**Acting Appointment Policy**

# POLICY PURPOSE

* 1. The municipality acknowledges that from time to time an employee, due to certain

circumstances (such as death, resignation, leave, etc.) may not be able to perform his/her duties and responsibilities in terms of the contract of employment.

Further to the above, the Municipality recognizes that from time to time there may be a need to appoint another employee to perform the duties of that particular employee in their absence, hence the need to enter into an acting arrangement and acting allowances.

* 1. An employee is deemed to be acting in another post when he/she is duly

appointed by the Municipal Manager or the Director to do so.

* 1. This policy applies to all staff functioning in acting roles.

#  OBJECTIVES OF THE POLICY

* 1. To provide a uniformed standard to regulate the appointment of staff in acting positions. In doing so, the policy addresses the issue of appointing staff in acting positions and deals with the payment of an acting allowance when applicable.

* 1. This policy applies to all employees who are appointed in an acting capacity in a post that is at a higher level than the post they normally occupy.

# LEGAL FRAMEWORK

Local Government: Municipal System Act, 2000 (Act 32 of 2000): Municipal Staff Regulations. 20 September 2021

Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC.

1. **DELEGATED POWERS**

 The following powers are delegated in respect of Acting Appointments:

4.1 The approval of appointment of officials to act in any position for a period as determined by the Collective Agreement on conditions of service for the Western Cape division of the SALGBC and Local Government: Municipal Systems Act: Municipal Staff Regulations as per Council’s Delegation of Powers Policy as amended from time to time

1. **CRITERIA FOR ACTING APPOINTMENT**
	1. **The following guidelines are to be considered prior to making a decision to appoint a person in an acting position:**
		1. The need for supervision over sub-ordinates if the vacant post concerned has supervisory responsibilities.
		2. Consideration should be given as to whether an official, more senior to the post concerned, can absorb all or part of the duties and responsibilities attached to the post.
		3. The possibility of spreading the workload of the post amongst other employees operating at the same level.
		4. The need to maintain the daily output associated with the post.
	2. An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised.
	3. Unless indicated otherwise in the appointment to the acting post, a staff member of a municipality who is acting in a higher post in the same municipality must continue to perform the duties of the post that the staff member ordinally occupies during the acting period.
	4. A person acting in a higher post has no right or expectation to be appointed permanently in that post except as otherwise provided in the regulations.
	5. A person may only act in a post that is equivalent to or one ~~grade~~ *level* higher than the post that the staff member ordinally occupies.
	6. The appointment to act in a post must be with the consent of the staff member, in writing and authorised by the Municipal Manager or Director.
	7. The staff member appointed to act in a post must have the requisite competencies to be able to perform the duties associated with post.
	8. In selecting a person to act in a post the following must be considered:
		1. The relevant requirements of the post and that person’s performance.
		2. The municipality’s development needs.
		3. The municipality’s Employment Equity Policy and Plan.
	9. A person may only be appointed in an acting position for a period not exceeding three months.
	10. The Municipal Manager, or his or her delegate, may extend the period for a further period of three months if there is a justifiable reason to do so, which justifiable reason shall be recorded on the acting appointment request.
	11. Any further extensions made under 5.9 shall not exceed a period of nine consecutive months, whereafter the post must be advertised and filled on a competitive basis.
	12. The acting employee shall be informed about his/her performance during the acting period in line with the performance management policy.

# THE PAYMENT OF ACTING ALLOWANCE:

* 1. The higher post must be a vacant, budgeted post and on the approved staff establishment, or the current incumbent will be absent for more than 10 working days including public holidays and compulsory closing of office during the festive season.
	2. When an employee is required by a competent authority to undertake all the duties and responsibilities attached to the higher post plus his/her own duties, an acting allowance equal to the difference between the incumbent’s current pensionable salary notch of his/her existing basic salary and the commencing notch of the grade of the acting position shall be paid to such employee in addition to the employee’s salary in respect of the period in which the employee acts subject to the further provisions of this policy.
	3. When an employee is required by a competent authority to undertake all the duties and responsibilities attached to the higher post and thus not fulfill the duties and responsibilities of his/her existing post, due to reasons such as geographical location, physical relocation and/or supervisory requirements an acting allowance as in 2.1 above shall be paid to such employee.
	4. Where an employee’s salary is higher than the commencing notch of the salary of the post in which the employee is required to act, an acting allowance amounting to five (5) percent of his pensionable salary shall be paid as stipulated in the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC.
	5. All applications for acting appointment shall be registered on the collaborator system by the relevant Line Manager and approved by the relevant Director prior to the commencement of the acting period. The Manager Expenditure shall confirm sufficient funds for payment of the acting allowance prior to the commencement of the acting period.
	6. No acting allowance shall be paid for periods of less than 10 working days, inclusive of public holidays and compulsory closing of office during festive season as stipulated in the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC.
	7. In the event of an acting period be interrupted by any form of authorized leave or absence during the acting period, excluding time-off/leave taken for hours less than the normal daily working hours of the acting employee, acting allowance shall only be paid for uninterrupted continuous periods of acting of at least 10 working days (public holidays and compulsory closing of office during festive season included).
	8. If an employee performs standby duty during an acting period, normal working hours will be used to calculate the minimum of ten (10) working days.
	9. If an employee has acted for a continuous period of three (3) months or longer, the employee will qualify for an acting allowance while on paid leave.
	10. Subject to clauses 6.7 and 6.9 an employee will not be paid an acting allowance whilst he or she is on any form of leave or any other absence during the acting period.
	11. If an employee who does not receive an allowance in terms of the motor perk or essential motor vehicle user scheme, is appointed to act in a higher post to which a motor perk or essential user allowance is linked, such employee will be paid an ad-hoc allowance in terms of the essential user scheme (for actual kilometers travelled additional). Employees already in receipt of a motor vehicle allowance in terms of any of the applicable schemes continue to receive such allowance and no additional allowance will be paid in respect of the use of the employee’s vehicle.
	12. Overtime and other applicable allowances are calculated at the rate of the post level applicable to the incumbent’s own post.
	13. Council, subject to the Local Government: Municipal System Act, 2000 and in consultation with the Municipal Manager, may resolve that an employee should act in a Section 56 post in terms of clauses 8.1 and 6.2, in which case the following shall apply:
		1. The employee shall in addition to his/her salary receive an acting allowance for the period of acting.
		2. The salary component for determining the acting allowance will be 60 percent of the remuneration package of the post in which the employee is acting.

# EFFECTIVE DATE

# This policy shall come into effect on 1 July 2022.