ACTING POLICY FOR JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

Council resolution no: 6.7.21/06/2017	**Approved date: 21/06/2017**
Effective date: 1 July 2017	**Reviewed date: Annually and/or as and when required**

Mr. M.W Molusi

AMM .....

Ms. P. Mogatle

Speaker .....

REVIEWED

1. PURPOSE

The purpose of this policy is to address acting related challenges in the Municipality, regarding issues of compensation for all staff members, and appointment of acting staff. This policy will be used as a tool to address current challenges, and also as a pro active approach of addressing challenges that might arise in future.

2. SCOPE

2.1 This policy will be applicable to all staff members who will be appointed to act during the absence of other staff members in line with the hierarchy of the department or unit.

2.2 The policy will exclude learners, interns, temporary workers, and volunteers.

3. LEGAL FRAMEWORK

- Collective Agreement on Condition of Service for the Northern Cape Division of the 1st October 2013 until 30 June 2016.
- Local Government Municipal Systems Act 32 of 2000 as amended
- Minimum Competency Level Regulations, of 15 June 2007.
- Local Government: Regulations on appointment and Conditions of Employment of Senior Managers.

4. DEFINITIONS OF TERMS

JTGDM- John Taolo Gaetsewe District Municipality.

Section 56 employees-staff members directly accountable to the Municipal Manager employed in terms of section 57 of the Municipal Systems Act.

Non section 56 employees-staff members employed in terms of section 55 of the Municipal Systems Act.

An acting employee-This is any member of staff, qualifying in terms of 2.1 above who could be appointed to act in any position that has become vacant for whatever reason.

Temporary workers- An employee appointed on full time or on time part time basis for a period of less than one year to undertake or complete a specific task.

5. ACTING FOR SECTION 56 AND NON SECTION 56 EMPLOYEES

5.1 Should the need arise for someone to act in a vacant section 56 post, the most senior staff member in the specified department will be appointed to act in the vacant section 56 post by the Municipal Manager in consultation with council.

5.2 A section 56 employee will not be allowed to act in an equivalent level.

5.3 If a position becomes vacant and another staff member is required to act on the position the acting staff member may not be three levels lower than the position on which he/she is expected to act.

5.4 The person appointed to act shall at least possess the necessary minimum competency levels to act in that position and shall have the minimum of 6 months experience with the Municipality.

5.5 The person appointed to act as a Municipal Manager, or a manager directly accountable to the Municipal Manager, may not be appointed to act for a period exceeding three months.

5.6 Should the need arise for the contract of the Acting Municipal Manager, or a manager directly accountable to the Municipal Manager to be extended, it should be under special circumstances and s/he may not act for more than three months.

5.7 If an HOD is acting in the MM's position for more than 10 days in a 30 day cycle, the HOD will be entitled for acting allowance.

5.8 Performance assessment of the acting employee will be done in both the usual post of the employee and the post the employee is acting on.

5.9 The fact that an employee has been appointed in an acting capacity does not create a right or expectation to be appointed when the vacancy is advertised.

5.10 An acting employee remains responsible for the functions of his/her current post while acting in a higher position.

5.11 An acting employee holding a transport allowance bearing post, acting on a higher position, shall be entitled to running costs for additional travelling involved in the higher position.

5.12 An employee holding a non-transport bearing post, acting in a transport allowance bearing position shall be entitled to the transport allowance payable to such position.

5.13 The acting allowance will only be paid if the post is funded.

5.14 The acting allowance is non-pensionable.

6. DURATION FOR ACTING

6.1 The acting period for non-section 56 shall not exceed six (6) consecutive working months.

6.2 The acting period will be reviewed on three (3) months basis as long as the position remains vacant in consultation with senior management.

6.3 The acting allowance, payable each month, will be paid after 10 consecutive working days of uninterrupted service/work.

6.4 Any interruption of less than three working days in total shall be deemed to form part of the acting period if occasioned by any of the following circumstances:

6.4.1 Illness supported by a medical certificate,

6.4.2 Family bereavement,

6.4.3 Attendance at court as a witness, if subpoenaed.

7. CALCULATION OF ACTING ALLOWANCE

The acting allowance is calculated on the basis of the basic of the person required to act and the commencing notch of the salary scale of the post in which he or she acts.

8. THE FORMULA TO BE USED

8.1 The difference between the commencing notch of the vacant post and the difference basic salary of the acting employee will be divided by the 250 multiplied by the number of days acted for the month.

8.2 The calculation of acting allowance/s paid to employees performing acting duties in section 57 or other fixed term contractual posts shall be based on 60% of total remuneration package of the section 57 or other contractual post.

8.3 In the event that an employee's salary is equal to or higher that the commencing notch of the salary scale of the post in which he is due to assume an acting position, an acting allowance fixed at 12,5% of the employee's basic salary shall be paid, **provided that the official does not take annual leave.**

9. ADMINISTRATION OF THE POLICY

The relevant department that will deal with the administration of this policy is the Human Resource Unit and the Budget and Treasury Department. Calculations of allowances will be done by the HR and will be executed by the Treasury and Budget Department.

10. EFFECTIVE DATE OF THE POLICY

The policy will be implemented once council has endorsed it, in a duly constituted council meeting.

11. REVIEW DATE

The policy will be reviewed as and when required