



ACTING ALLOWANCE POLICY

Control Sheet

Policy Title	Acting Allowance Policy
File Reference	HR/01/AA01
Objectives	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.
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Official responsible for revision	Senior Manager Human Resources
Applicable Legislation	Labour Relations Act (Act 66 of 1995) Employment Equity Act (Act 55 of 1998) Municipal Systems Act (Act 32 of 2000) Regulations on Minimum Competency Levels Local Government Municipal Staff Regulations
Related Policies	Employment Equity Policy Scare Skills Policy Ref: Appointment and Retention
Implementation	Municipal Manager All Directors

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1. PREAMBLE

- 1.1 Theewaterskloof 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.
- 1.2 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 to ensure that the disruption of services is minimised. The latter is to take place within a framework, having regard not only for the Labour Relations Act, but also other applicable legislation, inclusive of the MFMA, the Local Government Municipal Staff Regulations as well as collective agreements.

2. OBJECTIVES OF POLICY

- 2.1 The objective of this policy is to provide a uniform legal standard to regulate the appointment of staff in acting positions.
- 2.2 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.

3. LEGAL FRAMEWORK

- 3.1 Labour Relations Act, 66 of 1995;
- 3.2 Local Government: Municipal Systems Act, 2000, (Act 32 of 2000)
- 3.3 Local Government: Municipal Finance Management Act, (Act 56 of 2003)
- 3.4 Conditions of Service Collective Agreement for the Western Cape Division of the SALGBC.
- 3.5 Regulations on Minimum Competency Levels
- 3.6 Local Government Municipal Staff Regulations

4. SCOPE OF POLICY

- 4.1 This policy applies to all employees except workers appointed under the EPWP programme.

5. THE PRINCIPLES OF ACTING

- 5.1 An employee is deemed to be acting in another post when he/she has been authorised in writing by the Municipal Manager or delegated authority 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 permanent post on the staff establishment and is budgeted for.
- 5.2 Unless indicated otherwise in the appointment to the acting post, a staff member of a municipality who is acting in a higher post in the same municipality must continue to

perform the duties of the post that the staff member ordinarily occupies during the acting period, unless it is impractical. In such instances, a request to deviate must be submitted to the Manager: Human Resources for consideration.

- 5.3 An employee may only act in a post that is equivalent to or one grade higher than the post that the employee ordinarily occupies, unless it is impractical and in such instances a request to deviate must be submitted to the Manager Human Resources for consideration.
- 5.4 An employee who act in a position that is classified as an Essential User Scheme and where there is no pool vehicle available shall be remunerated on an ad-hoc basis for all official kilometres travelled with his / her private vehicle according to the AA-tariffs during the period of acting.

6. ACTING AS MUNICIPAL MANAGER

- 6.1 The Municipal Council must appoint a competent person to act as Municipal Manager under circumstances as prescribed during the absence of the Municipal Manager, in terms of delegation and in terms of section 54A of the Local Government: Municipal Systems Act, 2000, Act 32 of 2000 as well as in terms of a collective agreement or applicable policies.
- 6.2 Section 2 “A person appointed as municipal manager in terms of subsection 1 must at least have the skills, expertise competencies and qualifications as prescribed”
- 6.3 Section 2A (a) “A person appointed in terms of subsection (1)(b) may not be appointed to act for a period that exceeds three (3) months.
(b) A municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed three months.”
- 6.4 An acting allowance equal to the difference between the pensionable salary of the Municipal Manager and the employee acting in the post will be paid to the employee for the period of acting, subject to relevant regulations and collective agreements.

7. ACTING AS DIRECTOR

- 7.1 The Municipal Council must after consultation with the Municipal Manager, appoint a staff member to act as a Senior Manager / Director who was appointed in terms of S56 of the Municipal Systems Act in the event of any absence from work and subject to the following:
- 7.2 Section (1)(b) “A person appointed in terms of paragraph (a)(i) must at least have the skills, expertise competencies and qualifications as prescribed”
- 7.3 Section (1) (c) “A person appointed in terms of paragraph (a) (ii) may not be appointed to act for a period that exceeds three months:
Provided that a municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of

appointment contemplated in paragraph (a), for a further period that does not exceed three months.”

- 7.4 The salary component for determining the acting allowance of an employee acting as Senior Manager / Director will be determined by law or a collective agreement as amended from time to time.

