BERGRIVIER MUNICIPALITY

ACTING AND ADDITIONAL SERVICES RENDERED POLICY

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COMMITTEE : MAYORAL COMMITTEE

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1.3	11/03/2022	Draft	AW Rheeder	Municipal Staff Regulations (Reg 890 & 891 promulgated in Government Gazette no. 45181 dated 20 September 2021)
1.4	22/04/2022	Draft	AW Rheeder	Comments
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1. Purpose

The Municipality acknowledges that from time to time an employee, due to certain circumstances (such as death, illness, resignation, leave and other valid reasons recognized in labour law) may not be in a position to discharge his/her duties and responsibilities in terms of the contract of employment.

The Municipality further recognizes that from time to time there could be a need to appoint another employee to discharge the duties of the absent incumbent during his/her absence, hence the need to enter into an acting arrangement and pay an acting allowance or additional service allowance where applicable.

1.1. In this regard, the following is applicable:

1.1.1. An employee is deemed to be acting in another position when he/she is duly appointed in writing by the Municipal Manager or delegatee to do so.

1.1.2. An employee who acts in another position must also execute his/her original duties, functions and powers.

1.2. The purpose of the policy is the following:

1.2.1. To ensure continuity of operations in the Municipality is maintained during the absence of the incumbent;

1.2.2. To promote on-the-job experience and exposure to other employees;

1.2.3. To provide a policy guideline for the handling of acting arrangements in various positions within the Municipality; and

1.2.4. To provide a policy guideline within which acting arrangements can occur and acting allowance or additional service allowance may be paid.

2. Scope

This policy is applicable to:

2.1. Permanent employees of the Municipality; and

2.2 Fixed term contract employees (Section 54A & 56 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and political support staff.

3. Definitions

3.1. **"acting"** refers to where an employee, by written approval of the Council, Municipal Manager or delegatee, is requested to act in a higher position and the request is accepted by the acting employee and is in line with applicable legislation.

3.2. **"additional services"** refers to situations where the Employer requested an employee to execute additional duties and responsibilities and the request has been accepted by the Employee and is in line with applicable legislation.

3.3 **"Local Government: Municipal Staff Regulations"** means Regulation no. 890 promulgated in Government Gazette 45181 dated 20 September 2021.

3.4. **"municipality"** means the Bergrivier Municipality as constituted in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended.

4. Legislative Framework

4.1. The Municipality remains responsible to continually align this policy content with all relevant legislation.

4.2. Appointing staff in acting positions is regulated amongst other in the following legislation and collective agreements:

4.2.1 Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended.

4.2.2 Collective Agreement on Conditions of Service for the Western Cape Division of the South African Local Bargaining Council.

4.2.3 Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers (Government Gazette no 37245 dated 17 January 2014).

4.2.4 Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers directly accountable to Municipal Managers (published annually).

4.2.5 Local Government: Municipal Staff Regulations (Regulation 890 promulgated in Government Gazette no. 45181 dated 20 September 2021).

4.3 In the event of conflict between the policy and relevant legislation, then the relevant legislation will prevail.

4.4. The powers of Council and the Municipal Manager in terms of this policy may be delegated as Council or the Municipal Manager may determine.

5. Guiding principles

5.1 An employee is deemed to be acting in another post when he/she has been authorized in writing by the Council or Municipal Manager and/or delegate to act in a more senior position as per the approved system of delegations, subject thereto that the position to be acted in, is an approved post on the staff establishment and budgeted for, except where critical needs arise that directly affect service delivery. Such needs must be identified by the respective directors and motivated to the Municipal Manager for final consideration.

5.2 He/she performs all the duties of a higher position, as per the approved organogram, over and above and in addition to his /her own duties. No acting is allowed in the acting employee's position, except where it is legally required.

5.3 A staff member may only act in a post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies. Where this is not operationally possible, the relevant Director must submit a motivation to the Municipal Manager to approve a person on a lower level to act in the relevant position.

5.4 An official acting in a vacant or higher position should not have a legitimate expectation whatsoever, to be appointed permanently or otherwise when recruitment and selection is done for the position.

5.5 An acting/additional service allowance will be paid to the acting employee in the month following the period in which the acting took place.

5.6 An employee may not act in more than one position at a time.

5.7 In selecting a person to act in a post, the following must be considered:

5.7.1 the relevant requirements of the post and the performance of the acting employee;

5.7.2 the Municipality's developmental needs; and

5.7.3 the Municipality's employment equity policy and plan.

5.8 A staff member appointed to act in a position must comply with the minimum qualifications, relevant experience and potential to perform in the position to which s/he is appointed in an acting capacity and that the payment of an acting allowance may only be considered when this requirement has been met.

5.9 The employer will not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance. The Municipal Manager has the authority to terminate an acting period.

6. Acting as Municipal Manager

6.1 The Council on recommendation from the Executive Mayor annually approves an acting roster for Senior Managers to act as Municipal Manager during the absence of the Municipal Manager, while Council has the discretion to appoint a Municipal Manager in terms of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000), as amended.

