



social development

Department:
Social Development
PROVINCE OF KWAZULU-NATAL

POLICY ON ACTING IN HIGHER POSTS

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1. INTRODUCTION

The Policy on acting allowance, whilst recognizing the need to fill vacancies on permanent basis, acknowledges that there are circumstances where it is in the interest of the Department to consider more flexible workforce arrangements to meet operational needs in order to ensure continuity. Acting appointments do not only provide remunerative incentive to acting employees but also provide a range of potential professional development opportunities. The Policy on acting in higher posts must therefore encourage a balance between operational considerations with employee development needs and employment equity practices.

2. PURPOSE

- 2.1 The Policy on acting in higher posts seeks to provide measures for an employee to act in a higher vacant funded post as well as to provide a framework that regulates the payment of acting allowance; and
- 2.2 The Policy seeks to provide conditions regarding the acting appointment in a filled funded post.

3. OBJECTIVES

The objectives of the Policy are:

- 3.1 to ensure that there is uniformity within the Department in terms of paying acting Allowance to employees;
- 3.2 to allow compensation or payment to employees who have been appointed to act in higher positions;
- 3.3 to outline the conditions and procedures to be complied with when appointing employees in acting capacity and paying out acting allowance;
- 3.4 to ensure that there is no vacant post in the Department that may compromise efficiency and effectiveness thereby resulting in poor service delivery;
- 3.5 to ensure that there is continuity and operational stability; and
- 3.6 to ensure that the practice of acting in higher posts and the payment of an acting allowance is managed in an equitable, fair and transparent manner in order to enhance department performance.

4. SCOPE OF APPLICABILITY

This Policy is applicable to all employees of the Department of Social Development.

5. LEGISLATIVE FRAMEWORK

- 5.1 Public Service Act, 1994 (Act No. 103 of 1994);
- 5.2 General Public Service Sector Bargaining Council, 2001 (Resolution No.9 of 2001);
- 5.3 General Public Service Sector Bargaining Council, 2002 (Resolution No.1 of 2002);
- 5.4 Public Service Regulations, 2001;
- 5.5 DPSA Policy on acting allowance for personnel on salary levels 1 to 12 in the Public Service;
- 5.6 DPSA Policy on acting allowance for Senior Management;
- 5.7 Employment Equity Act, 1998 (Act No.55 of 1998);
- 5.8 Skills Development Act, 1998 (Act No.97 of 1998);
- 5.9 Inclusive Flexible Remuneration Package System for members of the MMS Dispensation, 2005;
- 5.10. Public Finance Management Act, 1999, (Act No. 1 of 1999); and
- 5.11 Delegations of Authority in terms of Human Resource.

6. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

For the purposes of this Policy:

- 6.1 **“Acting”** means to stand-in temporarily in a post and perform functions other than those ordinarily assigned to the employee or appropriate to his/her grade or post where there is an understanding that the employee will return to his/her substantive position as soon as the vacant post is filled or permanent incumbent returns;
- 6.2 **“Acting allowance”** means the payment made to an employee monthly over and above his/her salary to compensate him/her for acting in the post which is higher than his/her post;
- 6.3 **“Employer”** means the KwaZulu-Natal Department of Social Development;
- 6.4 **“DPSA”** refers to the Department of Public Service and Administration;
- 6.5 **“Employee”** means any person, excluding an independent contractor, who works for another person or for the state and who receives or is entitled to receive any remuneration; and any person who in any manner assists in carrying or conducting the business of an employer, and “employed” and “employment” have a corresponding meaning to that of “employee”;

- 6.6 “**Executive Authority**” means the Member of Executive Council for the Province of KwaZulu – Natal,
- 6.7 “**HOD**” refers to the Head of Department;
- 6.8 “**HRM**” refers to Human Resource Management;
- 6.9 “**MMS**” refers to Middle Management Service;
- 6.10 “**Permanent Incumbent**” means an employee who has been appointed in an approved post on the staff establishment, and who performs the duties of such post; and
- 6.11 “**SMS**” refers to Senior Management Service.

