
ELIAS MOTSOLEDI LOCAL MUNICIPALITY-MASEPALA WA SELEGAE



ACTING POLICY

MUNICIPAL COUNCIL RESOLUTION NUMBER

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1. DEFINITIONS

Any expression or word used in this Employee Assistance Programme Policy shall have the same meaning as in the applicable legislation and collective agreements, unless the context and intention indicates otherwise:

“Acting” refers to where an employee, by written approval of the Municipal Manager or Municipal Council is appointed to act in a higher position than his/hers

“Acting Allowance” shall refer to payment made in respect of the employee appointed to perform duties and responsibilities in a higher position than his for a period of not less than ten (10) consecutive working days “Employee” shall refer to the member of staff of Elias Motsoaledi Local Municipality

“Collective agreement” means a written agreement concerning terms and

conditions of employment or any other matter of mutual interest concluded by one or more registered trade unions, on the one hand and, on the other hand-

(a) one or more employers;

(b) one or more registered employers' organisations; or

(c) one or more employers and one or more registered employers' organisations;
"council" includes a bargaining council and a statutory council.

“Dispute” includes an alleged dispute.

“KPA” means key performance areas.

“KPI” means Key Performance Indicators.

“Municipality” shall refer to Elias Motsoaledi Local Municipality.

“Municipal Manager” shall refer to the accounting officer of Elias Motsoaledi Local Municipality.

“senior manager” means a municipal manager or acting municipal manager, appointed in terms of section 54A of the Municipal Systems Act and a manager or acting manager directly accountable to a municipal manager appointed in terms of section 56 of the Municipal Systems Act;

“staff or staff member” means an employee of the municipality, but excludes senior managers.

Words importing the masculine gender shall include the feminine, and *vice versa*;

2. ACRONYMS

- 2.1. “HOD” Refers to Head of Department;
- 2.2. “HR” Refers to Human Resources;
- 2.3. “IMATU” Refers to Independent Municipal and Allied Trade Union;
- 2.4. “SALGBC” Refers to South African Local Government Bargaining Council;
and
- 2.5. “SAMWU” Refers to South African Municipal Workers Union

3. PREAMBLE

- 3.1. Whereas Elias Motsoaledi Local Municipality acknowledges that due to certain circumstances (such as death, resignation, leave, training / capacity building) an employee may not be in a position to discharge his/her duties and responsibilities in terms of the contract of employment;
- 3.2. And whereas, it is further recognized that there would be a need to appoint another employee to discharge the duties and responsibilities of that particular absent employee in order to minimize disruption of services, hence the need to make an acting appointment.

4. PURPOSE AND OBJECTIVES OF THE POLICY

- 4.1. To provide a policy framework within which acting appointment can occur;
- 4.2. To create a framework for effective administration of acting appointment;
- 4.3. To establish a set of rules for the consistent application of legislation and collective agreements governing allowance in acting positions;
- 4.4. To promote on-the-job experience and exposure to other staff members.
- 4.5. To minimize disruption of services and ensure that efficiency of Elias Motsoaledi Local Municipality is maintained during the absence of the incumbent.

5. SCOPE OF APPLICATION

- 5.1. The policy is applicable to all staff members of Elias Motsoaledi Local Municipality who are appointed in terms of the Municipal Systems Act and who fall within the scope of the South African Local Government Bargaining Council (SALGBC).

5.2. To the extent specified in this Policy, the Policy shall also apply to all senior managers.

6. LEGISLATIVE FRAMEWORK

- 6.1. The Constitution of the Republic of South Africa Act, 1996.
- 6.2. Labour Relations Act 66 of 1995;
- 6.3. Local Government: Municipal Finance Management Act 56 of 2003;
- 6.4. Local Government: Municipal Systems Act 32 of 2000;
- 6.5. Employment Equity Act 55 of 1998;
- 6.6. Basic Conditions of Employment Act 75 of 1997;
- 6.7. Local Government: Municipal Staff Regulations of 20 September 2021; and
- 6.8. All relevant Collective Agreements.

7. POLICY PRINCIPLES OF ACTING APPOINTMENT OF STAFF MEMBERS OTHER THAN SENIOR MANAGERS

- 7.1. An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimized.
- 7.2. Unless indicated otherwise in the appointment to the acting post, a staff member of the municipality who is acting in a higher post must continue to perform the duties of the post that the staff member ordinarily occupies during the acting period.
- 7.3. A person acting in a higher post has no right or expectation to be appointed to that post.
- 7.4. 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.
- 7.5. The appointment to act in a post must be –
 - a. with the consent of the staff member;
 - b. in writing; and
 - c. authorized by municipal manager or the person to whom this function is delegated.
- 7.6. 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.

- 7.7. In selecting a person to act in a post, the following must be considered:
- a. the relevant requirements of the post and that person's performance;
 - b. the municipality's developmental needs; and
 - c. the municipality's employment equity policy and plan.
- 7.8. A person may only be appointed in an acting position for a period not exceeding three (3) months.
- 7.9. Despite Clause 7(8), the municipal manager, or his or her delegate, may extend the period in Clause 7(8) for further period of three (3) months, if there is a justifiable reason to do so.
- 7.10. Any further extensions made under Clause 7(9) shall not exceed a period of nine (9) consecutive months, where after the post must be advertised and filled on a competitive basis.
- 7.11. The performance of a staff member appointed to act in a post must be assessed in terms of Local Government: Municipal Staff Regulations of 20 September 2021.
- 7.12. If a staff member is required to act in a post for a period that exceeds three (3) months, the supervisor to whom the acting staff is reporting, must review the Key Performance Areas (KPAs) and Key Performance Indicators (KPIs) in consultation with the acting staff member, and include the KPAs and KPIs in the staff member's amended performance agreement.
- 7.13. When a staff member is required by written approval of the Municipal Manager to act in a more senior post for not less than ten (10) consecutive working days, an acting allowance at an annual rate equal to the difference between the staff member's salary and the commencing notch of the salary scale of the post in which he or she acts, shall be paid to such staff member in addition to his or her salary in respect of the period in which he or she acts.
- 7.14. When a staff member acts in a higher post, such staff member shall accept full duties and responsibilities of the higher post in addition to the full duties and responsibilities of his/her normal post.
- 7.15. 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:
- a. Illness supported by medical certificates.