6.2 An acting allowance is payable when a Senior Manager acts as Municipal Manager for a minimum of ten (10) consecutive/cumulative (not necessarily continuous) working days in a financial year, including public holidays and weekends where the Senior Manager still has the responsibility of the acting position.

6.3 A person appointed to act may do so for a maximum period of 3 months and with permission of the MEC for a further 3-month period.

6.4 The acting allowance payable where a Senior Manager acts in the position of the Municipal Manager shall be a non-pensionable acting allowance and shall be the difference between the maximum total remuneration package for the Municipal Manager minus the maximum total remuneration package for the relevant Senior Manager reporting directly to the Municipal Manager.

6.5 The Municipal Manager and/or CFO must authorise the payment of an acting allowance to a Senior Manager who acts as Municipal Manager.

7. Acting as Director (Senior Manager reporting directly to the Municipal Manager in terms of the Systems Act)

7.1 In the absence of a Director the Municipal Manager must appoint an employee to act in the position of a Senior Manager reporting to the Municipal Manager.

7.2 Any person appointed to act as Director must at least have the skills, expertise, competency and minimum qualifications as prescribed.

7.3 A person appointed to act may do so for a maximum period of 3 months and with permission of the MEC for a further 3-month period.

7.4 The Municipal Manager must authorise the payment of an acting allowance to an employee who acts as a Director during the absence of the Director concerned.

7.5 An acting allowance shall only be payable when an employee acts as the Director for a minimum of 10 consecutive working days, including public holidays.

7.6 The acting allowance payable where an employee acts in the post of a Director shall be a non-pensionable acting allowance and shall be the difference between the pensionable salary of the acting employee and 60% remuneration package of the maximum total remuneration package for senior managers of a grade 2 category Municipality in terms of the upper limits, unless the latter is more, then a 15% remuneration allowance, calculated from the salary notch of the employee executing the additional duties and job responsibilities, will be paid.

8. Acting in all other posts

8.1. 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 10 consecutive working days, including public holidays.

8.2 The acting allowance will be a non-pensionable amount payable being the difference between his/her pensionable salary and the commencing notch of the salary scale of the post in which he/she is acting provided that the minimum acting allowance shall be five per cent.

8.3 If an employee is requested to act in terms of clause 8.1 the employer shall not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance.

8.4 An employer shall not require an employee to act for longer than 3 months in the post and before the end of the 3-month period, such acting appointment must be reviewed.

8.5 Despite paragraph 8.4, the municipal manager, or his or her delegate, may extend the period in paragraph 8.4 for a further period of three months if there is a justifiable reason to do so.

8.6 Any further extensions made under paragraph 8.5 shall not exceed a period of nine consecutive months, whereafter the post must be advertised and filled on a competitive basis.

8.7 The performance of a staff member appointed to act in a post must be assessed in terms of the Municipal Staff Regulations.

9. Additional service allowance

The additional service allowance is payable to an employee in the following circumstances:

9.1 In terms of Council's delegations, when it is expected from an employee to execute additional duties and responsibilities, for at least 5 consecutive days, including public holidays.

OR

9.2 In terms of Council's delegations, when it is expected from an employee to execute additional duties and responsibilities of a position, equivalent or lower than his/her own position, for at least 5 consecutive days, including public holidays.

9.3 The request to perform additional services must be in writing, accepted by the relevant employee, and pre-approved by the duly authorized.

9.4 To allow for intermittent, cumulative acting periods that are not necessarily continuous.

9.5 A 15% additional service allowance for additional service rendered will be payable to the employee for a specific period, calculated from the salary notch of the employee executing the additional duties and job responsibilities.

9.6 An employee will not be paid an additional service allowance whilst he/she is on any form of leave or any other absence during the period.

9.7 It may not be expected from an employee to execute additional duties and responsibilities for a continuous period of more than three (3) months.

10. Leave arrangements in respect of persons appointed to act in a position

10.1 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.

10.2 Where an employee appointed to act in any position under this policy, is absent without leave or permission, the acting allowance, and associated benefits for such period of absence shall be forfeited and the acting appointment may be terminated with immediate effect.

11. Required skills and experience

11.1 The skills of the individual considered for the acting position must meet the minimum requirements reflected in the job description and/or the competency profile related to the position.

11.2 The Municipal Manager may at his/her discretion waive compliance with the provisions of 11.1 above where it is not possible to make an acting appointment fully compliant with 11.1.

12. Acting appointment procedure

12.1 The requesting line department must submit a written request on the prescribed form signed by the relevant Head and Manager of the department to the HR department, prior to the acting period.

12.2 The HR department will scrutinize the request against the criteria of length of acting, salary scales and notches as well as existing position on the organogram.

12.3 The payment of such acting allowance shall be subject to prior authorization by the Budget Office or CFO.

12.4 If the request complies with the criteria, the HR department will forward the request to Municipal Manager/Director for approval.

12.5 If the request does not comply with the criteria, it is returned to the line department.

12.6 After approval by the MM/Director the Human Resource Section will forward the approved request to the Salaries Section for processing.

12.7 No retrospective acting appointments shall be considered.