7. PRINCIPLES

- 7.1 The appointment of an employee to act in a higher vacant funded post shall be approved by the Executive Authority or his/her designee before an employee is placed on an acting capacity.
- 7.2 An employee may as far as possible be appointed to act in a post which is one level higher than his/her current position.
- 7.3 An employee may for justifiable reasons be appointed to act in a vacant funded post which is two or more levels higher than his/her current position. In such cases a detailed motivation must accompany the request for the acting appointment.
- 7.4 An employee may as far as possible be appointed to act in a post which is situated in his/her workplace, in exceptional cases and for justifiable reasons an employee may be appointed to act within a component that is geographically removed from his/her present place of work and in such an event a detailed motivation must accompany the request for the acting appointment and an employee must be paid subsistence and travel allowance in accordance with the relevant Policy.
- 7.5 The period of acting appointment must be uninterrupted and longer than six weeks but limited to twelve months for employees on salary level 1 – 12.
- 7.6 The period of acting appointment for employees on salary level 13 – 16 must be uninterrupted and longer than six weeks but limited to six months after which permanent appointment shall be considered for the relevant post unless prior approval is obtained from the Executive Authority for re-appointment of the acting member or appointment of a new member in the said post in an acting capacity.
- 7.7 The HoD may also compensate an employee for acting in a post due to the actual incumbent of the post acting in a higher vacant post, provided that no more than two employees may simultaneously be compensated as a result of a single vacancy.

- 7.8 The acting allowance is non-pensionable and taxable and shall be paid on a monthly basis following the completion of an uninterrupted six weeks backdated to the date the employee/member officially began acting in the post.
- 7.9 The acting allowance shall be paid to the appointed employee if the post in which an Employee is acting against is higher, vacant and funded.
- 7.10 Requests/recommendations, appointments, acceptance and termination of acting appointments shall be made in writing.
- 7.11 Requests contemplated in clause 7.10 above must be accompanied by a detailed motivation providing justifiable reasons as to why the post is not filled but requests an acting appointment.
- 7.12 The acting allowance shall be paid once the written letter of acceptance is received.
- 7.13 The post must have been evaluated prior to appointing the employee in the respective post.
- 7.14 Acting in a post shall not create a right or legitimate expectation to be appointed to that post or any other post when the post is advertised.
- 7.15 A maximum of two employees may be appointed to act in a single higher vacant funded post and acting allowance shall be paid proportionally.

8. METHOD OF CALCULATION

- 8.1 A maximum of two employees may receive the acting allowance proportionally if they are appointed to act in a single higher vacant funded post, provided that:
- 8.1.1 the responsibilities attached to the higher vacant funded post are divided between the two employees acting in such a post and expressed in the form of a ration (i.e. 30/70%) before they are appointed to both act in such higher vacant funded post;
- 8.1.2 the maximum (combined) acting allowance to be paid to the two employees is the difference between the salary notch/ remuneration package of the lowest graded employee/member and the minimum salary notch/ remuneration package of the higher graded vacant post (which means the expenditure may not exceed the expenditure if only the lowest graded employee/member would have been appointed to act in the higher graded vacant post); and
- 8.1.3 An employees` individual acting allowances are to be determined proportional to the above-determined ratio (which means that if the split in responsibilities between the employees is 30/70% the one employee shall qualify for 30% and the other employee 70% of the maximum (combined) acting allowance).

