



ANNEXURE

MOGALE CITY LOCAL MUNICIPALITY

ACTING POLICY

2024 -2025

APPROVED

DOCUMENT MANAGEMENT

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1. ACRONYMS AND DEFINITIONS

1.1 Acronym

ACRONYM	DEFINITION
EM	Executive Manager
MCLM	Mogale City Local Municipality
MM	Municipal Manager
MSR	Municipal Staff Regulations
R&HCA	Recruitment & Human Capital Administration
SALGBC	South African Local Government Bargaining Council

1.2 Definitions

For the purpose of this policy, the following definitions apply:

TERM	DEFINITIONS
Acting	Acting is a formal means of recognition and remuneration for when an employee temporarily acts-up, down or horizontal into the full or majority of the duties of a job role evaluated at a higher grade than that of their substantive position
Acting Allowance	Means the monetary payment to an employee for performing duties of a higher graded post on a temporary basis and in terms of the relevant policy or clause in this Agreement.
Basic Salary	Is the amount paid to an employee before any additional benefits are paid or taken off
Consecutive period	Acting for 10 or more working days
Employee	Means a person employed by the Employer and shall include a permanent employee or an employee as defined by section 213 of the Labour Relations Act
Employer	For the purpose of this policy employer means Mogale City Local Municipality
First line managers	First-line level managers are employees in the levels below middle-level managers and are responsible for managing sub-divisions within divisions.
Financial Year	Means the financial year of a municipality as prescribed in terms of the Municipal Finance Management Act
Fixed term contract	Employees appointed on a five-year contract and/ or on employment linked to the Term of Office of the Political Office Bearers

TERM	DEFINITIONS
Head of Department	Executive Manager/ Senior Manager
Immediate subordinate	For the purpose of this policy immediate subordinate means an employee acting in post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies.
Incumbent	The current employee appointed in a position
Municipality	Means a metropolitan, local or district municipality established in terms of section 12 of the Municipal Structures Act
Permanent staff establishment	Approved organizational structure
Professional body	For the purpose of this policy professional body means relevant professional affiliation
Short-term contract	Any employment contract for 3 to 12 months.
Total Remuneration or total cost to company	Is the sum of an employee's compensation package, including basic salary, benefits, and allowances
Position Occupant	The employee that holds a position
Post	Means a position on employers approved organizational structure to which specific duties are coupled Or Means a position to which a person is appointed on the approved staff establishment for which financial provision exists
Staff Establishment	Means the approved jobs and number of posts created for the normal and regular requirements of a municipality, also referred to as the organizational structure or organogram.
Staff or staff member	All people employed by MCLM excluding section 56/57
Supervisory Level	Employees appointed in positions at job grade 6-5

NB: The following words shall be used interchangeably in this policy:

1. employee and staff member
2. post and position.

2. EXECUTIVE STATEMENT

MCLM is committed in the welfare of its employees and implementing sound human resource strategies aimed at recognizing individual efforts towards efficient and effective service delivery. It is therefore necessary to formulate policy framework on Acting.

3. INTRODUCTION

The Acting Policy will provide a framework that regulates acting appointment and the payment of an acting allowance within the Municipality.

3.1 Policy objective and purpose

The purpose of this policy is to regulate MCLM's processes and procedures regarding acting appointments and acting allowance.

3.2 Legislative Mandates

3.2.1 Basic Conditions of Employment Act 75 of 1997, as amended.

3.2.2 Labour Relations Act 66 of 1995, as amended.

3.2.3 Municipal Financial Management Act 56 of 2003.

3.2.4 Employment Equity Act No 55 of 1998, as amended.

3.2.5 Skills Development Act 97 of 1998

3.2.6 South African Local Bargaining Council (Gauteng: Division) Divisional Conditions of Service Collective Agreement

3.2.7 Municipal Staff Regulation 20, September 2021

4. SCOPE AND APPLICABILITY

The Acting Policy is applicable to all staff members of MCLM.

