

**“ The City of Heritage ”**



# **ULUNDI LOCAL MUNICIPALITY**

**ACTING POLICY**

## ACTING POLICY

### 1 Policy Purpose

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.

In this regard the following is applicable:

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.

The purpose of the policy is the following:

- To ensure continuity of operations in 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.

## **2 Policy Scope**

This policy is applicable to:

- All permanent employees of the municipality including fixed term contract employees.
- 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:

- 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 Systems Act and/or the Collective Agreement, then the Systems Act and/or Collective Agreement will prevail.

## **5 General Policy Provisions**

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

Any acting appointment must be made in writing to act in a higher post, by a person duly authorised to do so and the incumbent must accept the acting appointment in writing before the acting commences.

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.

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. An official acting in a vacant position should not expect to be automatically appointed permanently when the sourcing and placement measures for the position are undertaken.

Acting allowance will be paid in the month following the period in which the acting took place. Any employee permanently employed on an indefinite contract that acts in a post of a Section 56 employee shall be paid an acting allowance of 25% of total cost of employer remuneration of Section 56 employees.

## **5.1 Municipal Manager**

- In the absence of the Municipal Manager any other Section 56 employee shall be appointed by the Municipal Manager to act as Municipal Manager, subject to conformity with legislation.
- Any person appointed to act as Municipal Manager must at least have skills, expertise, competency and qualifications as prescribed.
- The Municipal Manager must authorise the payment of an acting allowance to an employee who acts as Municipal Manager during his/her absence.
- An acting allowance is only payable when an employee acts as a Municipal Manager for a minimum of 10 uninterrupted consecutive working days.
- The Section 56 employee that acts in the post of the Municipal Manager will be paid an acting allowance of 12% of total cost of employer remuneration of the Municipal Manager.

- 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.
- 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.

## **5.2 Managers Reporting to the Municipal Manager**

- 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.
- Any person appointed to act as Manager must at least have skills, expertise, competency and qualifications as prescribed.
- The Municipal Manager must authorise the payment of an acting allowance to an employee who acts as a Manager during the absence of the Manager concerned.
- Acting allowance shall only be payable when an employee acts as the Manager for a minimum of 10 uninterrupted consecutive working days.
- 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 12% of total cost of employer remuneration of the Manager.
- 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.
- 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.

### **5.3 Other Permanent Employees Acting**

An acting allowance shall be paid to an employee acting in a higher post subject 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 10 working days.
- 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 12% of basic salary of the post in which employee is acting – whichever is greater.
- 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.

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.

### **5.4 Required Skills and Experience**

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 of the position. This ensures that the objectives in the IDP and SDBIP can be met.

### **5.5 Performance Management**

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 IDP and SDBIP.

## **5.6 Termination of Acting Position**

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.

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

## **5.7 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 is finalised. Appointing individuals that have conflict of business and related interest must be avoided.