



DRAKENSTEIN

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Acting, Additional and Secondment Allowance Policy

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Signed by the City Manager	Signature Date
	30 June 2023

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1. PURPOSE

- 1.1 This policy is intended to create a framework for decision-making in respect of acting, secondment- and additional allowance arrangements for the Municipality of Drakenstein;
- 1.2 There are many occasions where employees are needed to act in other positions, be seconded/borrowed to another section/post and where employees are requested to do additional duties. Hence the need for a policy dealing specifically with the matter of acting, secondment and additional allowance arose to give clarity on what employees may be utilized in acting or seconding positions as well as to do additional duties. Payment in these instances, also need to be cleared with definite guidelines; and
- 1.3 The Municipality accepts that from time to time an employee may not be available to carry out his/her duties and responsibilities in terms of the contract or contractual agreement. The Municipality recognised that there would be a need to appoint another employee in an acting capacity to carry out the duties of another employee who is absent for a period or who has resigned and the appointment of the new incumbent is underway. The Municipality also recognised that secondment arrangements can also be applied to ensure that service delivery continue in the absence of a staff member or when additional duties are needed to be attended to in a specific function to provide services to the community.

2. LEGAL FRAMEWORK

The policy was developed with the legislative environment in mind. The following legislation, amongst others, were considered:

- 2.1 Local Government: Municipal Staff Regulations;
- 2.2 Collective Agreement on Condition of Services for the Western Cape Division of the SALGBC;
- 2.3 Local Government Municipal Systems Act (2000);
- 2.4 Local Government Municipal Systems Amendment Act, 7 of 2011; and
- 2.5 Local Government Municipal Structure Act, 117 of 1998.



3. DEFINITIONS

3.1	"Acting Allowance"	Means the monetary differences between the current position and the higher position in which the employee is appointed to act in
3.2	"Additional Allowance"	Means the ex-gratia payment for additional work rendered of a higher post, but not one hundred percent (100%) of the duties of the post, in addition to normal functions performed for a consecutive period of at least twenty (20) working days, including public holidays and compulsory closing of office during the festive season
3.3	"Collective Agreement"	Means a written agreement concluded at the Divisional Bargaining Council regulating terms and conditions of employment or any other matters of mutual interest concluded between SALGA on the one and the Unions on the other hand and for purposes of this policy, the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC is relevant
3.4	"Employee"	Referred to herein applies to permanent- and fixed-term contractual posts, who works for the municipality and who receives, or is entitled to receive any remuneration, and any other person who in any manner assists with carrying on or conducting of the business of an employer
3.5	"Employer"	Refers to the municipality that is established in terms of the Provincial Notice 489 dated 22 September 2000 and the Local Government: Municipal Structures Act, Act No 117 of 1998
3.6	"Secondment"	<p>Refers to:</p> <p>3.6.1 the temporary transfer of staff to another position or employment within the municipality; or</p> <p>3.6.2 the temporary transfer of staff to another municipality; or</p>




		3.6.3 the temporary transfer of other government employees to the municipality.
3.7	“One grade higher”	Refers to one post reporting line higher

4. POLICY CONTENT

The policy applies to all employees who are appointed in an acting or secondment capacity or performing additional duties in a post they ordinarily do not occupy.

4.1 Acting appointment

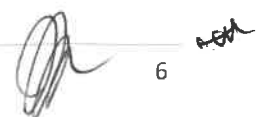
4.1.1 In the absence of a delegation policy specifically identifying persons authorised to appoint staff in an acting capacity, including the extension of such appointments the City Manager and/or the Executive Director of the relevant department has the authority.

4.1.2 Acting in a higher post does not create any expectation for appointment to the higher post and places no obligation on the employer to appoint the employee at any stage to the higher post.

4.1.3 The principle of acting

- (a) An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised;
- (b) In selecting a person to act in a post, the following must be considered:
 - (i) The relevant requirements of the post and the person’s performance;
 - (ii) The municipality’s development needs; and
 - (iii) The municipality’s employment equity policy.
- (c) A person may only be appointed in an acting position for a period not exceeding three (3) consecutive months;
- (d) Despite 4.1.3(c), the City Manager, or his/her delegate, may extend the period in 4.1.3(c) for a further period of three (3) months, if there is justifiable reason to do so;

