



BA-PHALABORWA MUNICIPALITY

POLICY ON ACTING ON OTHER POSITIONS

Revision History

Revision	Author	Reason for change
1.0	Mashele YK	New policy

EFFECTIVE DATE : **Date of Approval**

TABLE OF CONTENTS

1.	Preamble	3
2.	Legislative framework.....	3
3.	Objectives.....	3-4
4.	Scope and applications.....	4
5.	Principles of acting.....	4
6.	Procedure for appointment in acting capacity.....	4-6
7.	Acting as Municipal Manager.....	6-7
8.	Acting as Director of a department.....	7
9.	Acting on horizontal positions.....	7-8
10.	Remuneration for acting.....	8
11.	Payment of acting allowance during period of leave..	8-9
12.	Records keeping.....	9
13.	Monitoring and evaluation.....	9
14.	Dispute resolution.....	9
15.	Review of the policy	10
16.	Approval.....	10

1. PREAMBLE

The Collective Agreement on Conditions of Services in accordance with the provision of the Labour Relations Act provides for conditions to be adhered to in cases where an employer requires employees to act on higher or equivalent position mainly for the purpose of service delivery. These conditions may require an employee to work additional work.

2. LEGISLATIVE FRAMEWORK

- Labour Relations Act (No. 66 of 1995) as amended
- Employment Equity Act (No. 55 of 1998) as amended
- Skills Development Act (1997) as amended
- Basic Conditions of Employment Act (No. 75 of 1997) as amended
- Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000) as amended
- Occupational Health and Safety Act (No. 85 of 1993) as amended
- Compensation for Occupational Injuries and Diseases Act (No. 130 of 1993) as amended
- Collective Agreements

3. DEFINITIONS

- ***“Employer”*** means a legal entity that controls and directs a worker under an express contract of employment and is obligated to pay him/her a salary or wages
- ***“Employee”*** means an individual who is hired to work part time or full time under the contract of employment
- ***“Acting appointment”*** means a temporary appointment, normally not exceeding a period of four months, in a higher, similar or lower graded post on the staff establishment, which appointment is necessitated by the temporary absence, resignation of the regular incumbent of that position, or the non-filling of a vacancy.
- ***“Acting allowance”*** means an allowance paid to an employee who temporarily performs the functions and responsibilities of a higher post when the post is vacant or the usual incumbent is on leave or taking up official duties elsewhere in a temporary capacity.
- ***“EPWP”*** Means Expanded Public Work Program

4. OBJECTIVES OF THE POLICY

4.1. The purpose of this policy is to regulate the appointment of an employee on acting capacity to discharge duties and responsibilities of a higher position which may come into effect as a result of leave of absence of the position holder or resignation, which led to a vacuum in order to:

- *To drive corporate governance*
- *To ensure compliance with legislation*
- *To ensure compliance with Bargaining Council Agreements*
- *To align with strategic organisational objectives*
- *To ensure equitable, fair and standard practices*
- *To achieve optimisation*

5. SCOPE OF APPLICATION

- 5.1. This policy applies to all permanent employees and section 57 managers of the Ba-Phalaborwa Municipality.
- 5.2. The policy does not apply to temporary employees, Interns, Learnerships, experiential learners as well as EPWP employees.

6. THE PRINCIPLES OF ACTING

- 6.1. It shall become the responsibility of the divisional head/manager/supervisor to ensure that an employee is appointed to act in his/her position in absentia for less than ten (10) working days.
- 6.2. An employee is deemed to be acting in a higher position for a period not less than ten (10) working days when he/she has been recommended by the Sectional Head, authorised by the Head of department and approved by the Municipal Manager or line Manager delegated by the Municipal Manager to act on his behalf.
- 6.3. An acting allowance shall be paid to an employee appointed in acting capacity as per clause 6.2. above, in addition to his/her salary in respect of the period in which he/she acted.
- 6.4. An employee who acts in a higher position, accepts full duties and responsibilities of the higher position in addition to the full duties and responsibilities of his/her normal position.

- 6.5. An employee who acts in another post continues to perform his normal duties during the acting period and no any other person may be appointed to act in his normal position.
- 6.6. The period of acting in higher position should not exceed four (4) calendar months, however, due to operational requirements, an employee may be appointed to act for more than four months pending finalisation of the recruitment process of the position in question.
- 6.7. Only employees in the next line of supervision may act in higher positions, except in cases where none of same “next in line” of supervision is available, then the acting may be delegated to a following incumbent within the line of supervision.
- 6.8. An employee who has been appointed to act on higher position with benefits, shall be entitled to the same benefits during the period of acting.
- 6.9. 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.
- 6.10. Employees should appreciate the opportunity offered in gaining experience in a higher post rather than viewing it as a means of supplementing income.
- 6.11. Acting position may be done on rotational basis where there are two or more managers/supervisors reporting to the line manager with the need for acting capacity.
- 6.12. An employee may not be appointed on acting capacity in a position that was never filled before.
- 6.13. The employee will return to his/her original post at the end of the acting period.
- 6.14. An employee has the rights to decline to act or refuse acting on furnished reasons.