5. ROLES AND RESPONSIBILITIES

5.1 Council

5.1.1 It is the responsibility of Council to approve the Acting Policy.

5.2 Municipal Manager

5.2.1 It is the responsibility of the MM to approve acting of Managers in Executive Manager Positions.

5.3 Executive Managers

It is the responsibility of the Executive Managers to:

5.3.1 Approve and appoint acting employees.

5.3.2 Monitor the rotation of employees in acting positions.

5.4 First-line Manager

It is the responsibility of First Line Managers to:

- 5.4.1 Confirm vacant position with R&HCA prior to recommending to the relevant head of departmental for approval.
- 5.4.2 Recommend acting employees in a position.
- 5.4.3 Ensure that acting employees are rotated in a position.

5.5 Recruitment and Human Capital Administration

- 5.5.1 It is the responsibility of the R&HCA to process the requests for acting allowance approved by the EM.

6. POLICY CONTENT

6.1 Conditions for Acting Appointments

Acting must only take place under the following conditions:

- 6.1.1 Expect, for the CFO, CAE & EM:CSS an employee who is appointed to act in a higher post, they must continue to perform the duties they ordinarily occupy.
- 6.1.2 When there is an available vacant position on the approved organisational structure.
- 6.1.3 When the job incumbent is on leave or not available to perform the functions of their position.
- 6.1.4 When the available vacant post is funded, an acting appointment may be made to a funded post to ensure that the disruption of services is minimised.
- 6.15 An employee shall only be appointed to act after being in a new position for 12 consecutive months.
- 6.16 Acting shall not be inter-departmental or inter-divisional (e.g. an Assistant Manager in Legal Services cannot act in a position of the Manager: Human Capital Management) unless Accounting Officer decides otherwise.
- 6.1.7 An acting appointment may be made to a funded post to ensure that the disruption of service is minimized.
- 6.1.8 An employee acting in a higher post has no right or expectation to be appointed to that post, except as otherwise provided in the MSR.
- 6.1.9 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.
- 6.1.7 Appointment to act and the acting letter should have a timeframe (i.e., start date and end date).
- 6.1.8 Acting must be of necessity and focus on continuity, capacity building and empowerment of the employees.

6.1.9 Employees appointed on a short-term contract and/ or an internship and/ or learnership programme(Apprenticeship Work Integrated Learning) shall not be appointed to act.

6.2 Acting appointments

6.2.1 Appointment of immediate subordinates to act shall be on a rotational basis and only those who qualify to act can be appointed.

6.2.2 A person may only be appointed in an acting position for a period not exceeding three months at a time.

6.2.3 Despite sub-regulation (8 of the Municipal Staff Regulations), the municipal manager, or his or her delegate, may extend the period in sub-regulation (8 of the Municipal Staff Regulations) for a further period of three months if there is a justifiable reason to do so.

6.2.4 Any further extensions made under sub-regulation (9 of the Municipal Staff Regulations) shall not exceed a period of nine consecutive months, whereafter the post must be advertised and filled on a competitive basis. If there is only one (1) subordinate eligible to act with a possibility of having to act for a longer period, the recruitment process must be initiated immediately.

6.2.5 The acting employee or position occupant shall continue with their responsibilities and shall not appoint another employee to act in their position.

6.2.6 The appointment to act in a post must be:

6.2.6.1 With the consent of a staff member,

6.2.6.2 In writing, and

6.2.6.3 Authorized by the Municipal Manager for appointment of Managers.

6.2.6.4 Authorised by the Executive Manager for appointment of Assistant Managers and all levels below.

6.2.7 Should the incumbent of the position extend leave; the acting appointment shall be extended.

6.2.8 Employees shall have the right to accept or decline the request to act.

6.2.9 Acting appointments to vacant posts must not exceed 3 (three) months.

6.2.10 Vacant posts on a Municipality's permanent staff establishment should be filled within (six) months of the vacancy arising unless there is a compelling reason not to do so.

6.2.11 Unless operational requirements dictate otherwise, acting appointments should be confined to employees reporting directly to the applicable acting position.

6.2.12 No employee shall be appointed to act in a position that requires an incumbent to have a specific qualification or registration with a professional body if such employee does not have the requisite qualification or registration with a professional body.

6.2.13 In order for an employee to act in higher position, they should be duly appointed in writing by the Municipal Manager (or his assignee).

6.2.14 The acting employee shall not automatically qualify to be shortlisted to the position that they acted on (when that position is advertised).

