


EPHRAIM MOGALE LOCAL MUNICIPALITY



ACTING ALLOWANCE POLICY

DOCUMENT APPROVAL

RESPONSIBLE	NAME	SIGNATURE	DATE
PERSON:	Machabela M.M		08/06/15

DATE APPROVED: _____

EPHRAIM MOGALE LOCAL MUNICIPALITY



POLICY ON ACTING ALLOWANCE FOR MUNICIPAL OFFICIALS

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Responsible Person:	Name	Signature	Date

Date approved: _____

POLICY ON ACTING ALLOWANCE FOR MUNICIPAL OFFICIALS

PREAMBLE:

- The Council accepts as a fact 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 of conditions of service.
- The Council recognizes that from time to time there would be a need to appoint another employee to discharge the duties of another employee who is not at work for a certain period of time.

1. OBJECTIVES OF THE POLICY:

- 1.1 To ensure that the efficiency of the Municipality is maintained and that the on-the-job experience is directed towards professional development.
- 1.2 To provide guidelines for the handling of acting in various positions.
- 1.3 To provide guidelines within which acting has to occur.

2. REGULATORY FRAMEWORK:

- 2.1 The Constitution of South Africa (Act 108 of 1996 as amended).
- 2.2 The Basic Condition of Employment Act, 1997 (Act no.75 of 1997 as amended).
- 2.3 The South African Local Government Bargaining Council: Main Collective Agreement
- 2.4 The Collective Agreement on Condition of Services for the Limpopo Division.
- 2.5 Local Government: Municipal Systems Act, 2000 (Act no.32 of 2000 as amended).
- 2.6 Local Government: Municipal Systems Amendment Act, 2011 (Act no. 7 of 2011).
- 2.7 Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers Gazette no. No. 37245 dated 17 January 2014.

3. POLICY GUIDELINES:

- 3.1 The Municipal Manager or his/her authorized officials will appoint an employee to act in a higher or horizontal position provided that:
- 3.1.1 The post in which he/she is acting is vacant and funded.
 - 3.1.2 The incumbent is on vacation/sick or other form of leave for a period of more than TEN (10) consecutive working days.
 - 3.1.3 The period of appointment is longer than TEN (10) consecutive working days.

4. CONDITIONS OF APPOINTMENTS IN AN ACTING CAPACITY

- 4.1 Where an employee is required by written approval of the Municipal Manager to act in a *higher or horizontal* post for a period not less than TEN (10) consecutive working days, an acting allowance shall be paid to such an employee in addition to his/her salary in respect of the period in which he/she act.
- 4.2 The appointment of a person in an acting position shall be done in writing by the Municipal Manager and be accepted in writing by the prospective employee.
- 4.3 An employee appointed and who accepted to act in a position shall be paid an acting allowance calculated at least on the starting or minimum notch of the position in which the employee is acting.
- 4.4 Where the starting minimum notch of the position in which the employee is acting is equal or less, then the employee shall receive an Acting allowance on the next higher notch of the position in which the employee is acting.
- 4.5 Any interruption of less than THREE (03) working days in total during a period of acting occasioned by:
- 4.5.1 illness supported by a Medical Certificate.
 - 4.5.2 Family bereavement.
 - 4.5.3 Attendance at court as a witness (if subpoenaed).
- Shall be regarded as continuous period of acting provided that no acting allowance shall be paid for the period of absence.

- 4.6 Where an employee act in a *Senior Manager position as defined in the Act (Local Government: Municipal Systems Amendment Act, 2011 (Act no. 7 of 2011), the acting allowance shall be paid in terms of Clause 6 of this policy*
- 4.7 An employee who acts in a higher or *horizontal post*, shall accept full duties and responsibilities of the higher or *horizontal* position in addition to the full duties and responsibilities of his/her normal position.
- 4.8 Only employees in the next line of supervision may act in higher positions, except where none of same “next-in-line” of supervision is available, then the acting capacity may be delegated to a following incumbent within the line of supervision.
- 4.9 Acting in a higher position does not leave the employee’s normally appointed position vacant, and therefore no “*ladder effect*” may happen where acting allowance is paid to a second and/or third employee.
- 4.10 The employees shall only be appointed in an acting capacity within the scope of their competencies.
- 4.11 An employee who has been appointed to act in a higher or *horizontal* position shall act for a *period determined by the Municipal Manager*.
- 4.12 *The Municipal Manager may revoke the acting capacity of appointed official in consultation with Director in the department.*
- 4.13 The appointment of employee in an Acting capacity does not create a right or legitimate expectation to be appointed when the vacancy is advertised.
- 4.14 In order for a person to be appointed in an acting position the Director of the Department if there is a need shall advise the Municipal Manager who should be appointed.
- 4.15 Appointment on acting capacity shall not be made on a month to month basis.
- 4.16 An employee has a right to decline to act or refuse to continue to act upon submission of reasons.

