



# **CENTRAL KAROO DISTRICT MUNICIPALITY**

## **ACTING POLICY**

**21 MAY 2018**

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## **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 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. In this regard the following is applicable:

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

1.2 The purpose of the policy is the following:

- 1.2.1 To ensure continuity of operations in the Municipality is maintained during the absence of the incumbent.
- 1.2.2 To promote on-the-job experience and exposure to other employees.
- 1.2.3 To provide a policy guideline for the handling of acting arrangements in various positions within Council.
- 1.2.4 To provide a policy guideline within which acting arrangements can occur.

## **2. POLICY SCOPE:**

This Policy is applicable to:

- 2.1 All permanent employees of the municipality including fixed term contract employees.
- 2.2 All section 54A and 56 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, is appointed to act in a higher post.

4. **LEGISLATIVE FRAMEWORK:**

The municipality remains responsible to continually align this policy content with all the relevant legislation. Appointing staff in acting positions is regulated amongst other in the following legislation and collective arrangement:

- 4.1 Local Government: Municipal Systems Act, 32 of 2000;
- 4.2 Divisional Conditions of Service Collective Agreement; and
- 4.3 In the event of conflict between the policy and the Systems Act and/or the Collective Agreement, then the Systems Act and/or Collective Agreement will prevail.

5. **GENERAL POLICY PROVISIONS:**

A. **General:**

- 5.1 The powers of Council and the Municipal Manager in terms of this policy may be delegated as Council or the Municipal Manager may determine.
- 5.2 Any acting appointment must be made in writing to act in a higher post, by a person duly authorized to do so and the incumbent must accept the acting appointment in writing before the acting commences.

- 5.3 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 permissible and under the conditions stipulated in the policy after which the arrangement shall be reviewed.
- 5.4 The individual to be appointed to act should generally be the next in line in terms of seniority and Council should try to avoid appointing employees lower in line unless valid reasons exist for such appointments.
- 5.5 An official acting in a vacant position should not accept to be automatically appointed permanently when the sourcing and placement measures for the position is undertaken.
- 5.6 Acting allowance will be paid in the month following the period in which the acting took place.
- 5.7 An acting allowance equal to the difference between the pensionable salary and the commencing notch of the salary scale of the post in which he/she is acting shall be paid to the employee for the period of acting (refer collective agreement).
- 5.8 Where an employee's salary is higher than the commencing notch of the salary of the post in which he/she is required to act, and acting allowance amounting to five percent of his pensionable salary shall be paid.
- 5.9 If an employee is requested to act in a post as defined above, the employer shall not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance.
- 5.10 Council, subject to the Local Government: Municipal Systems Act, 32 of 2000, and in consultation with the Municipal Manager, may resolve that an employee should act in a Section 56 post, in which case the following shall apply:-

- 5.10.1 The employee shall in addition to his/her salary receive an acting allowance for the period of acting; and
- 5.10.2 the salary component for determining the acting allowance will be 60% of the remuneration package of the post in which the employee is acting (difference between notch of acting employee and 60% of remuneration package).
- 5.11 Subject to clause 5.12 an employee will not be paid an acting allowance whilst he/she is on any form of leave or any other absence during the acting period.
- 5.12 If an employee has acted for a continuous period of three (3) months or longer, he/she will qualify for an acting allowance on paid leave.
- 5.13 The acting period referred to in clause 5 must not exceed a period of nine (9) months, where-after the post must be advertised and filled on a competitive basis.
- 5.14 The Municipality shall determine a delegation policy for the purpose of acting. Where there is no such policy in place, any written instruction by a superior to act in a higher post shall qualify as an instruction for the purposes of acting.
- 5.15 **An employee receiving an acting allowance remains responsible for the functions of his/her current post while acting in a higher position. If it is not attainable for an employee to perform his/her own duties as well as those of the higher position, this qualification may be waived by the competent authority on a merit basis for well-motivated reasons.**