6.3 Criteria for Acting Appointment

6.3.1 An employee who is required to undertake duties of a higher-level post must meet the minimum requirements of the position.

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

- (a) The relevant requirements of the post and that person's performance,
- (b) The municipality's developmental needs; and
- (c) The municipality's employment equity policy and plan.

6.4 Acting shall take place in the following forms:

6.4.1 Vertical acting, whereby an employee undertakes duties of an immediate higher post level.

6.4.2 Horizontal acting, whereby an employee undertakes duties of the same level post; for instance, the Manager: Corporate Ethics acting for a Manager: Roads and Transport.

6.5 Non-performance during and/ or Withdrawal of Acting

6.5.1 Non- performance during acting shall be addressed through schedule 8, item 9 of the LRA.

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

6.6 Acting allowances

6.6.1 Payment of acting allowance shall be equivalent to the days of acting.

6.6.2 If an employee acts in a higher post for a period of not less than 10 working days, an acting allowance equal to the difference between his or her salary and the minimum notch pertaining to the post in which he or she is acting shall be paid to such employee in addition to his or her salary for the period during which he or she is acting.

6.6.3 The said working days shall not include weekends and public holidays.

6.6.4 When an employee is appointed to act in a Section 56 or 57 position for a period not less than (10) working days, the acting allowance will be calculated as follows:

6.6.4.1 Total remuneration package of Section 56 or 57*60% minus annual basic salary of the acting incumbent divided by 12.

6.6.4.2 When an employee is appointed to act in a senior post for a period ten (10) or more working days, an acting allowance at an annual rate equal to the difference between an employee's salary and the commencing notch of the salary post in which he/ she acts, shall be paid to such employee in addition to his/ her salary in respect of the period in which he/ she acts provided that.

6.6.5 The acting allowance shall be paid to such an employee in addition to his/ her salary for the period during which he/ she is acting.

6.6.6 Acting allowance shall be calculated as follows:

6.6.6.1 Employee Acting for a month:

To determine the acting allowance for a month, the formula below shall be applicable:

- the entry level of position that the employee is appointed to act in, is used to determine the acting allowance of an employee acting for a month, the follow formula shall be used:
- Entry level of the position Minus Basic Salary of the acting employee
- Difference will be the qualifying allowance for a month.

6.6.6.2 Acting for less than a month:

To determine an acting allowance for an employee acting for less than a month, the formula below shall be applicable:

- The Qualifying Allowance for a Month
- Multiply by 12 months divided by 365 days or 366 days.
- Multiply by the number of days worked (including the holidays and weekends)

6.6.6.3 In the event that an employee salary is equal to or higher than commencing notch of the salary scale of the post in which he/she is due to assume an acting position, an acting allowance fixed at 12,5% of the employees' basic salary be paid, which ever is the greater allowance.

6.6.7 The qualifying period for the purpose of acting shall be as follows:

6.6.7.1 a consecutive period of ten (10) working days for a 5-day worker; and

6.6.7.2 a six (6) day worker and / or a shift worker would need twelve (12) consecutive working days.

7. IMPLEMENTATION OF THE POLICY

The implementation of this policy shall be effective after approval by Council. Any possible deviation to this policy, shall only be permissible with the expressed approval of the MM.

8. FINANCIAL IMPLICATIONS

8.1 The implementation of the Acting Policy has financial implications for the Municipality.

8.2 Implementation of some of the provisions of Acting Policy shall be subject to the financial viability of the Municipality.

9. MONITORING AND EVALUATION OF THE POLICY

Corporate Support Services (through Recruitment & Human Capital Administration) shall monitor and evaluate the implementation and compliance to the Acting Policy through standard operating procedure.

10. POLICY REVIEW

This policy will be revised as and when the relevant legislation is amended.

11. COMMUNICATION

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

12. COMPLIANCE

Any contravention to this policy shall be construed as misconduct.

13. PRECEDING POLICIES RESCINDED

The previous policies in respect of this subject are **RESCINED and REPLACED** with this new policy.

14. IMPLEMENTATION

Council:	Mogale City Local Municipality
Signature:	
Date Approved:	
Effective Date:	