



## ACTING ALLOWANCE POLICY

*Draft: for approval with effect from 01 July 2022*

### 1. PURPOSE

The purpose of this policy is to provide guidelines for the acting appointment of employees at the Cederberg Municipality, which includes the delegations, conditions, requirements, and regulation of the payment of acting allowances.

### 2. LEGAL FRAMEWORK

The payment of Acting Allowance is regulated by:

- 2.1 Section 8 of the Collective Agreement on Conditions of Service for the Western Cape Division of the South African Local Government Bargaining Council;
- 2.2 Local Government: Municipal Systems Act, 32 of 2000;
- 2.3 Local Government Municipal Staff Regulations of 20 September 2021, as published in Government Gazette No. 45181. (LGMSR)

### 3. DELEGATIONS

3.1 The authority to approve acting appointments is delegated to the following positions:

#### 3.1.1 **Acting as Municipal Manager:**

- a) **Municipal Manager** authorise acting for a period less than thirty (30) consecutive working days, including public holidays, provided that no acting allowance is paid.

- b) **Municipal Manager in consultation with the Executive Mayor**, authorise acting for periods of at least thirty (30) consecutive working days, where an acting allowance is payable, provided that:
- i) a person so appointed may not be appointed to act for a period that exceeds three months;
  - ii) a person so appointed must have the requisite qualification, competencies and number of years' experience; and
  - iii) an application must be made in writing to the MEC for Local Government to extend the three month period contemplated in 3.1.1.2.1, for a further period that does not exceed three months.

3.1.2 **Acting in a Section 56 Post:**

- a) **Directors in consultation with the Municipal Manager**, authorise acting for periods less than thirty (30) consecutive working days, including public holidays, provided that no acting allowance is paid.
- b) **Municipal Manager in consultation with the Executive Mayor**, authorise acting for periods of at least thirty (30) consecutive working days, where an acting allowance is payable, provided that:
- i) a person so appointed may not be appointed to act for a period that exceeds three months;
  - ii) a person so appointed must have the requisite qualification, competencies and number of years' experience; and
  - iii) an application must be made in writing to the MEC for Local Government to extend the three month period contemplated in 3.1.2 (b) (i) for a further period that does not exceed three months.

3.1.3 **Acting below senior management level (director positions):**

Directors authorise acting of employees below senior management level for a period not exceeding three (3) consecutive months, including public holidays, provided that staff members appointed to such acting post:

- a) from within the municipality, must continue the normal duties of the post they ordinarily occupy during the acting period;
- b) may only act in a post equal to, or one (1) grade (T-Scale) higher than that of the staff member's ordinary occupation;
- c) consent to acting in writing;
- d) have the requisite competencies to be able to perform the duties associated with the post in which they act;
- e) may not be appointed to act for a period that exceeds three months; provided that:
  - i) on receipt of justifiable reasons, the Municipal Manager, or his authorised delegate, may extend the three month period contemplated in 3.1.3 (e) for a further period not exceeding three months; and
  - ii) any further extensions shall not exceed nine (9) consecutive months, where-after the post must be advertised and filled on a competitive basis; and
  - iii) the performance of a staff member appointed to act must be assessed in terms of the LGMSR

3.1.4 **Provision of ad hoc vehicle allowance depending on specific situation (par 4.18):**

- a) The Municipal Manager may allocate an ad-hoc vehicle allowance for the period of acting, provided that it is essential for the acting employee to perform his acting functions, and the employee owns an appropriate vehicle to be used for such purposes.

#### **4. PRINCIPLES/GUIDELINES**

- 4.1 An employee is entitled to an acting allowance when he/she is requested by written instruction by his/her superior in terms of Council's delegation policy to act in a higher post for a period of at least ten (10) consecutive working days,

including public holidays and compulsory closing of office during the festive season.

- 4.2 The higher post must be a vacant funded post, or a filled post where the current incumbent will be absent for more than ten (10) consecutive working days.
- 4.3 Subject to paragraph 5 and 7 below, an acting allowance equal to the difference between his/her pensionable salary and the commencing notch of the salary scale of the post in which he/she is acting shall be paid to the employee for the period of acting.
- 4.4 If an employee is requested to act in a higher post, the employer shall not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance.
- 4.5 Subject to clause 4.6, an employee will not be paid an acting allowance whilst he/she is on any form of leave or any other absence during the acting period.
- 4.6 If an employee has acted for a continuous period of three (3) months or longer, he/she will qualify for an acting allowance while on paid leave.
- 4.7 The acting period must not exceed nine (9) consecutive working months, where after the post must be advertised and filled on a competitive basis. This is only applicable to acting as from 1 April 2016 and does not apply to employees acting as Municipal Manager or in Section 56 posts.
- 4.8 The Director must supply written confirmation that the employee is competent and meets the minimum requirements to act in the position, provided that if no other staff member is available to act, the director may motivate to appoint to deviate from this clause, but not for a period exceeding one month, and with an acting payment equal to half of what a qualified, competent person would have received.

