

ACTING APPOINTMENTS POLICY

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1. DEFINITIONS

“Acting”	-	Functioning of an employee in an acting capacity
“Acting position”		A position occupied by an acting employee
“Acting incumbent”	-	An employee appointed to act in a specific post
“Affirmative action”	-	As defined or expressed in the Employment Equity Act, 55 of 1998
“Employment Equity”	-	As defined or expressed in the Employment Equity Act, 55 of 1998
“Unfair advantage”	-	A situation whereby a fair advantage to an employee is an unfair advantage to another

2. OBJECTIVES

- 2.1. To provide a framework for appointing employees/trainee to act in the Municipality.**
- 2.2. To provide for payment of an acting allowance to an acting incumbent as appointed in terms of 2.1 above.**
- 2.3. To create a room for development and capacitating employees and trainees.**
- 2.4. To make a provision for execution of duties in a vacant position.**
- 2.5. To advance the agenda of service delivery.**
- 2.6. To prescribe timeframes for utilisation of employees or trainees in an acting capacity.**
- 2.7. To make provision for approval and payment of acting allowances.**

3. LEGAL FRAMEWORK AND REQUIREMENTS

- 3.1. This policy is premised from the relevant provisions of the Constitution of the Republic of South Africa (1996);**
- 3.2. It also derives its legitimacy from the Municipal Structures Act (117 of 1998), the Municipal Systems Act (32 of 2000), as amended; the Employment Equity Act (55 of 1998);**
- 3.3. This policy will be implemented in terms of the objects of other relevant sister policies within the Municipality.**
- 3.4. This policy is implemented in furtherance of the spirit of the Basic Conditions of Employment Act (75 of 1997).**

4. APPLICATION OF THIS POLICY

- 4.1. This policy will apply to all the employees and trainees of the Municipality.**
- 4.2. Under exceptional circumstances, short-term contract or temporary employees will be considered for acting as well.**
- 4.3. This policy will not apply to Councillors.**

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- 4.4. This policy will not apply to non-employees of the Municipality subject to compliance with legislative requirements.
- 4.5. Notwithstanding clause No 4.4 and the under exceptional circumstances, this policy will apply to non-employees as the Municipality may decide subject to the unique needs of the Municipality subject approval by council.

5. PRINCIPLES OF ACTING APPOINTMENT

- 5.1. Employees shall be required to act preferably in positions where their potential will be unlocked.
- 5.2. Employees shall be appointed to act on the basis of merit and other non-discriminatory factors.
- 5.3. A staff member may only act in a post that is equivalent or one grade higher than the post that the staff member ordinarily occupies.
- 5.4. In light of the prevailing task grades not being final, an acting incumbent may be drawn from any of the employees in the following reporting line.
- 5.5. An employee will be expected to perform duties efficiently and diligently in an acting position.
- 5.6. An Acting incumbent will be given all necessary assistance to enable him / her to perform duties efficiently.
- 5.7. An employee will be remunerated accordingly for acting in a post.
- 5.8. There shall be no probation provision for acting.
- 5.9. Acting appointment will be terminated after identification of poor work performance in terms of schedule 8 Item 9 of the Labour Relations Act No. 66 of 1995, as amended.
- 5.10. No legitimate expectation shall be created to the acting employee for possible appointment in the acting position when it is filled.
- 5.11. Acting Appointment of an employee shall be made in writing.
- 5.12. General Managers shall motivate for employees or trainees to act in vacant positions in accordance with the requirements of this policy.
- 5.13. All acting arrangements shall be agreed / done prior to the person acting.
- 5.14. Authority to approve acting appointment of employees or trainees shall be vested in the Municipal Manager or Acting Municipal Manager.
- 5.15. Employees or trainees will not be appointed to act for the sake of acting, when it is possible to do without an acting employee, no acting appointment shall be made.
- 5.16. An employee or trainee shall give his or her consent in writing for the undertaking of acting in compliance with its conditions.