5. ACTING ON HORIZONTAL POSTS:

The Municipal Manager shall in an endeavor to ensure that efficiency of the Municipality is maintained approve acting in a horizontal position and the acting allowance payable be TWENTY (20%) PERCENTUM of the starting or minimum notch of the position in which the employee shall be acting.

6. APPOINTMENT ON ACTING CAPACITY FOR SECTION 56 & 57 OF LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (Act no. 32 OF 2000) EMPLOYEES.

6.1 ACTING AS MUNICIPAL MANAGER:

6.1.1 The Municipal Council shall appoint the Acting Municipal Manager in terms of the Local Government: Municipal Systems Amendment Act, 2011 (Act no. 07 of 2011) read with Regulations on appointment and Conditions of employment of Senior Managers as published in Gazette no. No. 37245 dated 17 January 2014.

6.1.2 The acting appointment letter shall be in writing and signed by the Mayor and accordingly accepted in writing.

6.1.3 Any interruption of less than THREE (03) working days in total during a period of acting occasioned by:

6.1.3.1 illness supported by a Medical Certificate.

6.1.3.2 Family bereavement.

6.1.3.3 Attendance at court as a witness (if subpoenaed).

Shall be regarded as continuous period of acting provided that no acting allowance shall be paid for the period of absence.

6.1.4 Where an employee act in a Municipal Manager position, the acting allowance shall be calculated and paid based on the Regulations on the Upper Limits in term of Gazette no. 225 dated the 29 March 2014 and Regulations on appointment and Conditions of employment of Senior Managers as published in Gazette no. No. 37245 dated 17 January 2014.

6.2 APPOINTMENT OF MANAGERS REPORTING DIRECTLY TO THE MUNICIPAL MANAGER IN AN ACTING CAPACITY:

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The Municipal Council shall in consultation with the Municipal Manager appoint Managers reporting directly to the Municipal Manager in an acting capacity in terms of the Local Government: Municipal Systems Amendment Act, 2011 (Act no. 7 of 2011) read with Regulations on appointment and Conditions of employment of Senior Managers as published in Gazette no. No. 37245 dated 17 January 2014.

6.2.1 The acting appointment letter shall be in writing and signed by the Municipal Manager and accordingly accepted in writing.

6.2.2 Any interruption of less than THREE (03) working days in total during a period of acting occasioned by:

6.2.2.1 illness supported by a Medical Certificate.

6.2.2.2 Family bereavement.

6.2.2.3 Attendance at court as a witness (if subpoenaed).

Shall be regarded as continuous period of acting provided that no acting allowance shall be paid for the period of absence.

Where an employee act in a position of a Manager reporting directly to the Municipal Manager, the acting allowance shall be paid based on the Regulations on the Upper Limits and Appointment of the Senior Managers.

6.2.3 Managers appointed to act in Senior Managers position shall be paid TWENTY (20%) PERCENTUM of the salary portion of the determined salaries in terms of the Upper Limit of Total Remuneration Package Payable to Municipal Managers and Managers Directly Accountable To Municipal Managers as published in the Government Gazette 225 dated the 29 March 2014 as revised.

7. REVISION OF THE POLICY:

This Policy will be reviewed when it deemed necessary but at least once a year.

8. CERTIFICATE OF ENDORSEMENT:

POLICY ON ACTING ALLOWANCE FOR MUNICIPAL OFFICIALS: 2015/2016

Agreement between the Municipality and Employee Organisation/Labour Forum.
We, the signatories to this agreement, duly authorized thereto, hereby commit ourselves to the content of this Policy.

The Agreement to this Policy shall come into effect on the date of endorsement by all parties and shall cease only in the event where such changes/variations has been reduced to writing and been signed by all parties concerned. Unless in the event where any changes in any applicable Act, Legislation or Bargaining Council Main Agreement has jurisdiction to supercede.