- 8.2 The acting allowance must be calculated on the basis of the difference between the current salary notch of the employee or the difference between the current remuneration package of the member (MMS & SMS) and the minimum salary notch or remuneration package of the higher post, as explained below:
- 8.2.1 The acting allowance payable to an employee who acts in a higher vacant funded post on salary levels 1 to 10 or equivalent grades is calculated as the difference between the acting employee's current salary notch and the minimum salary notch of the higher post;
 - 8.2.2 The acting allowance payable to an employee on salary level 1 to 10 or equivalent grades who acts in a higher vacant funded MMS post (salary level 11 to 12 or equivalent grades), is calculated as the difference between the employee's current salary notch and the basic salary IN TERMS OF SET 1 (75% for salary level 11 and 76% for salary level 12) of the minimum remuneration package of the relevant MMS post;
 - 8.2.3 The acting allowance payable to an employee on salary level 1 to 10 or equivalent grade who acts in a vacant funded SMS post, is calculated as the difference between the employee's current salary notch and 60% of the minimum remunerative package of the relevant SMS post;
 - 8.2.4 The acting allowance payable to an MMS member who acts in a higher vacant funded SMS post, is calculated as the difference between the MMS member's current total remuneration package and the minimum remuneration package of the relevant SMS post;
 - 8.2.5 The acting allowance payable to an SMS member who acts in a higher vacant funded SMS post, is calculated as the difference between the acting SMS member's current remuneration package and the minimum remuneration package of the higher SMS post;
 - 8.2.6 An employee who is appointed to act in a higher vacant post on salary level 1 to 12 or SMS, and who is on a salary notch which includes a personal notch, which is higher than the minimum salary notch of the higher vacant post must receive the difference between his/her current salary notch and the next higher salary notch applicable to the higher vacant post or 60% of the inclusive flexible remuneration package applicable to the vacant SMS post, provided there is a difference and
 - 8.2.7 A member (SMS) on an inclusive flexible remuneration package, which includes a personal package, which is higher than the minimum inclusive flexible remuneration package of the higher graded vacant post must receive the difference between his/her current package and the next higher remuneration package applicable to the vacant higher post, provided there is difference.
- 8.3 If the payment of acting allowance commences after the 1st day or terminates before the last day of a month, the daily tariff is calculated by dividing the annual amount by 12 months and then by the number of days for specific month.

9. MEMBERS ACTING IN DESIGNATED HEAD OF DEPARTMENT (HOD) POSITION

- 9.1 The acting allowance shall be paid to the appointed member if the higher post in which an employee is acting is vacant and funded.
- 9.2 The period of appointment must be uninterrupted and longer than six weeks.
- 9.3 The acting allowance shall be paid with effect from the date the member/ employee is appointed, in writing, to act in the vacant designated HoD position.
- 9.4 In a case of suspension of the designated HoD, the payment of HoD allowance shall be terminated with effect from the date of suspension and the allowance of the new acting HoD shall be payable with effect from the date of appointment of the member/ employee who is appointed in writing to act in the designated HoD position.
- 9.5 In case of any other absences of the designated HoD (e.g. due to vacation, sick, special or study leave) excluding maternity leave, the payment of acting allowance shall be terminated with effect from the date of commencement of absence, provided that the period of absence will be longer than 30 continuous days.
- 9.6 The HoD acting allowance shall be paid to a member who is appointed in writing to act in designated HoD position with effect from the date of termination, provided that the period of acting in the designated HoD position will be longer than 30 continuous days.
- 9.7 In case of maternity leave the payment of HoD acting allowance shall not be terminated for the incumbent of the position.
- 9.8 The HoD allowance shall be similarly paid to a member/ employee who is appointed in writing to act in the designated HoD position with effect from the date of the commencement of maternity leave, provided that the period of acting in the designated HoD position will be longer than 30 continuous days.
- 9.9 The employment contract of acting HoD shall stipulate that the acting allowance shall be terminated in the cases of suspension and any other absences that are longer than 30 continuous days excluding maternity leave.

10. METHOD OF CALCULATION OF ACTING ALLOWANCE FOR THE HOD

- 10.1 The acting allowance payable to a member who acts in a designated HoD post shall be calculated on the basis of the difference between the current remuneration package of the member and the minimum remuneration package of the HoD post.
- 10.2 The HoD allowance is payable in addition to the acting allowance which is calculated at 10% of the members current remuneration package.
- 10.3 If the payment of acting allowance and the payment of the HoD allowance to a member who acts in a designated HoD position commences after the 1st day or

terminates before the last day of a month, the daily tariff is calculated by dividing the annual amount by 12 months and then by the number of days for specific month.

11. CONDITIONS FOR APPOINTMENT IN AN ACTING CAPACITY IN A FILLED POST

- 11.1 An Employee may be appointed to act in a filled funded post that is higher, equivalent or below his/her post as part of working arrangement to enhance development opportunities and to ensure operational efficiency.
- 11.2 The permanent incumbent must be absent from duty for a period of one week or longer.
- 11.3 The acting allowance shall not be paid to the acting employee; and
- 11.4 The acting employee shall perform duties attached to his/her post as well as the duties performed by the permanent incumbent who is absent from duty.

