



Province of the
EASTERN CAPE

SOCIAL DEVELOPMENT
& SPECIAL PROGRAMMES



ACTING POLICY

Policy Registration No: 2012-309

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DEFINITIONS AND TERMS

For purposes of this policy, unless otherwise stated, the following definitions shall apply:

- i. **Acting Appointment:** This refers to the 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.
- ii. **Acting Allowance:** Remuneration paid to people acting in higher graded posts, vacant & funded posts.
- iii. **Regular Incumbent:** Means an employee who has been appointed in an approved position on the staff establishment, and who usually performs the duties of such position
- iv. **HOD:** refers to the Head of Department of Social Development & Special Programmes, Eastern Cape.
- v. **MEC:** Member of the Executive council for the Department of Special Programmes, Eastern Cape.
- vi. **SMS:** Refers to Senior Management Services.
- vii. **Department:** refers to the Department of Social Development and Special Programmes Eastern Cape Province.
- viii. **Remuneration:** Refers to the 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.
- ix. **Non – Pensionable:** This is a salary without pension deductions.
- x. **Funded Vacancy:** Refers to the vacant post that has been budgeted for.
- xi. **Higher Graded:** A grade or level higher than current grade level of any incumbent.
- xii. **DPSA:** Department of Public Service & Administration.
- xiii. **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.

LEGISLATIVE FRAMEWORK

The following is the legislative framework underpinning this policy

- i. Constitution of the Republic of South Africa, Act 108 of 1996.
- ii. Public Service Regulations of 2001 (as amended), Chapter 4 Part VII.
- iii. Public Services Act of 1994(as amended) Chapter VII s32.
- iv. GPSSBC, Resolution 1 of 2002.
- v. SMS Public Service Handbook, Chapter 3 Remuneration and Conditions of Service 1/12/2003.
- vi. DPSA Determination: 1/7/4/1 dated 24 January 2003: Annexure A.

1. PREAMBLE

- 1.1. The Department of Social Development and Special Programmes, Eastern Cape accepts as a fact that from time to time, an employee may not be available to discharge his duties and responsibilities in terms of the contract of employment. From time to time there would be a need to appoint another employee to discharge the duties of another employee who is absent.
- 1.2. This policy intends to regulate acting and as such over the past few years acting in the Department has been happening haphazardly. In order to curb continuous appointment of employees in acting positions without following the necessary prescripts as stipulated by the Department of Public Service and Administration (DPSA), the department through this policy will instigate compliance. Furthermore, there has been a tendency of employees who act in positions without letters appointing them to act and at a later stage, acting allowance is claimed for those employees.
- 1.3. Due to challenges, currently experienced by the Department, it was then realized that there is a need to develop an acting policy that will regulate acting in the department so as to ensure effective and efficient service delivery. Furthermore, this policy is developed to ensure continuous service delivery in the event that the post becomes vacant or a regular job incumbent goes on leave.

2. PURPOSE

The purpose of this policy is:

- 2.1. To outline the procedures and guidelines that should be followed in the event that an employee is required to fill an acting position so as to ensure fairness and consistency;
- 2.2. To provide a framework that regulates the payment of Acting Allowance and calculation thereof;
- 2.3. To emphasize the duration of Acting and,
- 2.4. To ensure continuous service delivery.

3. SCOPE OF APPLICABILITY

- 3.1. This policy applies to all employees from Level 1 to 16 of the Department of Social Development and Special Programmes, Eastern Cape that are employed in terms of the Public Services Act of 1994 and duly appointed officials acting in vacant funded higher graded posts.

4. PRINCIPLES AND VALUES

The following are the principles and values underpinning this policy:

- 4.1. High standards of Service Delivery,
- 4.2. Any employee appointed to act must demonstrate the acceptance of responsibility and Accountability,
- 4.3. Professionalism must be exercised at all times,
- 4.4. All Acting appointments should be done with absolute Integrity,
- 4.5. A culture of honesty and loyalty, will always be exercised during and when acting appointments are done,
- 4.6. Striving for and maintaining credibility,
- 4.7. A sense of pride in belonging to the Department, must be always shown,
- 4.8. Sanctioning bad, and rewarding good behavior must be exercised.

5. POLICY STATEMENT

- 5.1. Department of Social Development & Special Programmes Eastern Cape regard acting in higher graded position as a crucial development opportunity and emphasizes that acting appointments must be based on competencies and expertise of the employee,
- 5.2. The Department reserves the right not to appoint or make automatic appointment to an acting person or anyone who may be occupying the post on an acting capacity at the time of recruitment.

6. AUTHORITY TO APPROVE

- 6.1. The request for Acting Appointment and the Appointment of any official in a higher vacant Acting position in the Department of Social Development and Special Programmes must be approved as follows unless delegated:
 - 6.1.1. Level 1 – 8 General Manager: Corporate Services
 - 6.1.2. Level 9 – 13 Head of Department

6.1.3. Level 14 -16 Member of the Executive Council (MEC)

7. ADMINISTRATION OF THE POLICY

7.1. The Head of Department (HoD) shall be a responsible person for administering and enforcing this policy.

8. PROCEDURES FOR IMPLEMENTATION

8.1. Any Acting Appointment in the department should be pre approved by a relevant official as indicated in paragraph six (6) above before it is filled and it must be as result of temporary absence of the regular incumbent or funded vacancy.

8.2. Any official appointed to act in position because a regular incumbent of the post is temporary absent e.g. is on paid maternity or study leave such an official does not qualify for an acting allowance, his or her acting shall be regarded as a developmental opportunity.

8.3. A maximum of two (2) officials may be appointed to act simultaneously in a single higher vacant position and may receive acting allowance (if they qualify for an allowance) proportionally.

8.4. The responsibilities attached to the higher post are divided between the two members acting in such a post and expressed in the form of a ratio (i.e. 30/70%) before they are appointed to both act in such higher post.

9. APPOINTMENT PROCESS

The following is a process that must be followed in appointing any official in an acting position.

9.1. Identify the vacant post that is critical,

9.2. If the post has not been previously evaluated, it must be evaluated prior to appointing an acting official,

9.3. Responsible Manager or supervisor identifies and consult a suitable official or officials with relevant competencies and expertise to act in that position, if an employee or official does not want to take up an acting position he/she cannot be forced to do so. The following must be considered when identifying an employee to act in a higher graded post:

- a) An employee must have completed his or her probation period, and must have a written confirmation that he or she has completed the probation,
- b) Must have Accredited Qualifications and Experience relevant to the identified post,
- c) His/Her performance must be beyond expectation (score 4 /5) as per PMDS manual/policy,
- d) Must be a person equal to the same level or a person who is one level below the acting post and first preference should be given to employees working in that particular directorate, office, district office or area office,

9.4. If an official agrees to act, the supervisor or a manager must in writing request the approval from the relevant person (refer to paragraph 6 above) to make that acting appointment,

9.5. Once approved, the manager or supervisor must in writing advice Human Resource about the approval as well as duties and responsibilities that the acting official will be doing so as to compile a letter of appointment to act and issue it to the relevant official:

- (a) The acting appointment letter must specify clearly the start and the end date of acting of that particular incumbent appointed to act in a post,
- (b) A person appointed to act in a post must immediately stop acting on the expiry of the date as indicated in his or her acting appointment letter up until he or she is re – appointed by being given another acting appointment letter,
- (c) Acting Allowance must be stopped immediately the acting appointment expires,
- (d) If after the expiry of Acting period, a person continues to act without a letter re-appointing him/her to continue doing so, the department shall not regard him/her as acting and therefore cannot be paid any acting allowance even if he/she motivates,

9.6. The Human Resource Department must then inform their Payroll of the acting arrangements,

9.7. An official appointed in an acting position must then accept the appointment in writing.

10. PAYMENT OF ACTING ALLOWANCE FOR LEVELS 1 – 12

10.1. 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 must have been appointed in writing to act in a higher post and must have accepted such appointment in writing, letter of appointment is attached as Annexure A,
 - (d) The acting allowance should only be paid once the written letter of acceptance is received and
 - (e) Acting period is not exceeding the period of twelve (12) months as stipulated.
- 10.2. In a situation where two (2) officials have been appointed to act the maximum (combined) acting allowance to be paid to the two members is the difference between the inclusive flexible remuneration package of the lowest graded member and the commencing inclusive flexible remuneration of the higher graded vacant post. (This means that the expenditure may not exceed the budget if only the lowest graded member would have been appointed to act in the higher graded vacant funded post);
- 10.3. The member's individual acting allowance are to be determined proportional to the above – determined ratio. (This means that if the split in responsibilities between the members is 30/70% the one member will qualify for 30% and the other member 70% of the maximum (combined) acting allowance),
- 10.4. The acting allowance is non-pensionable,
- 10.5. The employer will pay the acting allowance on a monthly basis, provided that the first payment takes place in the month following the completion of the six (6) weeks period referred to in paragraph 10.1 (b) above; backdated to the date that the member officially began acting in the post,
- 10.6. A Head of Department (HoD) may also compensate an employee for acting in a post due to the actual incumbent of the post acting in a higher graded vacant funded post, provided that no more than two (2) employees may simultaneously be compensated as a result of a single vacancy,
- 10.7. An official may only act in a higher post for a maximum uninterrupted period of **twelve (12) months**. The acting allowance will only be paid to an acting member for a maximum of twelve (12) months, after which only permanent appointment will be considered for the relevant vacant and funded higher post,
- 10.8. The twelve (12) months period referred to above start at the date of appointment until the twelve (12) months period expires or until the post has been filled, whichever comes first.

11. CALCULATION BASIS FOR EMPLOYEES ON LEVEL 1 TO 12

- 11.1. The acting allowance referred to above in paragraph 10 is calculated on the basis of the difference between the current salary notch of the employee and the commencing salary notch of the higher post.
- 11.2. The employee not part of the Senior Management Services (SMS) appointed to act in a post in the SMS will receive the difference between his/her current salary notch and 60% of the commencing inclusive flexible remuneration package applicable to the post level,
- 11.3. An employee who is appointed to act in a higher vacant post on salary level 1 to 12 and who is on salary notch, which includes a personal notch, which is higher than the commencing salary notch of the higher vacant post should 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 higher vacant post, provided there is a difference,
- 11.4. 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.

12. APPOINTMENT AND PAYMENT OF FOR ACTING ALLOWANCES FOR SMS MEMBERS

- 12.1. A member appointed in writing to act in a higher post, by a person duly authorized, shall be paid an acting allowance, provided that:
- (a) the higher post in which he/she is acting on is vacant and funded, and
 - (b) the period of appointment is uninterrupted and longer than 6(six) weeks.
- 12.2. The acting allowance is non-pensionable,
- 12.3. The employer will pay the acting allowance on a monthly basis, provided that the first payment takes place following the completion of the period referred to above (6 weeks), backdated to the date that the member officially began acting in the post,
- 12.4. A member may only act in a higher post for a maximum uninterrupted period of six (6) months. The acting allowance may only be paid to an acting member for a maximum of six (6) months, after which only permanent appointment will 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 should be given an opportunity and be appointed to act in the said post,
- 12.5. In other words, the Executing Authority may 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, 2001, as amended 20 March 2009).
 - 12.6. The six (6) or the twelve (12) months period referred to above (para 12.4 and 12.5) 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,
 - 12.7. A Head of Department (HoD) may also compensate an employee for acting in a post due to the actual incumbent of the post acting in a higher graded vacant funded post, provided that no more than two (2) employees may simultaneously be compensated as a result of a single vacancy,
 - 12.8. The fact that an employee or an official has been appointed in an acting capacity does not create a right or a legitimate expectation to be appointed when the post is advertised.
- 13. CALCULATION BASIS FOR SENIOR MANAGEMENT SERVICES (SMS)**
- 13.1. The acting allowance referred to above in paragraph twelve (12) is calculated on the basis of the difference between the current remuneration package of the member and the commencing remuneration package of the higher post,
 - 13.2. An official 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 his/her current package and the next higher remuneration package applicable to the vacant higher post, provided there is a difference,
 - 13.3. If the payment of the acting allowance referred to in above 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 the month, the daily tariff is calculated by dividing the annual amount by twelve (12) (number of months per year) and then by the number of days for the specific month.
- 14. PAYMENT OF HEAD OF DEPARTMENT (HOD) ALLOWANCE TO MEMBERS ACTING IN DESIGNATED HOD POSITIONS**
- 14.1. 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 referred to in above, calculated at 10% of the member's current inclusive flexible remuneration package. The HoD allowance is payable with effect from the date the member is appointed, in writing, to act in the vacant designated position,
 - 14.2. In cases of suspension of the designated HoD, the payment of the HoD allowance must be terminated with effect from the date of suspension. The HoD allowance is payable with effect from the date of appointment of a new member who is appointed, in writing, to act in the designated HoD position,
 - 14.3. In cases of any other absences of the designated HoD (e.g. due to vacation, sick, special or study leave), excluding maternity leave, the payment of the HoD allowance must be terminated with effect from the date of commencement of absence, provided that the period of absence is going to be longer than thirty (30) continuous days. The HoD allowance is payable to a member who is appointed, in writing, to act in the designated HoD position with effect from the date of termination, provided that the period of acting in the designated HoD position is going to be longer than thirty (30) continuous days,
 - 14.4. In cases of maternity leave, the payment of the HoD allowance must not be terminated for the incumbent of the position. However the HoD allowance is similarly payable to a member who is appointed in writing to act in the designated HoD position with effect from the date of commencement of maternity leave, provided that the period of acting in designated HoD position is going to be longer than 30 continuous days
 - 14.5. In the circumstances referred to in sub paragraphs 14.2, 14.3 and 14.4 above, the acting allowance referred to in paragraph eleven (11) above is not payable because the post is not vacant,
 - 14.6. HoD's employment contracts must stipulate that the payment of the HoD allowance will be terminated in the cases referred to in sub paragraph 14.2 and 14.3 above.

15. MONITORING ARRANGEMENTS

15.1. The Head of Department (HoD) shall be responsible for the continuous administration and monitoring of this policy and any inputs or amendments to this policy document can be directed to him/her (HoD) in writing.

16. COMPLIANCE

16.1. Violation or Non-Compliance to this policy and its Annexure or Appendices may result into a disciplinary action including up to dismissal.

17. REVIEW OF THE POLICY

17.1. This policy will be reviewed whenever a need arises e.g. a change in legislation or national mandate has been given or otherwise after three (3) years from the date of its approval.

18. POLICY RECOMMENDATION & APPROVAL

Recommended/ ~~Not Recommended~~



**Head of Department: Dept. of Social
Development & Special Programmes**

13/04/2012

Date

Approved/ ~~Not Approved~~



**MEC: Dept. of Social Development &
Special Programmes**

18/04/2012

Date

ANNEXURE A : Letter Confirming Appointment to Acting Position

DATE :
NAME :

C/o The Department of Social Development and Special Programmes

Dear Mr/Ms/Mrs _____

We are pleased to inform you of your appointment to the Acting position of **<position title>** reporting to **<name of manager reporting to>** effective from **<effective date>**.

In recognition of the additional responsibilities that the appointment to this position will entail, you will receive acting allowance of **<acting allowance amount>** per month. Should you accept this position, you will be eligible to act in this position until further notice, but not exceeding a period of twelve months. Your acceptance of this acting position does not create reasonable expectation for appointment to the vacant position.

Should you accept this acting position, we would like to take this opportunity to wish you every success in your position of **<position title>**

Kind regards

<Name> <Surname>
Human Resource Manager

I **<Name> <Surname>** accept the position of **<position title >** and agree to be bound by the rules laid out in the Acting Policy as agreed in the Bargaining Council.

Signed: _____

Date: _____

ANNEXURE B