- 4.9 In the case where there is more than one employee who could act in a post, as far as reasonably possible, the director can exercise his/her discretion to consider rotation in the acting position.
- 4.10 Where there are more than one suitable candidate on the same level, preference will be given to the underrepresented groups in terms of our employment equity targets to act in the higher position, where this is possible.
- 4.11 The fact that an employee has been appointed in an acting capacity does not create an automatic claim to the higher vacant post nor should it give rise to a legitimate expectation to be appointed in the post when it is filled. Such employee must be informed in writing that the fact that he/she is acting in the vacancy, is only a temporary measure and that it should not give rise to a legitimate expectation to be appointed in the post. The employee must accept the condition in writing.
- 4.12 When a post becomes vacant and employees must act in the post, the employer must, within six (6) months after the post became vacant, decide what to do with the post, in other words, if the post should be abolished, filled or restructured, etc.
- 4.13 If the vacancy continues in its current form, the employer, represented by the relevant director, must commence the recruitment process to fill the post within three (3) months after the expiry of the six (6) month period.
- 4.14 An employee receiving an acting allowance remains responsible for the functions of his/her current post while acting in a higher position. If it is not attainable for an employee to perform his/her own duties as well as those of the higher position, this qualification may be waived by the competent authority on a merit basis for well motivated reasons such as geographical location, physical relocation and/or supervisory requirements on the condition that the consequential acting will be limited to one post.

- 4.15 No acting allowance shall be paid for periods of less than 10 consecutive working days, inclusive of public holidays which fall on a normal working day, unless clause 6 is applicable.
- 4.16 The following must be considered prior to making a decision to appoint a person in an acting position:
- a) 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;
  - b) The possibility of spreading the workload of the post amongst other employees operating at the same level, in appropriate circumstances, where it was agreed with the employees concerned;
  - c) The need for supervision over subordinates;
  - d) The need to maintain the daily output associated with the post.
- 4.17 The following must be considered in selecting a person to act in a position:
- a) The relevant requirements of the post and the employee's performance;
  - b) The municipality's developmental needs;
  - c) The municipality's employment equity plan
- 4.18 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. 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 capital allowance will be paid in respect of the use of the employee's vehicle.

At the discretion of the Municipal Manager and depending on the specific situation, the ad hoc allowance may be increased. An employee receiving such ad-hoc vehicle allowance must:

- a) Provide log sheets of his authorised trips before payment of such ad-hoc vehicle allowance will be effected; and
- b) The vehicle must be appropriate for the function, in working condition and roadworthy, otherwise no vehicle allowance will be paid.

4.18 Overtime and other applicable allowances are calculated on the rate of the post level applicable to the incumbent's own post.

## **5. ACTING IN A SECTION 56 POST**

5.1 Where an employee acts in the Municipal Manager post in terms of clause 3.1.1 or a section 56 post in terms of clause 3.1.2 for a period of at least thirty (30) consecutive working days, the following shall apply:

5.1.1 The employee shall in addition to his/her salary receive an acting allowance for the period of acting.

5.1.2 The salary component for determining the acting allowance will be 60 percent of the total remuneration package (upper limits regulations) of the post in which the employee is acting.

## **6. ACTING FOR SHORT PERIODS**

an employee with the appropriate driver's licence appointed to act as relief operator for any period less than the prescribed ten (10) consecutive working days, qualify for the payment of an acting allowance equal to the difference between his/her pensionable salary and the commencing notch of the salary scale of the post in which he/she is acting, to ensure effective service delivery.

## **7. PAYMENT FOR PERFORMANCE OF ADDITIONAL DUTIES**

Employees may from time to time be requested to perform additional duties for a fixed period, or linked to an event, especially in cases where the full scope of duties cannot be performed due to either the ability of the employee, or the requirements of the higher position in terms of the regulations pertaining to acting.