**B. Municipal Manager:**

- 5.16 In the absence of the Municipal Manager any other Section 56 employee shall be appointed by the Council to act as Municipal Manager.
- 5.17 Any person appointed to act as Municipal Manager must at least have the skills, expertise, competency and qualifications prescribed.
- 5.18 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
- 5.19 Any acting appointment contrary to the Systems Act and the regulations issued in terms thereof are null and void.
- 5.20 The Municipal Manager must authorize the payment of an acting allowance to an employee who acts as Municipal Manager during his/her absence.
- 5.21 An acting allowance is only payable when an employee acts as a Municipal Manager for a minimum of 10 uninterrupted consecutive working days, including public holidays and compulsory closing of office during the festive season.
- 5.22 The section 56 employee that acts in the post of the Municipal Manager will be paid an acting allowance of 5% of total cost of employer remuneration of the Municipal Manager.
- 5.23 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 conclusion of the acting period.

- 5.24 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 as such a certificate or a performance record shall be filed in the personal file of the employee who acts in terms of this policy.

**C. Managers Reporting to the Municipal Manager:**

- 5.25 In the absence of a Manager then the Municipal Council must appoint an employee to act in the post of a manager reporting to the Municipal Manager.
- 5.26 Any person appointed to act as Manager must at least have the skills, expertise, competency and qualifications as prescribed.
- 5.27 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.
- 5.28 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.
- 5.29 An acting allowance is only payable when an employee acts as a Manager for a minimum of 10 uninterrupted consecutive working days, including public holidays and compulsory closing of office during the festive season.
- 5.30 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.



- 5.31 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 as such a certificate or a performance record shall be filed in the personal file of the employee who acts in terms of this policy.

**D. Other Permanent Employees Acting:**

- 5.32 An acting allowance shall be paid to an employee acting in a higher post subject to:
- Written confirmation of acting appointment by the Municipal Manager or his nominee prior to acting.
  - The employee acting in a post for a continuous period of 10 working days, including public holidays and compulsory closing of office during the festive season.
  - The acting allowance will be a non-pensionable amount payable being the difference between the current salary of the employee acting and the minimum notch of the salary scale pertaining to the post in which the employee is acting or 5% of basic salary of the post in which the employee is acting – whichever is greater.
  - An employer shall not require an employee to act for longer than 9 consecutive working months 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 an acting allowance.
  - Any acting appointment does not guarantee a permanent appointment to that particular position.

**E. Required Skills and Expertise:**

- 5.33 The skills of the individual considered for the acting position must meet the requirements reflected in the HR plan and/or the competency profile related to the position. This ensures that the objectives in the IDP and SDBIP can be met.

**F. Performance Management:**

- 5.34 Acting responsibilities must be included in the performance agreement of the individual and be 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 the IDP and SDBIP.

**G. Acting in Critical Positions:**

- 5.35 Where it is expected of any employee whom is in possession of a valid drivers' license, to act in a post which involves motor vehicles/ implements and within the discretion of the Director: Technical Services and the Municipal Manager, an acting allowance will be paid from the first day of acting and under the following circumstances:

- Absence of operators and/or supervisors due to illness or any other valid reason;
- Flood damage as well as incidents where production should be increased as a result of due dates that need to be met;
- Economic reasons, i.e. the shifting of operators will be too expensive; and
- Any other reason that the Director: Technical Services identifies as a benefit towards the operations of Council.

***H. Termination of Acting Position:***

- 5.36 When the acting position is terminated a specially designed exit interview should be conducted with the individual to gather information on the difficulties experienced, the objectives achieved and the recommendations for improving the effectiveness of acting assignments.
- 5.37 HR should analyze the data collected during the “exit” process, implement relevant improvements and report accordingly.

***I. Conflict of Business and Other Interests:***

- 5.38 Individuals considered for acting positions should declare any conflict of business and other related interests that must be considered before the acting appointment is finalised. Appointing individuals that have conflict of business and related interests must be avoided.