8. ACTING IN ALL OTHER POSTS

- 8.1 The Senior Manager / Director or delegated authority may appoint an appropriately skilled employee in writing to act in any other funded post on his/her approved organisational structure as and when it is deemed necessary for operational efficiency.
- 8.2 The Manager: Human Resources must authorise the payment, subject to budgetary provision, of an acting allowance to an employee acting in the more senior post.
- 8.3 The acting allowance payable is calculated in terms of the Collective Agreement on Conditions of Service for the Western Cape Division of the South African Local Government Bargaining Council (SALGBC) which prescribes that:

“Acting allowance equal to the difference between his/her pensionable salary and the commencing notch of the salary scale of the post in which he is acting shall be paid to the employee for the period of acting.”

- 8.4 The appointment to act in a post must be:
- a) with the consent of the employee;
 - b) in writing; and
 - c) authorised by the Municipal Manager or the person to whom this functions is delegated.
- 8.5 The employee appointed to act in a post must have the requisite competencies to be able to perform the duties associated with the post.
- 8.6 In electing an employee to act in a post, the following must be considered:
- a) The relevant requirements of the post and that employee’s performance;
 - b) The municipality’s developmental needs; and
 - c) The municipality’s employment equity policy and plan.
- 8.7 An employee may only be appointed in an position for a period not exceeding three months.
- 8.8 Despite clause 8.7, the Municipal Manager, or his or her delegate, may extend the period in clause 8.7 for a further period of three (3) months, if there is a justifiable reason to do so.

- 8.9 Where an employee has acted for a continuous period of three (3) months or longer, he/she will qualify for an acting allowance while on paid leave.
- 8.10 Any further extensions made under clause 8.9 shall not exceed a period of nine (9) consecutive months, where after the post must be advertised and filled on a competitive basis.
- 8.11 The performance of an employee appointed to act in a post must be assessed in terms of the staff regulations in order to enhance organisational efficiency, effectiveness and accountability.

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

- 9.1 The payment of the acting allowance is subject to approval by the Manager: Human Resources.
- 9.2 An acting allowance is only payable when an employee is required to act for a minimum of ten (10) consecutive working days including public holidays and compulsory closing of offices.
- 9.3 Acting allowances will be paid out the month after the period of acting has ended.
- 9.4 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 ten days.
- 9.5 No acting allowance will be payable for periods less than ten (10) working days, inclusive of public holidays, which fall on a normal working day.
- 9.6 The acting incumbent shall be appointed in writing by the Municipal Manager or delegated authority to the acting position prior to the commencement of the acting period.
- 9.7 The key performance areas, for which the acting incumbent will be responsible, shall be clearly defined in writing.
- 9.8 The latter requires that a job description exists for the current incumbent's post in which acting is proposed to take place.
- 9.10 The acting incumbent shall sign a suitable undertaking committing to and assuming all the responsibilities normally associated with the post
- 9.11 The payment of such acting allowance shall further be subject to the proviso that the preferred employee meets the minimum criteria for the position.
- 9.12 In very special cases where a need arises to extend the acting period beyond the periods prescribed by this policy, it is made a specific condition of such further acting periods that no expectation is created or that eligibility exists for placement.

9.13 The period of acting shall not unreasonably be stopped or interrupted resulting in non-payment of an acting allowance.

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

10.1 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.

10.2 The possibility of spreading the workload of the post amongst other employees operating at the same level;

10.3 The need for supervision over sub-ordinates

10.4 The need to maintain the daily output associated with the post

11. ACTING IN A HORIZONTAL POST

11.1 Only the Municipal Manager may approve applications for acting in a horizontal post. The Director or his delegated authority must submit a written motivation to the Manager: Human Resources for consideration and recommendation to the Municipal Manager to consider the approval of horizontal acting.

11.2 The remuneration for acting in a horizontal post will be based on 25 % of the basic salary of the person who acts in the post.

12. ACTING ACROSS DEPARTMENTS

12.1 The Line Manager must as a first option determine if there is any suitably qualified employee in his / her own department to act in a horizontal or higher post before seeking approval from The Municipal Manager or delegated authority to appoint an employee from another department to act. Such recommendation to the Municipal Manager or his delegated authority must be accompanied with comments and inputs from both Unions.

13. POLICY REVIEW AND REPORTING

13.1 This policy document shall be reviewed when deemed necessary - especially if there are changes in collective agreements or legislation.

14. IMPLEMENTATION AND MONITORING

14.1 This policy will be implemented and effective once approved by Council.

15. COMMUNICATION

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

16. PENALTIES

- 16.1 Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Disciplinary Code.

17. DISPUTE RESOLUTION

- 17.1 Any dispute arising from this policy due to ambiguous wording or phrasing must be referred as a dispute to the South African Local Government Bargaining Council (SALGBC) only after the internal processes were followed.
- 17.2 Where there is a conflict between the Main Collective Agreement and the Municipal Staff Regulations the Collective Agreement will prevail.

18. AUTHORITY

Council Approval:

Date: 17 August 2025