

MTHONJANENI MUNICIPALITY



ACTING ALLOWANCE POLICY

1. DEFINITIONS

“Acting”	Refers to where an employee acts in a higher post
“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 to act in the Municipality.
- 2.2 To provide for payment of an acting allowance to an incumbent acting in a higher post.
- 2.3 To create a room for development and capacitating employees.
- 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 time-frames for utilization of employees in an acting capacity.

3. LEGAL FRAMEWORK AND REQUIREMENTS

- 3.1. This policy is premised from the relevant provisions of the Collective Agreement - SALGBC;
- 3.2. 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 of the Municipality including Senior Managers.
- 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 Councilors.
- 4.4. This policy will not apply to non-employees of the Municipality

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. Seniority of the employee will be a key principle to be considered when identifying a person to act.
- 5.4. An employee will not act in a post equal or lower than his/her post.
- 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. Appointment of an employee shall be made in writing.
- 5.12. Senior Managers shall motivate for employees 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 shall be vested in the Municipal Manager or delegate.
- 5.15. Employees 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 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 (ten)** working days and a maximum period of 6(six) months.
- 6.2. An acting employee shall not receive first preference when the position is advertised.
- 6.3. Appointment of a particular employee 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 Senior Manager responsible for that Department and recommendation be made to the Municipal Manager.
- 6.6. There shall be no advertisement for calling people to apply for acting appointments.
- 6.7. 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.
- 6.8. Previous performance record may be considered as part of enhancing the correctness of the decision to appoint an acting employee.
- 6.9. An acting employee shall be subjected to the same performance standards and requirements of the position in respect of which he/she is acting.
- 6.10. Subject to existing operational requirements, acting appointments to vacant posts shall be reviewed within 3 (three) months.
- 6.11. Vacant posts on a permanent staff establishment should be filled within 3 (three) months unless there is a compelling reason not to do so.

7. ACTING MUNICIPAL MANAGER AND SECTION 56 MANAGER MUNICIPAL MANAGER

- 7.1. In the absence of the Municipal Manager any other section 57 employee shall be appointed by the Council to act as the Municipal Manager.
- 7.2. Any person appointed to act as Municipal Manager must at least have skills, expertise, competency and qualifications as prescribed in the legislation and regulations.
- 7.3. A person appointed to act may do so for a maximum period of three (3) months and, with the permission of the MEC, for a further three (3) month period.
- 7.4. Any acting appointment contrary to the Municipal Systems Act is null and void.
- 7.5. The Municipal Manager must authorize the payment of an acting allowance to any employee who acts as the Municipal Manager during his/her absence.
- 7.6. An acting allowance is only payable when an employee acts as a Municipal Manager for a minimum of ten (10) uninterrupted consecutive working days.
- 7.7. The Section 57 employee that acts in the position of the Municipal Manager will be paid an acting allowance of 8% of the total cost to employer remuneration of the Municipal Manager.
- 7.8. 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 payday of the month following the conclusion of the acting period.
- 7.9. Before an acting allowance is payable in terms of this policy, the Municipal Manager must certify that the acting employee performed all the duties of such an employee in respect of whom s/he

acted satisfactorily and such certificate shall be filed in the personal file of the employee who acts in terms of this policy.

8. ACTING HOD

8.1. In the absence of a HOD, the Municipal Council must appoint an employee to act in the post of the Manager reporting to the Municipal Manager.

8.2. A person appointed to act may do so for a maximum period of three (3) months and, with permission of the MEC, for a further three (3) month period.

8.3. An employee that acts in a section 56 post shall be paid an acting allowance of 8% of the total remuneration of the section 56 employee.

9. MANAGERS REPORTING TO THE MUNICIPAL MANAGER

9.1. In the absence of a Manager then the Municipal Council must appoint an employee to act in the post of the Manager reporting to the Municipal Manager.

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

9.3. A person appointed to act may do so for a maximum period of three (3) months and, with permission of the MEC, for a further three (3) month period.

9.4. The Municipal Manager must authorize the payment of an acting allowance to an employee who acts as a Manager during the absence of the Manager concerned.

9.5. The acting allowance shall only be payable when an employee acts as the Manager for a minimum period of ten (10) uninterrupted consecutive working days.

9.6. 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 8% of the total cost to the employer remuneration of the Manager's remuneration.

9.7. 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 payday of the month following the conclusion of the acting period.

9.8. Before an acting allowance is payable in terms of this policy, the relevant Manager must certify that the acting employee performed all the duties of such an employee in respect of whom s/he acted satisfactorily and such certificate shall be filed in the personal file of the employee who acted in terms of this policy.

10. PROVISIONS FOR PAYMENT OF ACTING ALLOWANCE

10.1. Payment for acting allowance shall be applicable once an employee has acted for a continuous period of 10 working days.

10.2. 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 or 8% of basic salary of post in which the Employee is acting whichever is the greater.

- 10.3. An acting allowance shall not be negotiable between the Municipality and the employee
- 10.4. An acting incumbent shall be notified of his /her acting appointment in writing, prior to assuming duties
- 10.5. Acting Allowance shall be paid on a monthly basis together with the salary.
- 10.6. Payment of acting allowance will be subject to taxation.
- 10.7. Each Department shall budget for an acting allowance.
- 10.8. An employee that acts in a section 57 posts shall be paid an acting allowance of 8% of the total remuneration of the section 57 employee.
- 10.9. Notwithstanding clause 4.4, 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 fixed at 8% of the acting employee's basic salary shall be paid

11. COMMENCEMENT OF THIS POLICY

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

12. INTERPRETATION OF THIS POLICY

- 12.1. All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 12.2. Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 12.3. The Municipal Manager shall give a final interpretation of this policy in case of written dispute.
- 12.4. 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.

13. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 13.1. 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.
- 13.2. 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.

14. 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.

15. COMPLIANCE AND ENFORCEMENT

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