

WINNIE MADIKIZELA- MANDELA LOCAL MUNICIPALITY



ACTING POLICY

Adopted by the COUNCIL on: 13 MAY 2022

1. PREAMBLE	3
2. DEFINITIONS	3
3. LEGAL FRAMEWORK.....	3
4. OBJECTIVE OF THE POLICY	4
5. SCOPE OF THE POLICY	4
6. PRINCIPLES OF ACTING	4
7. ACTING AS THE MUNICIPAL MANAGER.....	5
8. ACTING AS SENIOR MANAGER	5
9. OTHER PERMANENT EMPLOYEES ACTING	5
10. SUITABILITY.....	6
11. ACTING ALLOWANCE.....	6
12. PROCEDURE FOR ACTING.....	7
13. PROCEDURE FOR EXTENSION OF ACTING.....	7
14. POLICY REVIEW AND REPORT	8



1. PREAMBLE

The Winnie Madikizela-Mandela Municipality accepts that from time to time an employee may not be available to discharge his/her duties and responsibilities in terms of the contract of employment. Further to the above the Municipality recognise that from time to time there would be a need to appoint another appropriately skilled and experienced employee to discharge the duties of another employee who is absent. The latter is to take place within a framework, having regard not only for the Labour Relations Act, but also other applicable legislation, inclusive of the MFMA, but not limited to the latter only.

2. DEFINITIONS

- 2.1. **The Municipality:** means Winnie Madikizela-Mandela Local Municipality.
- 2.2. **Acting allowance:** means an allowance paid to an employee who temporarily performs the functions and responsibilities of a higher or equivalent post when the post is vacant or the usual incumbent is unavailable for more than 10 (ten) days.
- 2.3. **Acting period:** means duration agreed upon by the Municipality and the employee.
- 2.4. **Levels:** means the post designation according to the Municipal Organisational Structure.

3. LEGAL FRAMEWORK

- 3.1. Labour Relations Act, 66 of 1995;
- 3.2. Local Government : Municipal Systems Act, 2000, (Act 32 of 2000)
- 3.3. Local Government : Municipal Finance Management Act, (Act 56 of 2003)
- 3.4. Conditions of Service Collective Agreement for the Eastern Cape Division of the SALGBC.

4. OBJECTIVE OF THE POLICY

- 4.1. To provide a uniform legal standard to regulate the appointment of staff in acting positions. In doing so, the policy addresses the issue of appointing staff in acting positions on the one hand and on the other deals with the payment of an acting allowance when applicable.
- 4.2. To ensure prudent financial management within the approved budgetary limits per post and where expenditure is incurred contrary to the provisions of this policy, same must be reported as irregular expenditure, until condoned by Council.

5. SCOPE OF THE POLICY

- 5.1. This policy shall apply to all employees of the Municipality including those acting in the position of the Municipal Manager, but excluding a duly appointed Municipal Manager.
- 5.2. This policy shall not apply to Councillors

6. PRINCIPLES OF ACTING

- 6.1. An employee who acts in another post continues to perform his normal duties during the acting period.
- 6.2. The employee will return to his/her original post at the end of the acting period.
- 6.3. An employee who acts in a vacant post and who may also be eligible as a candidate for the post when advertised should not be permitted to act in that post for an extended period exceeding three (3) months.
- 6.4. Acting must be rotated in the event that the period provided in para. 6.3 lapses without there being an appointment or the usual incumbent does not return.
- 6.5. Acting in a position does not in any way create a right or expectation that the employee will be appointed to a vacant post when it is advertised.

7. ACTING AS THE MUNICIPAL MANAGER

- 7.1. The Municipal Council may, in terms of section 54A (1)(b) of the Municipal Systems Act 32 of 2000, appoint an employee with relevant skills, expertise, and qualifications to act as Municipal Manager during a period of absence, or suspension, or notice or termination of employment.
- 7.2. The provisions of para 6.3 equally apply.
- 7.3. Notwithstanding clause 6.4, the Municipal Council may in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the acting Municipal Manager's acting period.

8. ACTING AS SENIOR MANAGER

- 8.1. The Municipal Council, in consultation with the Municipal Manager, may appoint an acting Senior Manager directly accountable to the Municipal Manager.
- 8.2. The provisions of para 6.3 equally apply.

9. OTHER PERMANENT EMPLOYEES ACTING

- 9.1. Written confirmation of acting appointment by Municipal Manager or his nominee prior to acting must be produced
- 9.2. The employee acting in a post for a continuous period of 10 working days will be paid an acting allowance.
- 9.3. The acting allowance will be a non-pensionable amount payable being the difference between the current salary of the employee acting and the initial notch of the salary scale pertaining to the post in which the employee is acting or 8% of basic salary of the post in which employee is acting – whichever is greater.
- 9.4. An employer shall not require an employee to act for longer than 6 months in the post unless an application for exemption is made by the municipality to the specific division of SALGBC.

- 9.5. During the period of the application for exemption the employee will continue to receive an acting allowance.
- 9.6. Any acting appointment does not guarantee a permanent appointment to that particular position.

10. SUITABILITY

- 10.1. While the person appointed to act in a particular post must not be selected from more than two levels below their normal post, the most senior employee should not automatically be considered to be the most appropriate person to act in the higher position.
- 10.2. The employee appointed to act must be suitably competent to perform the role. Consideration must, however, also be given to developmental and training objectives and initiatives.

11. ACTING ALLOWANCE

- 11.1. An allowance is only payable for acting if the employee has actually acted in the position for at least ten (10) consecutive working days.
- 11.2. 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 of the month following the conclusion of the acting period.
- 11.3. Employees performing functions of another position for less than ten (10) days will not be considered for an acting allowance.
- 11.4. An acting employee who takes leave of any kind will be paid the allowance up to and including the last working day before proceeding on leave and from the day on which he or she returns to duty.
- 11.5. The acting allowance payable to other permanent employees acting in a higher position will be a non-pensionable amount 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 8% of basic salary of the post in which employee is acting, whichever is greater.

- 11.6. 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 position, an acting allowance fixed at 2.5% of the employee's basic salary shall be paid.
- 11.7. 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 total cost of employer remuneration of the Manager.

12. PROCEDURE FOR ACTING

- 12.1. The respective departmental manager will recommend the employee identified to act in the vacant post to the Corporate Services Senior Manager.
- 12.2. Corporate Services Senior Manager will recommend to the Municipal Manager for approval.
- 12.3. The employee must accept the acting appointment in writing

13. PROCEDURE FOR EXTENSION OF ACTING

- 13.1. The respective departmental manager must submit a written request to the Municipal Manager for the acting period to be extended longer than three months, providing clear and objective reasons why the period should be extended and whether it is appropriate to provide another employee with the an opportunity to act in that post.
- 13.2. The final decision for the extension of an acting period of an employee lies with the Municipal Manger.
- 13.3. The Manager to whom the vacant post ordinarily reports to must ensure that the acting employee properly discharges the duties and responsibilities of that post.
- 13.4. Arrangements must be made timeously for the acting employee to be given temporary signing powers and other tools of trade, where applicable.

14. POLICY REVIEW AND REPORT

14.1. The policy document shall be reviewed annually and/or when deemed necessary especially if there is a change in Collective agreement or legislation and submitted as part of the budget approval process.

Signed on the 20 day of 06 2022



MUNICIPAL MANAGER