily occupies during the acting period unless indicated otherwise.

6.10 Probation - the purpose of probation is to establish whether or not the employee's performance is of an acceptable standard before permanently

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employing the employee. Therefore, an employee on probation cannot be appointed on an acting position for the duration on which his/her performance and suitability for a job is assessed.

6.11 The performance of a staff member appointed to act in a post must be assessed in terms of the Regulations.

6.12 The acting employee shall be informed about his/her performance during the acting period in line with the performance management policy.

7. ACTING APPOINTMENT CRITERIA

7.1 In selecting a person to act in a post the following must be considered:

7.1.1 The relevant requirements of the post and that person's performance.

7.1.2 The municipality's development needs.

7.1.3 The municipality's Employment Equity Policy and Plan.

8. PROCESS OF APPOINTING EMPLOYEES IN AN ACTING POSITION

8.1. The process of appointing employees in an acting capacity involves the following stages:

8.1.1. Director or Line Manager in whose department the acting opportunity arises, in consultation with his/her management team and in line with Clause 7, identifies a candidate for appointment in an acting capacity. Unless operational requirements dictate otherwise, acting appointment should be confined to employees reporting directly to the applicable acting position and only one employee at a time will be appointed on the acting position.

8.1.2. The Director or Line manager informs Human Resource Department in writing of:

8.1.2.1. The particulars of the person recommended to be appointed in an acting capacity

8.1.2.2. The position in which the person is to act.

8.1.2.3. The reason for acting appointment.

8.1.2.4. The acting period.

8.1.3. Human Resource Department will therefore compile a letter of appointment. Relevant Senior Manager will recommend, and the Municipal Manager will approve such appointment.

8.1.4. In case of acting appointment on the Senior Manager position, Human Resource Department will compile a letter as it would be identified by the Municipal Manager and the Municipal Manager will sign the letter.

8.1.5. An acting incumbent should be provided with the acting letter accompanied by the clearly stated duties to be performed during the period of acting.

8.1.6. The acting incumbent should accept the acting appointment in writing.

9. CONDITIONS FOR PAYMENT OF ACTING ALLOWANCE INCLUDE:

- 9.1 When an employee is required to act in a more senior post for a period of not less than 10 consecutive days, an acting allowance at an annual rate equal to the difference between the acting employee's salary and the commencing notch of the salary scale of the post in which he acts, or an acting allowance of at least 14% of the acting employee in addition to his salary in respect of the period in which he acts.
- 9.2 When an employee is permitted to act in an equal position, to whom the additional duties of the acting post have been assigned, he/she shall be entitled to an acting allowance fixed at 14% of the acting incumbent basic monthly salary.
- 9.3 When an employee is required to act in a Section 56 & 57 position for a period not less than 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 the acting employee or an acting allowance of at least 14% which ever is the greatest.
- 9.4 An employee holding a transport allowance bearing post, acting in a higher position, shall also be entitled to running costs for additional travelling involved in the higher position subject to the Municipality's Vehicle Allowance Policy.
- ~~9.5~~ An employee acting holding a non-transport allowance bearing post acting in a transport allowance bearing position shall be entitled to the transport allowance payable to such post subject to the Municipal Vehicle Allowance Policy.
- 9.6 Acting allowance shall only be paid for a period of not less than 10 working days, inclusive of public holidays and compulsory office closure period during festive season.
- 9.7 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:
 - 9.7.1 Illness supported by a medical certificate (subject to the provisions of the Main Collective Agreement)
 - 9.7.2 Family bereavement
 - 9.7.3 Attendance in Court as a witness, if subpoenaed.
- 9.8 If an employee performs standby duty during an acting period, normal working hours will be used to calculate the minimum of ten (10) working days.
- 9.9 Acting allowance must be paid together with the monthly salary for the relevant period the employee has acted.

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10. ADDITIONAL DUTIES

10.1 An employee who is required to perform any other job outside his or her scope of work for a period of 30 days or more shall be compensated at a rate equivalent to Clause 9.2

11. FILLING OF VACANT POSITIONS ON WHICH THERE IS AN ACTING INCUMBENT

11.1. Unless operational requirements dictate otherwise, vacant positions where there is an acting incumbent on a Municipality's staff establishment must be filled within 6 months unless there is a compelling not to do so.

12. DISPUTE RESOLUTION

Any grievance/complaint arising from this policy must be dealt with in accordance with Clause 13 of the Main Collective Agreement.

13. POLICY REVIEW

This policy shall be reviewed as and when necessary, in compliance with the relevant legal framework.