- (e) Any further extension made under 4.1.3 shall not exceed a period of nine (9) consecutive months, whereafter the post must be advertised and filled on a competitive basis;
 - (i) The nine (9) month maximum acting period, is inclusive of the initial acting request period and the extended acting period(s);
- (f) An employee must work for at least ten (10) consecutive working days to be entitled to an acting allowance, including public holidays and compulsory closing of office:
 - (i) Hence, the employee must not take any form of leave during this ten (10) day period;
 - (ii) If an employee is approved to act for three (3) consecutive months and any form of leave is taken within the three (3) month acting period, excluding the public holidays and compulsory closing of office during the festive season, the leave days taken will be deducted when calculating the acting allowance; and
 - (iii) If approval is received to extend an employee's acting period and any form of leave taken, including public holidays and compulsory closing of office during the festive season, after the three (3) month period will not be deducted when calculating the acting allowance beyond the three (3) month acting period, and only if the acting period runs consecutively.
- (g) The performance of an employee appointed to act in a post must be assessed;
- (h) The appointment to act in a post must be:
 - (i) With the consent of the employee;
 - (ii) In writing;
 - (iii) Authorised by the City Manager or the person to whom the function is delegated; and
 - (iv) The employee can only commence with acting once (i), (ii) and (iii) have been concluded.
- (i) Unless otherwise dictated in the appointment of the acting post, an employee of a municipality who is acting in a higher post in the same municipality must continue to perform all the duties of the



post that the employee ordinarily occupies during the acting period;

- (i) This will also apply to an employee who is acting in a post that is equivalent to the post that the employee ordinarily occupies;
- (j) An employee may only act in a post that is equivalent to or one (1) grade higher than the post that the staff member ordinarily occupies;
 - (i) When acting in a post that is one (1) grade higher, an 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/she is acting shall be paid to the employee for the period of acting;
 - (ii) When acting in a post that is equivalent to the post of the acting employee or in a post that is one (1) grade higher, and the employee's salary is the same or more than that of the post in which the employee is acting, an acting allowance calculated on five percent (5%) of his/her pensionable salary shall be paid;
- (k) The employee appointed to act in a post must have the requisite competencies to be able to perform the duties associated with the post;
- (l) Acting allowances is fully taxable;
- (m) The acting employee shall in addition to his/her salary receive the approved acting allowance for the period of acting; and
- (n) A person acting in a higher post has no right or expectation to be appointed to that post, except as otherwise provided in this policy.

4.1.4 Acting as City Manager

- (a) The Municipal Systems Amendment Act (7/2011) in Section 54A(1)(b) and together with subsection (2)A it reads that Council must appoint an acting City Manager under circumstances and for a period as prescribed and that the appointed acting City Manager must at least have the skills, expertise, competencies and qualifications as prescribed;
- (b) In Section 54A(2A)(a) and (b) of the Municipal Systems Amendment Act (7/2011) it indicates that a person appointed as acting City Manager may not be appointed to act for a period exceeding three months and that Council may in special circumstances and on good cause, apply in writing to the MEC for Local Government for an extension of the acting period that does not exceed three (3) months;
- (c) An acting allowance equal to the difference between sixty percent (60%) of the cost to company package of the employee acting and sixty percent (60%) of the cost to company package of the City Manager shall be paid to the employee for the period of acting;
- (d) The employee shall in addition to his/her salary receive an acting allowance for the period of acting;
- (e) The Municipal Staff Regulations do not apply to an Executive Director appointed as Acting City Manager.
- (f) The salary component for determining the acting allowance will be calculated on sixty percent (60%) of the remuneration package of the post in which the employee is acting;
- (g) An employee is entitled to an acting allowance when an employee acts as City Manager for a minimum of ten (10) consecutive working days, including public holidays and compulsory closing of office during the festive season;



- (h) The City Manager may authorise the acting memorandum for payment of an acting allowance of an employee who acts as City Manager during the absence of the Executive Director: Corporate Services; and
- (i) Acting allowances is fully taxable.

4.1.5 Acting as Executive Director (Section 56) or other fixed term contractual post

- (a) Council, subject to the Local Government: Municipal Systems Act, 2000 and in consultation with the City Manager, may resolve that an employee should act in a Section 56 post or other fixed term contractual post, in which case the following shall apply (this is subject to the Collective Agreement on Conditions of Service for the Western Cape of the SALGBC):
 - (i) The employee shall in addition to his salary receive an acting allowance for the period of acting; and
 - (ii) The salary component for determining the acting allowance will be sixty percent (60%) of the remuneration package of the Section 56 post or fixed term contractual post in which the employee is acting.
- (b) An employee is entitled to an acting allowance when he/she is requested by written instruction by the City Manager to act as an Executive Director. The Executive Director of a department in which a fixed term contractual post resorts may request an employee to act in such a fixed term contractual post;
- (c) An employee acting in a higher post must undertake all the duties and responsibilities attached to the higher post for a period of at least ten (10) consecutive working days, including public holidays and compulsory closing of office during the festive season;
- (d) The Executive Director: Corporate and Planning Services or in his/her absence the City Manager, may authorise payment of an acting allowance to an employee who acts as Executive Director; and

- (e) Acting allowances is fully taxable.