- b. Family bereavement;
 - c. Attendance at court as a witness, if subpoenaed, shall be regarded as continuous period of acting provided that no acting allowance will be paid for the period of absence.
- 7.16. Only staff members in the next line of supervision may act in higher posts, except where none of the “next-in-line” of supervision is available, then acting may be delegated to a following incumbent within the line of supervision and the staff member should have relevant qualifications and skills on the post to act on.
- 7.17. Acting in a higher post does not leave the staff member’s normally appointed post vacant, and therefore no “ladder effect” may happen where acting allowance is paid to a second and /or third staff member.
- 7.18. Acting allowance will be paid at least on the starting or minimum notch of the position in which the staff member is acting. In the case where the starting or the minimum notch of the post in which the staff member is acting, is equal or less than the current notch of the staff member, then the staff member will receive an acting allowance on the next higher notch of the post in which the staff member is acting.
- 7.19. Where a staff member has to travel (to travel additionally) due to the staff member acting in a higher position, such staff member can claim additional kilometers travelled by keeping the necessary log sheets.
- 7.20. The municipality must fill all funded vacant posts on the staff establishment within six (6) months of a funded post becoming vacant in terms of the applicable Recruitment, Selection and Appointment Policy read together with the Local Government: Municipal Staff Regulations of 20 September 2021.
- 7.21. Unless operational requirements dictate otherwise, acting appointments should be confined to staff members reporting directly to the applicable acting post.
- 7.22. 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.
- 7.23. Staff member holding a non-transport allowance bearing post, acting in a transport allowance bearing post shall be entitled to the transport allowance payable to such post subject to the Elias Motsoaledi Local Municipality’s Vehicle Allowance Policy

7.24. When an employee is required to act in a S56 or S57 post for a period not less than ten (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 incumbent.

7.25. Conditions for payment of acting allowance include: the staff member has been duly appointed in writing by the Municipal Manager or his/her delegate to act.

7.26. The acting employees' performance should be monitored through ongoing appraisal.

8. POLICY PRINCIPLES OF ACTING APPOINTMENT OF SENIOR MANAGERS

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

8.2. A person who is acting in a higher post must continue to perform the duties of the post that he or she ordinarily occupies during the acting period.

8.3. A person acting in a higher post has no right or expectation to be appointed to that post.

8.4. A staff member may only act in a post that is equivalent to or higher than the post that he or she ordinarily occupies.

8.5. No person may be appointed to act on a post that is equivalent to or higher than the post that he or she ordinarily occupies, unless he or she-

a. is a South African citizen or permanent resident; and

b. possess the relevant competencies, qualifications, experience, and knowledge.

8.6. A person appointed to act on a post that is equivalent to or higher than the post that he or she ordinarily occupies or appointed to act as a senior manager must

comply with the minimum requirements for higher education qualification, work experience and knowledge.

8.7. Acting Allowance shall only be payable when –

a. the post on which the senior manager acts is vacant;

b. the senior manager acts on higher post; and

c. there is council resolution;

8.8. The Municipal Manager or his/her delegated person will appoint senior managers with required skills, knowledge and experience to act in a higher post for less than ten (10) working days where acting allowance is not payable.

9. IMPLEMENTATION, MONITORING AND EVALUATION

9.1. The Municipal Manager accepts overall responsibility for implementation, monitoring and evaluation of this policy Human Resources.

9.2. The Human Resources Management shall be responsible for coordination thereof within the Municipality.

10. COMMUNICATION

10.1. This policy will be communicated to all Elias Motsoaledi Local Municipal staff members using all available communication strategies.

11. BUDGET AND RESOURCES

11.1. The financial and resource implications related to the implementation of this policy should be qualified by budget and treasury office working collaboratively with Human Resource Management.

12. NON COMPLIANCE

12.1. Non-compliance with any of the stipulations contained in this policy will be regarded as a misconduct and therefore dealt with in terms of the applicable municipal Disciplinary Code

13. DISPUTE RESOLUTION

13. 1. If there is a dispute about the interpretation or application of this Policy, the disputant or aggrieved party shall refer the dispute or grievance to:

- employer, in terms of the applicable Grievance Procedure;
- South African Local Government Bargaining Council, if the dispute falls within its jurisdiction, CCMA, if the dispute falls within its jurisdiction, for conciliation;
- arbitration, if the dispute remains unresolved with parties to the dispute consenting to arbitration; and
- competent court(s) in terms of the applicable laws of the Republic of South Africa.

14. POLICY REVIEW

This Policy shall be reviewed as and when required.

15. EFFECTIVE DATE

This policy shall come into operation with effect from 1 July 2022.

16. SIGNATORIES

Municipal Manager

Mr MM Kgwale

Date

The Mayor

Cllr. MD Tladi

Date