

MSUKALIGWA LOCAL MUNICIPALITY
ACTING POLICY
2023-2024



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ACTING POLICY

1. POLICY PURPOSE

1.1. Council acknowledges that from time to time an employee, due to certain circumstances (such as death, resignation, leave, etc.) may not be in a position to discharge his/her duties and responsibilities in terms of the contract of employment. Council further recognizes that from time to time there would be a need to appoint another employee to discharge the duties of that particular employee in their absence, hence the need to enter into an acting arrangement and acting allowances.

- An employee is deemed to be acting in another post when he/she is duly appointed by the Municipal Manager to do so.
- An employee who acts in another post must also be required to execute his/her original duties, functions and powers.
- This policy provides the policy principles for the acting policy.

2. POLICY OBJECTIVE AND SCOPE

2.1. The objective and scope of the policy are the following:

- To ensure that the efficiency of the Municipality is maintained during the absence of the incumbent.
- To promote on-the-job experience and exposure to other employees.
- To provide a policy guideline for the handling of acting arrangements in various positions within Council.
- To provide a policy guideline within which acting arrangements can occur.
- This policy is applicable to:
- All permanent employees of the municipality including fixe term contract employees.
- All section 56 and 54A employees of the municipality in terms of the Systems Act.

3. POLICY DEFINITION

“Council” means the municipality.

“Acting” refers to where an employee, by written approval of the Council or Municipal Manager or Manager reporting to the Municipal Manager act in a higher post.

4. LEGISLATIVE FRAMEWORK

4.1. The parties acknowledge that acting is regulated in the following legislation and collective arrangement:

- Local Government Municipal Systems Act no 32 of 2000.
- Divisional Conditions of Service Collective Agreement.
- In the event of conflict between the policy and the System Act and the Collective Agreement then the Systems Act and Collective Agreement will prevail.

5. POLICY/PROCEDURE TARGET AUDIENCE

5.1. The policy apply to all staff functioning in an acting roles

6. GENERAL POLICY PROVISIONS

The powers of Council and the Municipal Manager in terms of this policy may be delegated to the terms and conditions as Council or the Municipal Manager may determine.

Any acting appointment must be in writing to act in a one level higher post, by a person duly authorized to do so and that official must accept the acting appointment in writing before the acting commences. (unless operational requirements demand otherwise a person not one level closer can be considered for appointment.

An official who has been appointed to act in accordance with the provisions of this Policy may only act in a higher post for the maximum period of three months permissible and under the conditions stipulated in the policy after which the arrangement shall be reviewed. The person to be appointed to act should generally be the next in line in terms of seniority and Council must try and avoid to appoint employees lower in line unless valid reasons exist for such appointments.

An official acting in a vacant position should not expect to be automatically appointed permanently when the position is advertised.

Acting allowance will be paid in the month following the period in which the acting took place.

An employee reporting directly to the incumbent may only fill a position in an acting capacity.

Any municipal employee appointed to act in a higher position than the one she/he occupies for a uninterrupted period of three or more working days shall be entitled to an acting allowance for such period in terms of the Collective Agreement on Conditions of Service for Mpumalanga Province currently in force until 30 June 2023.

6.1 MUNICIPAL MANAGER

In the absence of the Municipal Manager for a period not exceeding five consecutive days, the municipal manager may appoint any other Section 56 employee to act as Municipal manager. For any period beyond five consecutive days but not exceeding 30 consecutive days section 56 employee shall be appointed by the Executive Mayor and condoned by Council to act as Municipal Manager.

The Municipal council must appoint an Acting Municipal Manager under circumstances and for a period as prescribed. A person appointed as an Acting Municipal Manager must at least have the skills, expertise, competencies and qualifications as prescribed in the Act.

- 6.1.2 An acting municipal manager other than those appointed in terms of section 6.1.1 of this policy shall be appointed by council in compliance with the regulation for the appointment of senior managers as amended and must
- a. at least have skills, expertise, competency and qualifications as prescribed.