- 7.1 Payment for the performance of additional duties must be recommended by the director to the Municipal Manager and upon approval, a written instruction to perform such specific duties must be given to the employee;
- 7.2 Payment for additional duties must be determined by the municipal manager in consultation with the director, and may not exceed fifty percent (50%) of the normal acting payment in a case where an employee would perform the full function and qualify to act in terms of the regulations, or five percent (5 %) where the employee already earn on the same level;
- 7.3 Proof of the actual additional duties performed must be provided to the director, or his delegate to approve payment of such additional duties;
- 7.4 Only employees ranking a maximum of two levels (competency levels) below the position for which the additional duties is requested, may be remunerated for the performance of additional duties, unless the director can demonstrate that an employee on a lower competency level has the qualification, knowledge, skills and experience or acceptable combination thereof to perform such additional duties;
- 7.5 The municipal manager or his delegate must satisfy himself that the employee is capable to perform the additional duties and that there are no risk in allowing the employee to perform such duties, or that the risk, whatever it may be, is sufficiently mitigated;
- 7.6 Where appropriate, lower level employees may be requested to perform additional duties without remuneration for same for career advancement purposes.



**8. IMPACT OF THE IMPLEMENTATION OF TASK**

- 7.1 Where an employee's salary is higher than the commencing notch of the salary of the post in which he/she is required to act, an acting allowance amounting to five (5) percent of his/her pensionable salary shall be paid.
- 7.2 In cases where the difference between the employee's salary and the post in which he/she is acting is less than five (5) percent, the application of the five (5) percent allowance will still apply.

**9. ADMINISTRATIVE ARRANGEMENTS REGARDING PAYMENT FOR ACTING**

- 8.1 The Municipal Manager or his/her delegated authority must give the employee written instruction to act in the higher post **prior** to the commencement of the period of acting.
- 8.2 The prescribed acting form (and memorandum, if applicable) signed by the proper authority, as well as the written instruction as stipulated in clause 8.1, must be submitted to Human Resources, to arrange the payment of the acting allowance.
- 8.3 All memoranda for the payment of an acting allowance addressed to Human Resources, must be submitted via the records office and electronically to ensure effective control.
- 8.4 Acting allowances shall only be paid in the month following the period of acting.

**10. IMPLEMENTATION OF THE POLICY**

The policy shall be implemented after consultation with the labour unions and the approval of council.

	<b>Approved by council</b>	<b>Effective Date</b>
Current policy		01 July 2022
Next review date		
LLF consulted on		

<b>MUNISIPALITEIT</b>	<b>CEDERBERG</b>	<b>MUNICIPALITY</b>
<b>ACTING FORM</b>		

A. DETAILS OF EMPLOYEE APPOINTED TO ACT:									
Name and surname of acting employee:									
Personnel number:		Town:		Citrusd	Clanwx	Graafw	Lambert	Elandsb	
Current Job Description:									
Period of acting:	Day	Mnth	Year	to	Day	Mnth	Year	Number of working days:	
NB! Employee can only act in a post equal to, or one grade above their current grade (T-Scale)									
Qualification of employee appointed to act:					Years Experience of employee appointed to act:				
Attach motivation to be signed by Municipal Manager if no choice but to use an employee without required qualification:									

B. DETAILS OF POST IN WHICH EMPLOYEE IS APPOINTED TO ACT:									
Name and surname of current incumbent (if filled):									
Personnel Number of incumbent:		Town:		Citrusd	Clanw x	Graafw	Lambert	Elandsb	
Current Job Description:									
Reason why the incumbent will not be functioning in his ordinary position (eg, leave, sick leave, vacant, etc):									
Essential qualification of post:					Years experience:				

C. AUTHORISATION AND ACCEPTANCE OF ACTING:	
<p>I, _____ (Municipal Manager / Director) hereby authorise payment of an acting allowance to the above employee.</p> <p>_____</p> <p style="text-align: center;">Signature <span style="float: right;">Date</span></p>	
<p>I, _____ (employee) hereby accept the acting appointment in the abovementioned position, and I 1) understand the acting policy, and 2) have no expectation of automatic appointment in the position I am acting in.</p> <p>_____</p> <p style="text-align: center;">Signature <span style="float: right;">Date</span></p>	
<p><b>Acting Allowance Policy – 01 July 2022</b></p> <p>NB: The Municipal Manager, or his authorised delegate, must approve acting shorter than 10 consecutive days.</p>	
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