



Policy Title		Policy Version	Role & Process	Comments
ACTING POLICY				
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Policy Custodian		Policy Custodian		
Policy Author		Policy Author		
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Name and/or Date		Responsible individual	Accepted	
Signature		Responsibility	Accepted	



**Why Have a Policy?**  
 This policy is intended to create a framework for decision-making in respect of employment practices in the Dipaleseng Local Municipality. As such it attempts to establish a set of rules for the consistent interpretation and application of collective agreements and legislation governing the appointment of acting staff from time to time to discharge the duties of that particular employee in their absence due to certain circumstances (such as death, resignation, leave

**Definitions**

**Municipality** Means the Dipaleseng Local Municipality.  
**Executive Mayor** Means an Executive Mayor elected in terms of section 55 of the Municipal Structures Act 117 of 1998.  
**Municipal Manager** Means a person appointed by the Municipality in terms of section 82 of the Municipal Structures Act and who are the Head of Administration and also the Accounting Officer for the Municipality.

**Head of Department / Director** Means a person appointed by the Municipality and who is the Head of a Department / Director within the Dipaleseng Local Municipality.

**Official** Means any other personnel appointed by the Dipaleseng Local Municipality on post levels 1 to 14.

**Acting allowance** Means additional remuneration paid in respect of authorized work normally executed at a level senior than that of the incumbent's original appointment.

**Acting appointment** Means a temporary appointment, normally not exceeding a period of six months, in a higher, similar or lower graded post on the official establishment, which appointment is necessitated by the temporary absence, resignation of the regular incumbent of that position, or the non-filling of a vacancy.

**Basic salary** Means the minimum salary excluding all other benefits and incidental payments.

**Vacant funded post** Means the position not yet filled but budgeted.

**Filled post** Means the position filled by the appointed incumbent

**Unfunded vacant post** Means the position not yet filled but not budgeted.

**1. Overall Objective**

a) The purpose of this policy is to in terms of SALGBC Collective agreement on Conditions of Service Mpmalanga Division dated 20 September 2013, provide a uniform standard to regulate the appointment of official in acting positions. In doing so, the policy addresses the following issues:

i. Effective service delivery and maximum utilisation of skills and expertise of its officials; ii. Appointment of official in acting positions;

iii. Payment of an acting allowance when applicable;

iv. Prudent financial management within the approved budgetary limits per post; and

v. Reporting of irregular expenditure where expenditure is incurred contrary to the provisions of this policy, unless condoned by the Council.

b) The objectives of this policy are:

i. To strike the balance between the interests of the municipality and the rights of the officials; ii. To ensure that the policy is fairly applied in a manner that will be of benefit to all officials and the municipality; iii. To effectively deal with the question of additional duties given to an official; and

iv. To set remuneration procedures for the officials appointed in acting capacity

v. To set remuneration procedure for the officials appointed in acting capacity

***“ If an employee, acts in a higher post for a period of not less than 3 consecutive working days, an acting allowances equal to the difference between his/her basic salary scale pertaining to the post in which he is acting shall be paid to such employee in addition to his salary for the period during which he is acting.***

## 2. Eligibility

All officials within the municipality must be afforded the opportunities for acting in a higher position. The official being appointed must possess the necessary skills, expertise, competency and experience to perform such tasks. Certain categories of posts may require certain statutory obligations.

## 3. LEGISLATIVE FRAMEWORK

The guiding principles used in developing the Municipality's Acting Allowance Policy were sourced from the following legislation, frameworks and best practices: i. Municipal Finance Management Act (Act 56 of 2003):

- Section 17 (3)(k);

- Section 66 (c);

- Section 89 (a); □ Section 124 (1)(a); and □ Section 167 (1)(a).

ii. Labour Relations Act, 66 of 1995:

- Section 119.

iii. Local Government : Municipal Systems Act, 2000, (Act 32 of 2000); iv. Employment Equity Act (No. 55 of 1998); v. Skills Development Act (1997); vi. Basic Conditions of

A person may only be appointed in an acting position for a period not exceeding three months. Despite sub-regulation (8), the municipal manager, or his or her delegate, may extend the period in sub-regulation (8) for a further period of three months, if there is a justifiable reason to do so. Any further extensions made under sub-regulation (9) shall not exceed a period of nine consecutive months, where after the post must be advertised and filled on a competitive basis.

The relevant requirements of the post and that person's performance; the municipality's developmental needs; and the municipality's employment equity policy and plan.

The staff member appointed to act in a post must have the requisite competencies to be able to perform the duties associated with the post. In selecting a person to act in a post, the following must be considered:

- a) The appointment to act in a post must be—
  - a) with the consent of the staff member; in writing; and
  - b) Authorised by the municipal manager or the person to whom this function is delegated.
- b) A staff member may only act in a post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies.
- c) A person acting in a higher post has no right or expectation to be appointed to that post, except as otherwise provided in these Regulations.
- d) A staff member may only act in a post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies during the acting period.
- e) A person acting in a higher post in the same municipality must continue to perform the duties of the post that the staff member ordinarily occupies during the acting period.
- f) Unless indicated otherwise in the appointment to the acting post, a staff member
- g) An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised.
- h) An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised.

#### In terms of Regulation 28 of Municipal Regulation on staff appointment.

#### **4. Acting appointment**

The SALGBC Main and Provincial agreements, as amended from time to time (85 of 1993).

Employment Act (No. 75 of 1997); viii. Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000); and viii. Occupational Health and Safety Act (No. 85 of 1993).