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- b. do so for a maximum period of 3 months and with permission of the MEC the acting may be extended for a further period not exceeding three months.
- 6.1.3 Any acting appointment contrary to the Systems Act is null and void.
- 6.1.4 The Municipal Manager must authorize the payment of an acting allowance to an employee who acts as Municipal Manager during his/her absence.
- 6.1.5 An acting allowance is only payable when an employee acts as a Municipal Manager for a minimum of 3 uninterrupted consecutive working days
- 6.1.6 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 day of the month following the conclusions of the acting period.
- 6.1.7 Before an acting allowance is payable in terms of this policy, the relevant Municipal Manager must certify that the acting employee performed all the duties of such an employee in respect of whom he/she acted satisfactorily and such certificate shall be filed in the personal file of the employee who acts in terms of this policy.
- 6.1.8 If any Manager or HOD is required to act in the position of the Municipal Manager the calculation of the acting allowance will be the difference in the packages of the Manager or HOD and the Municipal Manager

6.2 MANAGERS REPORTING TO THE MUNICIPAL MANAGER (HOD)

- 6.2.1. In the absence of a Manager reporting to the Municipal Manager for a period not exceeding five consecutive days, the Manager reporting to the municipal manager may in consultation with the Municipal Manager appoint any other Section Manager to act as HOD. For any period beyond five consecutive days but not exceeding 30 consecutive days HOD shall be appointed by the Municipal Manager in consultation with Executive Mayor and condoned by Council.
- 6.2.2. Any person appointed to act as HOD must at least have skills, expertise, competency and qualifications as prescribed.
- 6.2.3. A person appointed to act may do so for a maximum period of 3 months and with permission of the MEC for a further 3 month period.
- 6.2.4. 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.
- 6.2.5. Acting allowance shall only be payable when an employee acts as the HOD for a minimum of 3 uninterrupted consecutive working days.
- 6.2.6. The calculation of acting allowance or acting on a section 54 or 56 position or other fixed term contractual position shall be based on the difference between 60% of the total remuneration package of the fixed term position and the basic salary of the

permanent position or on the difference or in the case of a fixed term position acting the difference between the two total remuneration packages.

- 6.2.7. 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 pay day of the month following the conclusion of the acting period.
- 6.2.8. 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 he/she acted satisfactorily and such certificate shall be filed in the personal file of the employee who acts in terms of this policy.

6.3 OTHER PERMANENT EMPLOYEES ACTING

- 6.3.1. Acting refers to where an employee, by written approval of the Municipal Manager or his nominee, acts in a higher post.
- An acting allowance shall be paid to an employee acting in a higher post subjects to:
 - Written confirmation of acting appointment by Municipal Manager or his nominee prior to acting.
 - The employee acting in a post for a continuous period of 3 working days shall be paid acting allowance.
 - In the event that an employee's salary is equal to or higher than the commencing notch of the salary scale of the post in which he is due to assume an acting, an acting allowance fixed at 12.5% of the employee's basic salary shall be paid.
 - An employer shall not require an employee to act for longer than 3 months in the post unless an application for exemption is made by the municipality to the specific division of SALGBC. During the period of the application for exemption the employee will continue to receive and acting allowance.
 - Any acting appointment does not guarantee a permanent appointment to that particular position.

6.4 REQUIRED SKILLS AND EXPERIENCE

The skills of the individual considered for the acting position must meet the requirement and the competency model related to the position. This ensures that the objectives in the IDP and SDBIP can be met.

6.5 PERFORMANCE MANAGEMENT

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Acting responsibilities must include in the performance measurement of the individual and assessed against pre-agreed criteria for the acting period. The individual's performance indicators for his/her actual position and the acting positions must be adjusted according to the priorities and objectives of IDP and SDBIP.

6.6 TERMINATION OF ACTING POSITION

When the acting position is terminated a mini exit interview should be conducted to with the individual to gather information on the difficulties experienced, the objectives achieved and the recommendations for improving the effectiveness of acting assignments.

HR should analyse the data collected during the "exit" process, implement improvements and report accordingly.

6.7 CONFLICT OF BUSINESS AND OTHER INTEREST

Individuals considered for acting position should declare any conflict of business and other related interest that must be considered before the acting appointment are finalised. Appointing individuals that have conflict of business and related interest must be avoided.

Authority



MR M KUNENE
MUNICIPAL MANAGER

03/07/23
DATE