1. OBJECTIVE

The objective of the policy is to ensure that activities of the Municipality continue while critical positions are not permanently occupied.

2. DEFINITION

The Acting Policy regulates the temporary appointment of employees of the Municipality in higher positions in a capacity whether or not it is in addition to their own duties.

3. RELEVANT LEGISLATION

This policy is based on the Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC) and the Conditions of Service of the Western Cape Division of the SALGBC.

4. PROCEDURE GUIDING PRINCIPLES

An employee of Knysna Municipality will be acting when:

4.1 S/he performs all the duties of a higher position, as per the approved-in-the (remove: in the) organogram, other than his/her own and/or in addition to his/her own duties.

4.2 An agreement between the Municipality and the employee appointed in the acting position will be drawn up, and the (for an acting period which) may not exceed three (3) months in duration, without the agreement being reviewed.

4.3 The agreement in 4.2 above, Such an agreement (remove: Such an agreement) may be extended for a further corresponding (remove: corresponding) period, but this shall only be done if no suitable permanent appointment is possible, not exceeding the period in 4.4 below.

4.4 An employee may only act in a higher position for The acting period in 4.2 and 4.3 may not exceed a maximum uninterrupted period of 9 (nine) consecutive working months. Where after the post must be advertised and filled on a competitive basis, (remove: This is only applicable to acting as from the date of the commencement of this SALG agreement, dated 1 April 2016.)
4.5 A staff member appointed to act in a vacant position (remove: shall) *must* comply with the minimum qualifications, and/or (remove: and/or) relevant experience, and/or (remove: and/or) potential to perform in the position to which s/he is appointed in an acting capacity.

4.6 Employment Equity will (remove: shall) be one of the requirements to be taken into consideration when appointing people to act in higher positions. (Unions agree – to not remove)

4.6 Employment equity will (remove: shall) be one of the requirements to be taken into consideration when appointing people to act in higher positions.

4.7 The employer will not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance.

4.8 The employer will (remove: shall) shall not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance.

4.9 (Remove: Subject to 4.10 a) Subject to 3.9 A employee will not be paid an acting allowance whilst s/he is on any form of leave or any other absence during the acting period. (remain)

4.10 If an employee has acted for a continuous period of three (3) months or longer, s/he will qualify for an acting allowance while on any form of paid leave.

4.11 Council may in consultation with the Municipal Manager resolve that an employee should act in a section 56 and 57 position, (remove: in terms of clause 4.1 and 4.2, in which case the following shall apply:) in terms of clause 4.1 and 4.2, in which case the following shall apply:

4.12 That an employee may not be allowed to act more than one occupational level higher than the occupational level of the acting incumbent, unless critical operational requirements necessitates. (rejected by IMATU and SAMWU)

4.13 An employee may not act against more than one position at a time.

5. **RENUMERATION**

A staff member who is appointed to a vacant position in an acting capacity shall be remunerated on the following basis:

5.1 The acting allowance will (remove: shall) shall be the amount which is the difference between the employees current notch and the commencing first (remove: first) notch of the scale of the acting position.

5.2 Acting allowance will (remove: shall) shall be paid to an employee who has acted in a higher position for a period of at least 10 consecutive working days including public holidays and compulsory closing of office during the festive season.
5.3 In the case of an employee already on a notch higher than the first notch of the acting position, s/he shall receive the next notch of the acting position on acting allowance amounting to five percent of his pensionable salary shall be paid.

5.4 The acting allowance shall be paid for the duration of the agreed period.

5.5 The acting allowance is non-pensionable.

5.6 The allowance, subject to the Municipal Systems Act, 2000 and after statutory deductions, will be paid with the employee’s salary in the month immediately following the month the acting was performed.

5.7 The acting allowance of any employee acting in a Section 56 and 57 position will be the difference between the pensionable salary of the acting employee and 60% of the remuneration package of the post in which the employee is acting.

5.8 The acting allowance of a Section 56 when acting in the post of Section 57 appointment, will be the difference between 60% of the remuneration package of the acting employee and 60% of the remuneration package of the Section 57 post in which the employee is acting.

6. PROCEDURE

6.1 The requesting line department must submit a written request signed by the relevant Superior, Manager of the department and Director to the HR department, prior to the acting period.

6.2 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.

6.3 If the request complies with the criteria, the HR department will generate a letter for approval of the acting to the MM, to whom approval of the acting is delegated to in terms of the delegations register.

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

6.5 After approval by the MM, the approved request is submitted to the relevant incumbent and a copy to the Payroll Department for processing.

6.6 Acting appointments in section 56 and 57 positions are done by Council via Council resolution, followed by a letter to the incumbent and the Payroll section.

6.7 The employer shall not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance without written motivation approved by the Municipal Manager.