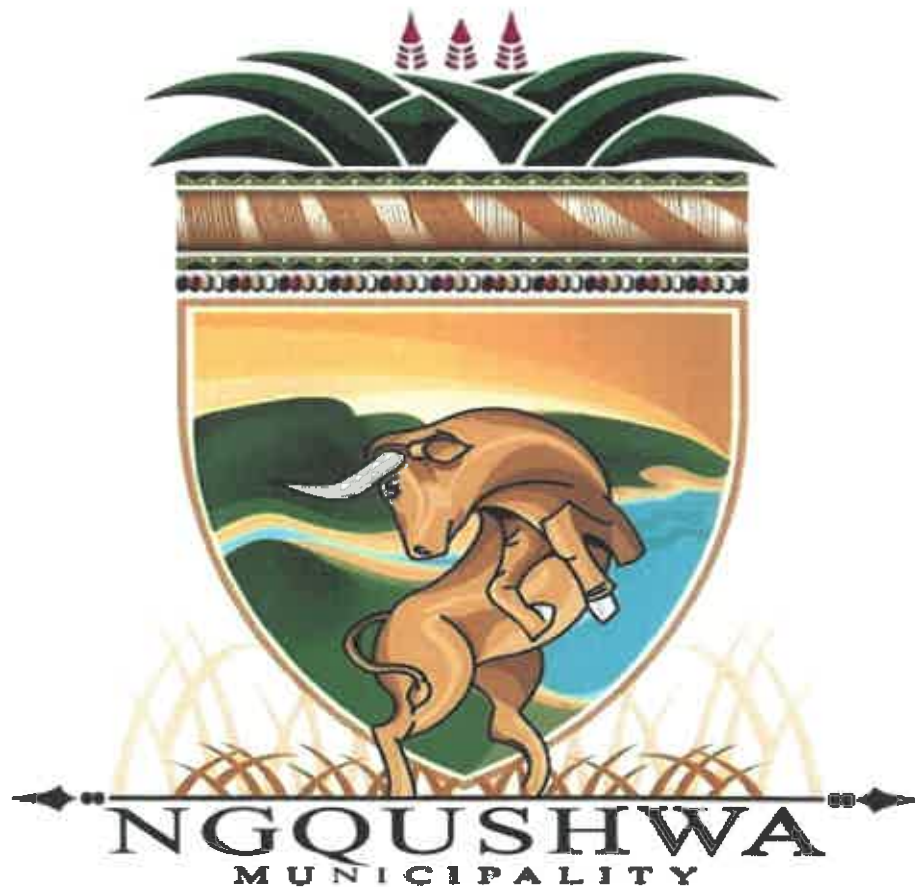


**NGQUSHWA LOCAL**  
**MUNICIPALITY**



**ACTING POLICY**

**2022/2023**

## Summary

<b>Publication Date</b>	11 July 2022
<b>Review Date</b>	<b>19 March 2022</b>
<b>Related Legislation/Applicable Section of Legislation</b>	Municipal Offices Bearers Handbook
<b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b>	Basic Condition of Employment Act, Collective Agreement, Municipal System Act, Employment Equity Act, Municipal Staff Regulations
<b>Replaces/ Repeals (whichever is relevant, if any)</b>	None
<b>Policy Officer (Position)</b>	<i>Director Corporate Services</i>
<b>Policy Officer (Phone)</b>	040 6732 081
<b>Policy Sponsor (Position)</b>	Mkhuseli Mxekezo
<b>Department Responsible</b>	<b>Corporate Services</b>
<b>Unit responsible</b>	Human Resources
<b>Applies to</b>	<b>All staff and External candidates</b>
<b>Key Words</b>	Acting Policy
<b>Status</b>	Reviewed/ Amended
<b>Council approval date</b>	<b>8 July 2022</b>
<b>Version</b>	<b>1</b>

# REVISION RECORD

Date	Version	Revision Description
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## **1. DEFINITIONS**

**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 appointed incumbent is on leave or taking up official duties elsewhere in a temporary capacity.

**Acting period:** means duration agreed upon by the Municipality and the employee

**Municipality:** means the Ngqushwa Local Municipality.

## **2. PREAMBLE**

The 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.

