

MAMUSA LOCAL MUNICIPALITY



ACTING ALLOWANCE POLICY

2022-2023

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1. PREAMBLE

Mamusa Local Municipality accepts that from time to time an employee may

not be available to discharge his/her duties and responsibilities in terms of the contract of employment. Further to the above the municipality recognise that from time to time there would be a need to appoint another appropriately skilled and experienced employee to discharge the duties of another employee who is absent. The latter is to take place within a framework, having regard not only for the Labour Relations Act, but also another applicable legislation, inclusive of the MFMA, but not limited to the latter only.

2. OBJECTIVES OF POLICY

The object of this policy is to provide a uniform legal standard to regulate the appointment of staff in acting positions. In doing so, the policy addresses the issue of appointing staff in acting positions on the one hand and on the other deals with the payment of an acting allowance when applicable.

To ensure prudent financial management within the approved budgetary limits per post and where expenditure is incurred contrary to the provisions of this policy, same must be reported as irregular expenditure, until condoned by Council.

3. DEFINITIONS

No	Phrase	Explanatory
3.1	Municipality	Mamusa Local Municipality
3.2	Director	a natural or juristic person who is permanently or temporarily employed and responsible for the management of the Directorate
3.3	Employees	a natural persons employed to execute day to day activities of the municipality
3.4	Acting Allowance	Monetary payment to an employee for carrying out the duties of a higher graded post on a temporary basis and in terms of this policy or clause in the North West Collective Agreement

4. LEGAL FRAMEWORK

- 4.1 Local Government: Municipal Systems Act, 2000, (Act 32 of 2000);
- 4.2 Labour Relations Act no 66, 1995;
- 4.3 Collective Agreement on Conditions of Service for North West Division of the SALGBC;
- 4.4 Local Government: Municipal Finance Management Act, (Act 56 of 2003).

5. APPLICATION OF THE POLICY

- This policy is applicable to all permanent employees who are appointed in an acting capacity in a post that is at a higher level than the post they normally occupy.
- An employee is deemed to be acting in another post when he/she has been authorised in writing by the municipal manager and/or Director to act in a more senior post, as per the approved system of delegations, subject thereto that the post to be acted in, is an approved post on the staff establishment and budgeted for.
- An employee who acts in another post is still responsible for his/her original duties, functions and powers. Said employee will then be vested with the delegations and responsibilities of the more senior post.
- No staff member shall be authorised to act in a higher specialist post without the requisite skill and experience.

6. ACTING AS MUNICIPAL MANAGER

- The Municipal Council in consultation with the Mayor may appoint a Senior Manager (Director) to act as Municipal Manager during the absence of the Municipal Manager, in terms of delegation and in line with applicable legislation and policies, while Council has the description to appoint a Municipal Manager in terms of Section 54A of the Local Government: Municipal Systems Act, 2000, Act 32 of 2000.
- Senior Managers (Directors) in the employ of Mamusa Local Municipality shall be paid an acting allowance in accordance to clause 7.1.2 of the North West Division: Collective Agreement on Conditions of Service.

7. ACTING AS DIRECTOR

- 7.1 The Municipal Manager must authorise the payment of an acting allowance to an employee who acts as a Director of a Directorate during the absence of the Director of a Directorate, provided that all duties assigned to the acting employee were attended to on the required standard.
- 7.2 An acting allowance is only payable when an employee acts as Director of a Directorate for a minimum of 3 consecutive working days.

- 7.3 The salary component for determining the acting allowance of an employee acting as Director will be done in accordance to clause 7.1.2 of the North West Collective Agreement on Conditions of Service.

8. ACTING IN ALL OTHER POSTS

- 8.1 The Director may appoint an appropriately skilled person in writing to act in post of a Manager, as and when it is deemed necessary for operational efficiency.
- 8.2 The Director must authorise the payment, subject to budgetary provision, of an acting allowance to a person acting in the more senior post.
- 8.3 An acting allowance is only payable when an employee acts in terms of Clause 7.1.1 of the Collective Agreement on Conditions of Service for the North West Division.
- 8.4 The acting period shall not unreasonably be stopped or interrupted resulting in non-payment of an acting allowance.
- 8.5 Any acting must be limited to not exceed three (3) consecutive working months. In another post for a minimum of 3 consecutive working days.

9. ACTING ON HORIZONTAL POSTS

- 9.1 This acting will be done in accordance to Clause 7.1.6 of the Collective Agreement on Conditions of Service for the North West Division.
- 9.2 This section of the policy will only become applicable when the budget allows for implementation.

10. OTHER ALLOWANCES

No overtime will be applicable or payable to an employee acting in a higher post.

11. PAYMENT AND AUTHORIZATION OF AN ACTING ALLOWANCE IS FURTHER SUBJECT TO THE FOLLOWING

- 11.1 The higher post must be a vacant post and budgeted for (funded) or a filled post where the current incumbent will be absent from work for more than a week.
- 11.2 No acting allowance shall be paid for periods less than 3 working days, inclusive of public holidays which fall on a normal working day.
- 11.3 The acting incumbent shall be appointed in writing by the Municipal Manager or Director to the acting position prior to the commencement of the acting period.
- 11.4 The key performance areas, for which the acting incumbent will be responsible, shall be clearly defined in writing.
- 11.5 The latter requires that a job description exists for the current incumbent's post in which acting is proposed to take place.
- 11.6 The incumbent shall sign a suitable undertaking committing to and assuming all the responsibilities normally associated with the post.
- 11.7 The payment of such acting allowances shall be subject to prior authorization by the CFO
- 11.8 The payment of such acting allowance shall further be subject to the proviso that the preferred employee meets the minimum criteria for the position.
- 11.9 In every special cases where a need arises to extent acting beyond the periods prescribed by this policy, it must be made a specific condition of such further action periods, that no expectation is created or that eligibility exists for placement.

12. THE FOLLOWING GUIDELINES ARE TO BE CONSIDERED PRIOR TO MAKING A DECISION TO APPOINT A PERSON IN AN ACTING POSITION

- 12.1 Consideration should be given as to whether an official, more senior to the post concerned, can absorb all or part of the critical duties and responsibilities associated to the post; and or whether any other persons are interested and have capacity to perform the duties.
- 12.2 The possibility of spreading the workload of the post amongst other employees operating at the same level;
- 12.3 The need for supervision over sub-ordinates
- 12.4 The need to maintain the daily output associated with the post.

13. POLICY REVIEW AND REPORTING

This policy document shall be reviewed annually, when deemed necessary – especially if there is a change in collective agreements or legislation and submitted as part of the budget approval process.

14. APPROVAL OF POLICY AND DATE OF EFFECT



MUNICIPAL MANAGER

2022/11

DATE