12. CRITERIA FOR ACTING APPOINTMENT OF EMPLOYEES

- 12.1 Employees who are one level below the level of the vacant funded post shall be considered for appointment.
- 12.2 The field of work or functions where the vacant post exists shall be considered.
- 12.3 The potential of the employee to successfully execute the duties attached to the vacant post shall be considered.
- 12.4 Seniority and capability may be considered as the criteria if more than one person meets the requirements of the higher vacant funded post.
- 12.5 Employees from within the component where the vacant post exists must as far as possible be considered for acting appointments.
- 12.6 In the event that no suitable employee can be found to act from within the component where the vacancy exist, employees from other offices may be considered. In such a case a fully motivated request must be submitted to the authorized person or his/her delegate for approval.
- 12.7 A recommendation of an employee to act in a higher vacant funded post must be done in a transparent, fair and just manner.
- 12.8 Consequently, the following with regard to the recommendation must be clearly documented:-
 - (a) the procedure followed;
 - (b) the criteria adopted; and
 - (c) reason/s as to why the nominated employee was chosen as opposed to other eligible employees.

13. PROCEDURE ON OBTAINING APPROVAL

- 13.1 In respect of a vacant funded post, the recommendation for acting appointment must be submitted by the Head of component via the General Manager: HRM to the HOD;
- 13.2 The acting HoD shall be appointed by the MEC if the period is not more than thirty (30) days; and the Premier for the period in excess of thirty (30) days; and
- 13.3 Once approval has been obtained, a letter of appointment (**Attached as Annexure A**) shall be forwarded to the employee concerned via the Head of component and must acknowledge receipt of the letter of appointment by signing a copy of the said letter which must thereafter be forwarded to the relevant Human Resource component for record purposes.

14. TERMINATION OF ACTING APPOINTMENT

- 14.1 A notice of termination of acting appointment (**Attached as Annexure B**) must be issued to the employee concerned by giving him/her at least 24 hours' notice.
- 14.2 In cases of absence from duty the payment of an acting Allowance must be terminated with immediate effect from the date of commencement of absence, provided that the period of absence is going to be longer than one calendar month; and
- 14.3 The employee concerned must acknowledge receipt of the notice of termination by signing a copy of the said notice which must thereafter be forwarded to the relevant Human Resource component for record purposes.

15. MONITORING, EVALUATION AND REVIEW

- 15.1 HRM is responsible for communicating the provisions of this Policy to all employees; and
- 15.2 The Policy will be monitored, evaluated and reviewed after three years or as and when the need arises.

16. EFFECTIVE DATE

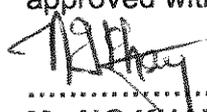
This Policy is to be effective immediately on the date of approval.

17. THE TITLE OF THE POLICY

This Policy shall be called The Policy on Acting in Higher Posts.

18. POLICY APPROVAL

This Policy supersedes all other policies already in existence. This revised Policy is approved with effect from the 21st day of December in the year 2015.



.....
Ms NG KHANYILE
HEAD OF DEPARTMENT
DEPARTMENT OF SOCIAL DEVELOPMENT



Dear Sir/Madam

ACTING APPOINTMENT

I wish to advise that it has been approved that you be appointed to act in the higher vacant and funded post of _____ with effect from _____ for a period not exceeding 6 months (SMS Member) /12 months. You are however, required to note that this appointment may be terminated at any time by either party giving 24 hours written notice.

You will be required to execute all the duties and responsibilities attached to the higher post for the duration of the acting appointment.

Your attention is drawn to the fact that your acting appointment does not create a right or legitimate expectation to be appointed when the vacant post is advertised.

Whilst acting in this post you will be remunerated according to the provisions of the applicable policy.

I trust that you will make a meaningful contribution in this post.

Yours faithfully

Acceptance of acting appointment.

HEAD OF DEPARTMENT
DATE: _____

Accepted / not accepted
..... Initials & Surname
..... Signature
Date:



Annexure "B"

Dear Sir / Madam

RE: TERMINATION OF ACTING APPOINTMENT: YOURSELF

I wish to advise you that your acting appointment to the post of _____ will be terminated with effect from _____.

I wish to thank you for your meaningful contribution while acting in the post.

Kindly acknowledge receipt of this letter by signing a copy hereof.

Yours faithfully

Acknowledgement of receipt.

HEAD OF DEPARTMENT

DATE: _____

..... Initials & Surname
..... Signature
Date: