



ACTING POLICY

Version 1.2

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ACTING POLICY

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Building a Caring Society Together.

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Acronyms:

MEC	Member of the Executive Council
HOD	Head of Department
PSR	Public Service Regulations
PSA	Public Service Act
SMS	Senior Management Services
DPSA	Department of Public Service Administration
HRA	Human Resource Administration
PMDS	Performance Management and Development System
EA	Executive Authority

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DEFINITIONS OF TERMS

Acting Appointment	Temporary appointment, normally not exceeding a period of twelve (12) months, in a higher graded position on the staff establishment, which appointment is necessitated by a temporary absence or vacancy of the post in which case the person acting assumes full accountability for the post in which he/she is appointed to act on
Acting Allowance	Remuneration paid to people acting in higher graded posts.
Regular Incumbent	An employee who has been appointed in an approved position on the staff establishment, and who usually performs the duties of such position
HOD	Head of Department -Department of Social development, Eastern Cape.
MEC	Member of the Executive council for the Department of Social development, Eastern Cape.
SMS	Senior Management Services
Department:	Department of Social Development Eastern Cape Province.
Remuneration:	reward of employment as pay, salary or wage including allowances, benefits (such as subsidized vehicle, medical aid, and pension funds), bonuses, cash incentives and monetary value of the non-cash incentives.
Non – Pensionable	Salary without pension deductions.
Funded Vacancy	Refers to the vacant post that has been budgeted for.
Higher Graded	A grade or level higher than current grade level of any incumbent
DPSA	Department of Public Service & Administration.
Temporal Absence	For the purposes of these purposes of this policy, temporal absence refers to absence of a regular incumbent due to sickness, maternity, study and or vacancy of that particular post.

ACTING POLICY

1. LEGISLATIVE FRAMEWORK

1. Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
2. Public Service Regulations of 2016
3. Public Finance Management Act of 1999
4. Public Services Act of 1994
5. PHSDSBC, Resolution 1 of 2002
6. SMS Public Service Handbook, Chapter 3 Remuneration and Conditions of Service
1/12/2003
7. DPSA Determination:1/7/4/1 dated 24 January 2003

1. Preamble

The department of Social Development is committed to provisions of Public Service and Administration department which seeks to regulate the system of managing acting of officials within the department. The appointment in an acting capacity is made in a situation is necessary to assign a public servant to duties of a higher grade on a temporary basis for a defined period to address a short-term business need.

This policy has been reviewed to address institutional and operational challenges in relation to continuous appointment of employees in acting positions without following the necessary prescripts including tendency of employees who are permitted to act in positions without letters of appointment. This resulted in non -compliance with the provisions as stipulated by the department of Public Service and Administration (DPSA). Through this policy the department shall instigate compliance at all levels within the department. This policy shall enhance business continuity and service delivery improvement.

2. Purpose

The purpose of this policy provides a framework that regulates processes for acting in a vacant funded post, the duration and acting allowances.

3. Scope of applicability

This policy applies to all employees from Level 1 to 16 within the department, employed in terms of the Public Services Act of 1994 and appointed acting in funded posts.

4. Principles and Values

The following are the principles and values underpinning this policy:

- 4.1 **High standards of Service Delivery:** The processes regulating Acting shall maintain standards for service delivery.
- 4.2 **Accountability:** Any employee appointed to act shall demonstrate the acceptance of responsibility and Accountability,
- 4.3 **Professionalism:** The processes regulating Acting shall maintain a high level of professionalism at all times.
- 4.4 **Integrity:** All Acting appointments shall be made with absolute Integrity,
- 5.4 **Honesty and Loyalty:** A culture of honesty and loyalty shall be maintained.
- 5.5 **Credibility:** All processes shall strive to maintain a high level of credibility

5. Policy Statement

The department regards acting in higher graded position as a crucial development opportunity and emphasizes acting appointments shall be based on competencies and expertise of the employee. The department reserves the right not to appoint or make automatic appointment with an acting official who shall be occupying the post on an acting capacity at the time of recruitment. Any employee appointed to act shall demonstrate the acceptance of responsibility and Accountability.

6. Policy provision

6.1. Conditions for appointments in an acting capacity

- a) An employee shall be entitled to receive acting allowance on the following conditions:
 - i) If the appointment is approved by the delegated authority
 - ii) If the post is vacant and funded
 - iii) If acting period of the appointment is uninterrupted and longer than six weeks.
- b) Any official appointed to act in position because a regular incumbent of the post is temporarily absent e.g. is on paid maternity or study leave such an official shall not qualify for an acting allowance, employees acting shall be regarded as a developmental opportunity.
- c) Only one official shall be appointed to act in a single higher vacant funded position
- d) An appointed employee to act in a post shall immediately stop acting on the expiry date as indicated in employees acting appointment letter, up until employee is re-appointed by given another appointment letter.
- e) Acting in an unfunded position shall not be permitted.

7. Appointment and Acting Allowance (Levels 1 – 12)

7.1. An employee shall be paid an acting allowance provided that:

- (a) The relevant post is vacant, higher graded and funded.
- (b) The period of appointment is uninterrupted and longer than six (6) weeks, starting from the date of appointment.
- (c) Furthermore, an employee shall be appointed in writing to act in a higher post and shall accept such appointment in writing.
- (d) The acting allowance shall be paid once the written letter of acceptance is received and

- (e) Acting period shall not exceed the period of twelve (12) months as stipulated in PSR 2016.
- 7.2. One (1) official shall be appointed to act in a single higher vacant position and shall receive acting allowance.
- 7.3. The acting allowance shall be non-pensionable.
- 7.4. The employer shall pay the acting allowance on a monthly basis, provided the first payment takes place in the month following the completion of six (6) weeks period.
- 7.5. An official shall only act in a higher post for a maximum uninterrupted period of **twelve (12) months**. The acting allowance shall only be paid to an acting member for a maximum of twelve (12) months, permanent appointment shall be considered for relevant vacant and funded higher post.
- 7.6. The twelve (12) months period start at date of appointment until twelve (12) months period expires or until the post has been filled.

8. Calculation Basis for Employees on Level 1 to 12

- 8.1. The acting allowance is calculated on the basis of the difference between current salary notch of the employee and the commencing salary notch of the higher post,
- 8.2. The employee is not part of the Senior Management Services (SMS) appointed to act in a post in the SMS shall receive the difference between employee's current salary notch and 60% of the commencing inclusive flexible remuneration package applicable to the post level,
- 8.3. An employee appointed to act in a higher vacant post on salary level 1 to 12 and is on salary notch, which includes a personal notch, which is higher than the commencing salary notch of higher vacant post shall receive the difference between employees current salary notch and next

- salary notch applicable to the higher vacant post /60 % of inclusive flexible remuneration package applicable to the vacant SMS post, provided there is a difference.
- 8.4. If the payment of the 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 (number of months per year) and then by the number of days for the specific month.

9. Appointment and Acting Allowances (SMS members)

- 9.1. Employee appointed in writing to act in a higher post, by an official is duly authorized, shall be paid an acting allowance, provided that:
- (a) The higher post in which employee is acting on is vacant and funded, and
 - (b) The period of appointment is uninterrupted and longer than 6(six) weeks.
- 9.1.1. The acting allowance shall be non-pensionable.
- 9.1.2. The employer shall pay acting allowance on a monthly basis, provided the first payment takes place following the completion of period of (6 weeks), backdated to the date the employee began acting in the post.
- 9.1.3. Employee shall only act in a higher post for a maximum uninterrupted period of six (6) months. The acting allowance shall be paid to an acting employee for a maximum of six (6) months, permanent appointment shall be considered for the relevant vacant and funded higher post unless prior approval is obtained from the relevant Executing Authority for re-appointment of the acting member or preferable a new employee shall be given an opportunity and be appointed to act in the said post.
- 9.1.4. The Executing Authority shall extend the acting appointment beyond the six (6) months period up to or not exceeding twelve (12) months in line with the provisions of Chapter 1.B.5.3 (Public Services Regulations, 2016).

- 9.1.5. The six (6) or the twelve (12) months period start at the date of appointment until the six(6) or twelve (12) months period expires or until the post has been filled, whichever comes first.
- 9.1.6. The Head of department shall compensate an employee for acting in a post due to actual incumbent of the post acting in a higher graded vacant funded post, provided no more than two (2) employees shall simultaneously compensated as a result of a single vacancy.
- 9.1.7. An employee or an official has been appointed in an acting capacity shall not create a right or a legitimate expectation to be appointed when the post is advertised.

10. Calculation Basis for Senior Management Services (SMS)

- 10.1. The acting allowance shall be calculated on the basis of difference between the current remuneration package of employee and the commencing remuneration package of the higher post.
- 10.2. Employee on an inclusive flexible remuneration package, which includes a personal package, which is higher than the commencing inclusive flexible remuneration package of the higher graded vacant post receive the difference between employee current package and the next higher remuneration package applicable to the vacant higher post, provided there is a difference.
- 10.3. If the payment of the acting allowance and payment of HOD's allowance to employee who acts in a designated HOD position commences after the 1st day or terminates before the last day of the month, the daily tariff is calculated by dividing the annua.
- 10.4. amount by twelve (12) (number of months per year) and then by the number of days for the specific month.

- 11. Payment of Head of department (HOD) allowance to members acting in designated (HOD) positions**
 - 11.1. For acting in a vacant and funded designated HOD post, as contemplated in Schedules 1, 2 and 3 of the Public Services Act, 1994, the HOD allowance is payable in addition to the acting allowance shall be calculated at 10% of employee's current inclusive flexible remuneration package. The HOD allowance shall be payable with effect from the date the employee is appointed, in writing, to act in the vacant designated position.
 - 11.2. In cases of suspension of designated HOD, the payment of HOD allowance shall be terminated with effect from the date of suspension. The HOD allowance is payable with effect from this date to the member who is appointed, in writing, to act in the designated HOD position.
 - 11.3. In cases of absences of designated HOD (e.g. due to vacation, sick, special or study leave), excluding maternity leave, the payment of HOD allowance shall be terminated with effect from the date of commencement of absence, provided the period of absence longer than thirty (30) continuous days. The HOD allowance shall be payable to an employee appointed, in writing, to act in designated HoD position with effect from the date of termination, provided the period of acting in the designated HOD position is longer than thirty (30) continuous days.
 - 11.4. In cases of maternity leave, the payment of the HOD allowance shall not be terminated for incumbent of the position. However, the HOD allowance shall be similarly payable to employee is appointed in writing to act in the designated HOD position with effect from the date of commencement of maternity leave, provided the period of acting in designated HOD position is longer than 30 continuous days.
 - 11.5. The HOD's employment contracts shall stipulate the payment of HOD allowance.

12. Authority to Approve Acting

The request for acting appointment and the appointment of official in a higher vacant acting position in the department shall be approved by EA or employee delegate.

13. Approving Authority

The Accounting officer and the Member of the Executive Council for department shall be responsible for approving this policy.

14. Exceptions and exemptions

There are no exceptions nor exemptions to the provision herein this policy.

15. Administration of the policy

The Head of department (HOD) shall be a responsible person for administering and enforcing this policy.

16. Accountabilities and Responsibilities

- 16.1.** The Head of department shall ensure full implementation of this policy.
- 16.2.** The Chief directors shall be responsible for the administration of this policy.
- 16.3.** Directors shall be responsible for the application of this policy.
- 16.4.** Human Resource Administration shall guide management of the facilitation and implementation of this policy.

17. Effective date of the policy

This policy will be effective from the date of its approval.

18. Monitoring Mechanism

The Head of department (HOD) shall be responsible for the continuous administration and monitoring of this policy and inputs or amendments to this policy document shall be directed to HOD in writing.

19. Review of the policy

This policy shall be reviewed three years after its effective date of approval or when there are changes in the legislation.

Policy approval:

Recommended/not Recommended

Head of Department:
Dept. of Social Development

29/11/2023
Date

Approved/Not Approved

Member of the Executive Council
Dept. of Social Development

19/12/2023
Date