

MOPANI DISTRICT MUNICIPALITY



ACTING IN HIGHER POSITION

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1. Preamble

Mopani District Municipality accepts as a fact that there will be a time an employee may not be available to discharge his duties and responsibilities in terms of the contract of employment.

The Municipal Council recognise that from time there would be a need to appoint another employee to discharge the duties of another employee who is not available.

The policy deals with acting appointments for all funded but vacant positions and compensate employees who have performed duties in an acting capacity.

2. OBJECTIVES/PURPOSE

- 2.1. To provide guidelines within which acting has to occur
- 2.2. To regulate the appointment of staff in acting positions, and deals with the payment of acting allowance where applicable in terms of the clause 12 of the Collective Agreement on Condition of Service.
- 2.3. To ensure prudent Financial Management with the approved budgetary limits per post where expenditure is incurred contrary to the provision of Policy.
- 2.4. To provide for payment of an acting allowance to an incumbent acting in a higher post.
- 2.5. To create a room for development and capacitating of employees.
- 2.6. To make a provision for execution of duties in a vacant position.
- 2.7. To advance the agenda of service delivery.
- 2.8. To prescribe time-frames for utilization of employees in an acting capacity

3. SCOPE OF THE POLICY

- 3.1. The policy applies to all post levels of the Municipality as refer to Municipal Systems Act and Collective Agreement on Condition of Service where applicable.
- 3.2. The policy is applicable on all vacant funded positions.

4. LEGAL MANDATE

- 4.1. Constitution of South Africa
- 4.2. Collective Agreement on Condition Service –SALGABC
- 4.3. Basic Conditions of Employment Act 75 of 1997
- 4.4. Labour Relations Act 66 of 1995
- 4.5. Regulations on appointment and conditions of Employment of Snr Managers.
- 4.6. Municipal Staff Regulations & Guidelines.

5. DEFINATIONS

“**Act**” Means the LABOUR Relations ACT,66 of 1995 as amended

“**Acting Allowance**” Means the monetary payment to an employee for carrying out the duties of a higher graded post on a temporary basis and in terms of the relevant policy or clause in this policy.

“**Acting appointment**” Means a temporary in a higher or similar graded and funded position on the staff establishment, which appointment is necessitated by a temporary absence of another employee.

“**Basic Conditions of Employment Act**” Means basic conditions of Employment Act, 1997(Act 75 of 1997;

“**Employee**” Means a person employed by the Employer and shall include a permanent or a contract employee.

“**LLF**” Means Local Labour Forum

“**MEC**” Member of Executive Committee responsible for local government in the province.

6. ADMINISTRATION

- 6.1. The responsibility and authority of the policy is with the Municipal Manager or his/her delegated official/s.
- 6.2. The responsibility includes communication of the policy and related procedures.

7. POLICY CONTENTS

7.1. AUTHORITY TO MAKE ACTING APPOINTMENTS

- 7.1.1. Council has the authority to appoint a person to act in a position of the Municipal Manager in terms of section 56 of the Municipal Systems Act.
- 7.1.2. Senior Manager must recommend for approval by the Municipal Manager, the appointment of persons to act in a positions directly reporting to his or her position.
- 7.1.3. Senior Manager must recommend to the Municipal Manager for the appointment of a person to act in positions below the level directly reporting to him if the person directly reporting to him/her is not available.
- 7.1.4. Managers and Deputy Managers must recommend to the Senior Managers employees to be appointed to act in positions under their Supervision for approval by the Municipal Manager.

- 7.1.5. Acting without approval from Accounting Officer or his delegate is invalid.

7.2. ACCOUNTABILITY

- 7.2.1. A person appointed to act in a higher or another position shall accept full duties and responsibilities of the higher position in addition to the full duties and responsibilities of his/her normal position.
- 7.2.2. Where the next available in the line of supervision is not available, the Municipal Manager must ensure that the employee he/she appoints to fill the acting positions is competent to perform the duties of the position.
- 7.2.3. Unless indicated otherwise in the appointment to the acting post, a staff member of Mopani District Municipality who is acting in a higher post must continue to perform the duties of the post that the staff member ordinarily occupies during the acting period.

7.3. PROHIBITION OF THE LADDER EFFECT

- 7.3.1. A person acting in a higher post has no right or expectation to be appointed to that post, except as otherwise provided in the staff regulations.


7.4. ELIGIBILITY

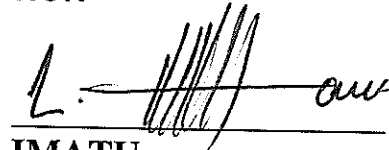
- 7.4.1. An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimized.
- 7.4.2. An employee may only act in a post that is equivalent to or one grade higher than the post that he/she ordinarily occupies.
- 7.4.3. Seniority of the employee will be a key principle to be considered when identifying a person to act.
- 7.4.4. The staff member appointed to act in post must have the requisite competencies to be able to perform the duties associated with the post.
- 7.4.5. The appointment to act in a post must be:
- 7.4.4.1. With the consent of the staff member in writing, and
 - 7.4.4.2. Authorized by the municipal manager or the person to whom this function is delegated.
- 7.4.6. In selecting a person to act in a post, the following must be considered:
- 7.4.5.1. The relevant requirements of the post and that person's performance
 - 7.4.5.2. The municipality's developmental needs, and
 - 7.4.5.3. The municipality's employment equity policy and plan.
- 7.4.7. Acting appointments should be confined to employees reporting directly to the applicable acting positions, except where the employee next line is

12. REPEAL.

12.1 The Policy shall repeal all previous policies formulated before its approval.

12. STAKE HOLDER'S CONSULTATION


SAMWU


IMATU

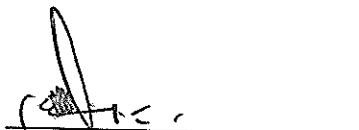
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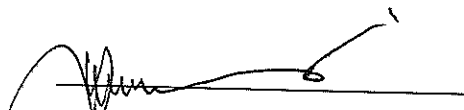
14. ADOPTION BY COUNCIL:

| | |
|-----------------------------|----------------------------|
| Policy Number: | Approved Date: 31 May 2022 |
| Effective Date: 31 May 2022 | Review Date: 24 May 2022 |
| | |

15. AUTHORITY


MUNICIPAL MANAGER

31/05/22
DATE


COUNCIL SPEAKER

31/05/22
DATE