6. GENERAL PROVISIONS FOR ACTING

- 6.1. Acting shall be limited to a minimum period of 10 working days and a maximum period of 6 months' subject to renewal.

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- 6.2. An acting employee shall not receive first preference when the position is advertised.
- 6.3. Appointment of a particular employee or trainee to act shall not be used as means to give an acting employee an unfair advantage over other employees and applicants when the vacant post is advertised.
- 6.4. Employment equity and affirmative action factors shall be considered when appointing an employee to act.
- 6.5. A suitable employee for the acting appointment shall be considered by the General Manager responsible for that work environment and position and recommendation be made to the Municipal Manager.
- 6.6. Where the post in question is that of the Municipal Manager then approval shall be the responsibility of the Council.
- 6.7. There shall be no advertisement for calling people to apply for acting appointments.
- 6.8. The employee considered for acting appointment shall be identified purely along the principles of merit and job requirements like educational qualifications, minimum work experience and availability.
- 6.9. Previous performance record may be considered as part of enhancing the correctness of the decision to appoint an acting employee.
- 6.10. An acting employee shall be subjected to the same performance standards and requirements of the position in respect of which he/she is acting.
- 6.11. Subject to existing operational requirements, acting appointments to vacant posts shall be reviewed within 3 (three) months
- 6.12. Vacant posts on a permanent staff establishment should be filled within 6 (six) months unless there is a compelling reason not to do so.
- 6.13. Policy provisions for payment of the 13th cheque as well the performance bonus will apply to an acting incumbent provided an acting incumbent has acted for more than six months and in so far this will not result into duplication of costs to the Municipality.

7. PROVISIONS FOR PAYMENT OF ACTING ALLOWANCE

- 7.1. Payment for acting allowance shall be applicable once an employee has acted for a consecutive period of 10 working days' subject to compliance with requirements of the collective agreement.
- 7.2. An acting allowance shall be calculated as the difference between the acting employee's basic salary and the commencing notch of the salary of the post in which he/she acts, subject to the requirements of the collective agreement.
- 7.3. An acting allowance shall not be negotiable between the Municipality and the employee.
- 7.4. An acting incumbent shall be notified of his /her acting appointment in writing, prior to resuming duties.
- 7.5. Acting Allowance shall be paid on a monthly basis together with the salary.
- 7.6. Payment of acting allowance will be subject to taxation.
- 7.7. Each Department shall budget for an acting allowance amount not exceeding 2.5% of its total annual salaries and benefits budget vote.

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- 7.8. The acting allowance to be paid to an employee performing acting duties in Section 54/56 or any other fixed term contractual post shall be the difference between the 60% of the total remuneration package of the Section 54/56 or other contractual post and 60% of the total remuneration package or the basic salary of the acting employee.
- 7.9. Notwithstanding clause 7.2, in the event that an employee's salary is equal or higher than the commencing notch of the salary scale of the post in which he /she is due to assume an acting position, an acting allowance paid in terms of the requirements of the collective agreement.
- 7.10. The acting referred in 7.9 will only apply in exceptional circumstances where such acting is required for the efficient and effective management of a particular state of absence especially in management positions.

8. COMMENCEMENT OF THIS POLICY

This policy will come into effect on the date of adoption by the Council.

9. INTERPRETATION OF THIS POLICY

- 9.1. All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 9.2. Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 9.3. The Municipal Manager shall give a final interpretation of this policy in case of written dispute.
- 9.4. If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ Arbitration.

10. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 10.1. This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis, after consultation with Management and Trade Unions.
- 10.2. Notwithstanding clause No. 10.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

11. AMENDMENT AND/OR ABOLITION OF THIS POLICY

This policy may be partly amended or repealed by the Council after consultation and interaction with Management and Trade Unions.

12. COMPLIANCE AND ENFORCEMENT

- 12.1. Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 12.2. It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

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