## **3. NAME OF POLICY**

This is the Acting Policy of the Ngqushwa Local Municipality

## **4. OBJECTIVES OF POLICY**

- 4.1 The object of this policy is 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. LEGAL FRAMEWORK**

- Labour Relations Act, 1995 (Act No. 66 of 1995);
- Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000)
- Local Government: Municipal Finance Management Act, (Act No. 56 of 2003)
- Conditions of Service Collective Agreement for the North West Division of the SALGBC.

## **6. SCOPE OF POLICY**

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.

## **7. THE PRINCIPLES OF ACTING**

- 7.1 An employee is deemed to be acting in another post when he/she has been authorised in writing by the Municipal Manager to act in a more senior post, as per the approved system of Delegations, subject thereto that the post to be acted in, is an approved post on the staff establishment and budgeted for.
- 7.2 An employee who acts in another post is still responsible for his/her original duties, functions and powers. Said employee will then be vested with the delegations and responsibilities of the more senior post.
- 7.3 No staff member shall be authorized to act in a higher specialist post without the requisite skill and experience.

## **8. ACTING AS MUNICIPAL MANAGER**

- 8.1 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 of the Municipal Manager

8.2 An employee may not act in the position of Municipal Manger for a period exceeding three (3) months.

8.3 The salary component for determining the acting allowance of an employee acting as Director will be equal to 60% of the remuneration package of the position which the employee is acting.

8.4 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.

## **9. ACTING AS SENIOR MANAGER**

9.1 **The Municipal Council**, in consultation with the Municipal Manager, may appoint an acting Senior Manager directly accountable to the Municipal Manager as provided for in section 56 of the Systems Act.

9.2 An employee appointed to act as Senior Manager may not be appointed for a period that exceeds three (3) months.

9.3 The salary component for determining the acting allowance of an employee acting as Director or Senior Manager will be equal to 60% of the remuneration package of the post in which the employee is acting.

9.4 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 Senior Manager's acting period.

## **10. ACTING IN ALL OTHER POSTS**

A Senior Manager may recommend to the Municipal Manager to appoint an appropriately skilled person in writing to act in his/her position for the period not longer than 3 months. Council must approve such appointment as per clause 9.1 above and as required in section 56 of the Systems Act.

## **11. ACTING IN HORIZONTAL POSTS**

- 11.1 The Municipal Manager, when approving acting in a horizontal position which is not a Senior Manager position, will do so in terms of the provisions in the Local Government: Municipal Systems Act, Act 32 of 2000, and the remuneration be based on 25% of the basic salary component of the incumbent of the vacant post and will further be subject to individual being able to perform all the functions and responsibilities of said post.
- 11.2 Clause 11.1 will only become applicable when the budget allows for such implementation.

## **12. SUITABILITY**

- 12.1 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.
- 12.2 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.

## **13. PAYMENT AND AUTHORIZATION OF AN ACTING ALLOWANCE**

- 13.1 The higher post must be a vacant post and budgeted for (funded) or a filled post where the current incumbent will be absent from work for more than a week.
- 13.2 No acting allowance shall be paid for periods less than 5 working days, inclusive of public holidays which fall on a normal working day.
- 13.3 The acting incumbent shall be appointed in writing by the Municipal Manager to the acting position prior to the commencement of the acting period.
- 13.4 The key performance areas, for which the acting incumbent will be responsible, must be clearly defined in writing. The latter requires that a job description exists for the current incumbent's post in which acting is proposed to take place.



- 13.5 The acting incumbent shall sign a suitable undertaking committing to and assuming all the responsibilities normally associated with the post
- 13.6 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.
- 13.7 The amount of the allowance is the difference between the employee's usual salary and the entry level of the salary scale pertaining to the post in which he or she is acting.
- 13.8 The allowance must be paid to the employee together with his/her next salary.
- 13.9 The payment of such acting allowances shall be subject to prior authorization by the Budget Office or Chief Financial Officer.

**14. IMPLEMENTATION REPORT**

Senior Manager Corporate Service shall on monthly basis report all authorisation granted for acting for purpose of strategic and report to Council on a quarterly basis.

**15. REVIEW OF POLICY**

Council may review this Policy as and when needed

**AS APPROVED BY COUNCIL ON 08<sup>th</sup> July 2022 UNDER AGENDA ITEM NO 5.1**

  
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**MUNICIPAL MANAGER**

  
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**MAYOR QBO COUNCIL**