7. PROCEDURES FOR APPOINTMENT IN ACTING CAPACIY

- 7.1. The Director of a department may appoint persons to act in another post for a period less than ten (10) days, as and when it is deemed necessary.

- 7.2. The Director of a department should seek pre-approval from the Municipal Manager to authorise the payment of an acting allowances to person acting in terms of clause 6.2.
- 7.3. On approval by the Municipal Manager, the Director Corporate services shall write an appointment letter of acting to the acting person stating the position and the period of appointment.
- 7.4. The letter of appointment shall contain information relating to –
 - (a) The post being acted.
 - (b) The date on which acting is to be resumed
 - (c) The person to whom the employee would report to
 - (d) The terms and conditions of acting appointment applicable to the employee
 - (e) Where possible, the date in which acting will be exhausted
 - (f) The employee appointed on acting capacity must within three days accept or decline the acting in writing.

8. ACTING AS MUNICIPAL MANAGER

- 8.1. The Municipal Manager may appoint a person to act in his/her position for a period less than ten working days.
- 8.2. The Municipal Manager on approval by Council, may appoint an employee to act as Municipal Manager during his/her absence for a period not exceeding three months.
- 8.3. The approval of acting in the position of the Municipal Manager, should receive concurrence by the MEC of the department of Corporate Governance, Human Settlement and Traditional Affairs.

9. ACTING AS DIRECTOR OF A DEPARTMENT

- 9.1. The Director of a department may appoint a person to act in his/her position for a period less than ten working days.
- 9.2. The Municipal Manager on approval by Council, may appoint an employee to act as a director of a department during his/her absence for a period not exceeding three months.

- 9.3. The approval of acting in the position of a director of a department, should receive concurrence by the MEC of the department of Corporate Governance, Human Settlement and Traditional Affairs.
- 9.4. The Municipal Manager is responsible for authorising payment of an acting allowance to an employee who acts in the post of a director through Council Resolution.
- 9.5. An acting allowance is only payable when an employee acts as Director of a Department for a minimum of ten consecutive working days.
- 9.6. The acting allowance payable is calculated as the difference of the salary portion of the employee acting as Director of the Department and the salary portion of the relevant Director.

10. ACTING ON HORIZONTAL POSTS

- 10.1. The Municipal Manager will in terms of the provisions in the Local Government: Municipal Systems Act, Act 32 of 2000, approve acting in a horizontal position and the remuneration therefore based on 25% of the salary of the incumbent of the vacant post

11. REMUNERATION FOR ACTING APPOINTMENT

Where an employee is appointed to act in a position of a higher classification or grade for a period of ten consecutive working days on approval by the Municipal Manager, the employee will be entitled to be paid an acting allowance equal to the difference between his/her salary on the entry notch of the salary scale pertaining to the post in which he/she is acting in addition to his/her salary for the duration of the acting period.

12. PAYMENT OF ALLOWANCES DURING PERIODS OF LEAVE

- 12.1. An allowance is only payable for acting in the higher post if the employee has actually acted in the position for at least ten consecutive working days or more. No allowance is payable for any period less than that or on a pro rata basis.
- 12.2. An employee whose acting is interrupted for less than three days occasioned by illness (supported by medical certificate), family bereavement and or attendance of court as a witness (if subpoenaed) his acting shall be regarded as continuous but will not be paid for the days in question.

- 12.3. Other than the type of leave quoted above, no any other form of leave will be regarded as continuous acting and employees will not be entitled to receive payment of acting allowance during periods of paid or unpaid leave.
- 12.4. Should an acting employee wish to take leave while on acting capacity, his or her acting will have automatically terminated and it shall be the prerogative of the Municipal Manager to approve resumption of acting of such employee.
- 12.5. The allowance must be paid to the employee together with his/her next salary.
- 12.6. Payment of acting shall be paid in arrears.

13. RECORD KEEPING

All documentation and correspondences emanating from or related to this policy will be kept on either personal files and or record files as dictated by the nature of the issue.

14. MONITORING AND EVALUATION

Human Resources practitioners will continuously monitor the implementation of this policy.

15. DISPUTE RESOLUTION

Any employee who feels aggrieved by the application of the policy may submit his/her grievance in terms of the grievance procedure (SALGBC) as well as the Labour Relations Act, Act 55 of 1995.

16. REVIEW OF THE POLICY

The policy shall be reviewed on an annual basis.

17. APPROVAL

The policy on acting in other positions will be implemented on approval by Council.

Approved by: Municipal Manager

Date:

Approved by: Council

Date:

APPROVED ON 28 JANUARY 2016 AS PER COUNCIL RESOLUTIONNO. 59/16