The following procedures shall be followed when appointing an acting employee in a acting position.

7.1 Funded vacancies will be identified by line management in terms of approved establishment structures;

7.2 The relevant Director must motivate for the acting appointment to the vacancy; and

7.3 The relevant Director must identify the key performance areas of the vacant post and the competencies and skills required for that post

7.4 Council shall compensate employees, acting in higher positions, an acting allowance equal to the difference between his/her salary and the minimum notch of the post that he/she is acting in.

7.5 The period of acting, to qualify for an acting allowance, shall be 3 consecutive working days.

**7. Procedures:**

A municipality may request national or provincial government, another municipality or any state organ as the case may be, to second a person with the relevant competencies to act in a vacant post for a specified period or until such time that a suitable candidate has been appointed: Provided that the relevant legislation, terms and conditions of service of that person apply.

The parties contemplated in sub-regulation (1) must conclude a written agreement regarding the secondment that specifies the issues set out in regulation 26(2).

The municipality must inform the MEC of any such secondment and the terms and conditions associated with that secondment

**6. Secondment of other government employees to municipality**

A municipality may second a staff member with the relevant competencies to act in a post that is vacant in another municipality.

The municipalities contemplated in sub-regulation (1) must conclude a written agreement regarding the secondment that specifies—

- a) the municipality responsible for the costs of secondment;
- b) the duration of the secondment, which may not in each case exceed a period of twelve months;
- c) the person to whom the seconded staff member must report;
- d) the place at which the seconded staff member must work; and
- e) the new job description of the seconded staff member.

**5. Secondment of staff to another municipality**

**In terms of Regulation 26 of Municipal regulation on appointment of staff**

- 7.6 Preference shall be given to permanent employees to act in higher positions before appointing relieving temporary personnel in the said position.
- 7.7 When the employee accepts to act in a higher position, the full job content of the post shall be explained to the acting employee by the employee currently in the post and a job description shall be handed over to the acting employee.
- 7.8 The employee, when accepting to act, shall also accept the responsibilities and duties of the said position together with his/her own posts responsibilities, unless the situation warrants otherwise determined by the Director in consultation with The Municipal Manager.
- 7.9 An employee shall only be appointed to act if he/she will be able to cope with his/her duties and duties of the acting post.
- 7.10 The appointment in writing of an acting employee shall be delegated as follows:
- 7.10.1. Acting of Section 56 shall be dealt with in accordance with the applicable Legislation and Regulation.
- 7.10.2 Council, after consultation with the MM to appoint acting Directors on vacant funded post
- 7.10.3. Heads of Departments/Directors to recommend to the MM post levels 1 – 15.
- 7.11. A signed copy of the acting letter shall be placed on the employee's Personal File.
- 7.12 All letters for acting in post levels 1 – 15 shall be drafted by the Human Resources Section on instruction of the Director Corporate Services.
- 7.13 Should an employee be acting in a higher position, it would not necessarily mean that he/she complies with the criteria to occupy the post in a permanent capacity.
- 7.14 An official may only take decisions/act on behalf of a more senior official if he/she has been appointed as acting in that post. If not, the matter shall be referred to the next higher level, or in the case of director of another department or to the Municipal Manager or acting Municipal manager.
- 7.15 An employee may not act for more than six consecutive months on a position unless authorized (in writing by the Municipal Manager), the delegated manager must ensure that the vacancy is advertised and filled in accordance with the normal recruitment and selection procedures
- 7.16 The acting allowance will be different between the basic salary notch of an acting employee and the lowest notch of the post level on which he/she is acting.
- 7.17 In an event that an employee salary is equal to or higher than the commencing notch of the salary scale of the post in which she/he is due to assume an acting position an acting allowance fixed at 12.5% of the employee basic salary shall be paid.

This policy was signed by \_\_\_\_\_ in his/her capacity as the Acting Municipal Manager of the Dipaleseng Local Municipality on the \_\_\_\_\_ and the policy takes effect as from 01 July 2022

This Policy excludes interns who are on learner-ships or undergoing experiential training, and officials on short-term contracts;

### 8. Exclusions

- Acting allowance for the post of the Municipal Manager should be authorized by the Executive Mayor.
- All acting allowance for section 56 position must be authorized by the Municipal Manager
- Authorization of acting may not be sub-delegated.
- Acting allowance for section 56 employees should be remunerated from 3 consecutive working days or more.
- The fact that an employee has been appointed acting capacity should not create the right or a legitimate expectation to be appointed when the vacant is advertised.
- Acting appointments to vacant posts must be reviewed every three(3) months. In the event that there is more than one employee on the same level, the employees shall act on a rotational basis.
- The Municipal Manager is the custodian of the appointment process;
- The Director initiating the acting, Director Corporate Services, CFO, and Municipal Manager, must sign off the request to act document.
- Authorization of acting allowance may not be sub-delegated; and
- Before an official commences their duties in an acting position, a letter is issued by Human Resources to the acting official.

### Principles

## 6 .APPROVAL AND AUTHORISATION

- 7.18 Acting allowance includes all benefits and tools of trades e.g ( Cell phone allowance ,3g/4g;travelling allowance of the higher post if acting for a period of 22 consecutive working days or longer
- 7.19 Incumbents who will be acting should be suitable to act in that position in terms of competence, capabilities, capacity, experience, knowledge, relevant skill, legislative requirements and relevant qualifications.
- 7.20 No employee should act in an unfunded position.

Signature

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line.

Date of Council Approval