4.1.6 Acting as Manager of a Department

- (a) An 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/she is acting shall be paid to the employee for the period of acting;
- (b) The Executive Director: Corporate and Planning Services or in his/her absence the City Manager may authorise the acting payment of an acting allowance to an employee who acts as Manager within a Department;
- (c) An employee is entitled to an acting allowance when he/she acts as Manager within a department for a minimum period of ten (10) consecutive working days, including public holidays and compulsory closing of office during the festive season; and
- (d) Acting allowances is fully taxable.

4.2 SECONDMENT(S)

4.2.1 The principles of secondments of staff for employees within the same municipality

- (a) An employee is entitled to a secondment allowance when he/she is seconded in writing by his/her Executive Director or by another manager authorised in terms of Council's delegation policy to perform all the duties and functions of a funded post on the approved organisational structure for a period of at least ten (10) consecutive working days, including public holidays and compulsory closing of office during the festive season;
- (b) An employee may only be seconded to a post that is equivalent to or one (1) grade higher than the post that the employee ordinarily occupies;

- (c) An employee is deemed to be seconded to another post when he/she:
 - (i) has given consent on the arrangement in writing;
 - (ii) the agreement is authorised by the delegated authority; and
 - (iii) the employee can only commence with the secondment once 4.2.1(c)(i) and (ii) has been concluded;
- (d) An employee who is seconded to another post shall not be responsible for his original duties, functions and powers and a temporary appointment may be made to address original functions of the seconded person;
- (e) The original post will not be filled and will be made available for the seconded person to move back into when the secondment period lapses;
- (f) Subject to existing operational requirements, the time frame of secondment appointments to posts shall be reviewed and agreed upon with the seconded and relevant stakeholders;
- (g) Unless operational requirements dictate otherwise, secondment appointments should be confined to employees reporting directly to the applicable secondment position;
- (h) A seconded person must have the necessary skills and requirements for the seconded position; and
- (i) A person may only be appointed in a secondment capacity for a period not exceeding three (3) consecutive months:
 - (i) The three (3) month period may be extended by the delegated authority for a further three (3) months, if there is justifiable reason(s) to do so.

4.2.2 Secondment allowance calculation for employees within the same municipality

- (a) The seconded person will be getting the difference between

his/her pensionable salary and the commencing notch of the salary scale of the post to which he/she is seconded;

- (b) Where an employee's salary is equivalent to or higher than the commencing notch of the salary of the post to which he/she is seconded, a secondment allowance calculated on five percent (5%) of his/her pensionable salary shall be paid;
- (c) An employee must work for ten (10) consecutive working days to be entitled to a secondment allowance;
 - (i) Hence, the employee must not take any form of leave during the ten (10) day consecutive period;
 - (ii) If an employee is seconded for three (3) consecutive months and any form of leave is taken within the three (3) month secondment period, excluding the public holidays and compulsory closing of office during the festive season, the leave days taken shall be deducted when calculating the secondment allowance; and
 - (iii) If approval is received to extend an employee's secondment period beyond the three (3) month period and any form of leave taken after the three (3) month period shall not be deducted, including public holidays and compulsory closing of office during the festive season, when calculating the secondment allowance and only if the secondment period runs consecutively.
- (d) Where an employee is seconded, there will be a signed agreement indicating the position where the employee is seconded to as well as the period of secondment. For the duration of the secondment period another person may be temporarily appointed in the seconded person's position, subject to the temporary person having the necessary skills and requirements needed to fulfil the tasks and responsibilities.



4.2.3 Secondment of employees to another municipality

- (a) A municipality may second an employee with the relevant competencies to act in a post that is vacant in another municipality;
- (b) The municipalities contemplated in sub-regulation (1) must conclude a written agreement regarding the secondment that specifies:
 - (i) The municipality responsible for the costs of the secondment;
 - (ii) The duration of the secondment, which may not in each case exceed a period of twelve (12) months;
 - (iii) The person to whom the seconded employee must report;
 - (iv) The place at which the seconded employee must work; and
 - (v) The new job description of the seconded employee.

4.2.4 Secondment of other government employees to municipalities

- (a) A municipality may request national or provincial government, another municipality or any state organ as the case may be, to second a person with the relevant competencies to act in a vacant post for a specific period or until such time that a suitable candidate has been appointed provided that the relevant legislation, terms and conditions of service of that person apply;
- (b) The parties contemplated in sub-regulation (1) must conclude a written agreement regarding the secondment that specifies the issues set out in regulation 26(2); and
- (c) The municipality must inform the MEC of any such secondment and the terms and conditions with that secondment.

4.3 Additional Allowances

4.3.1 The principles of additional allowance

- (a) An employee is entitled to an additional allowance when he/she is requested by written instruction by his/her Executive Director or another authorised manager in terms of Council's delegation policy to perform partial additional duties of an approved vacant funded post, on the approved organisational structure, to a maximum of two (2) post levels higher than the employee performing the additional duties, for a period of at least twenty (20) consecutive working days, including public holidays and compulsory closing of office during the festive season;
- (b) Subject to clause 4.3.1(a) an employee will not be paid an additional allowance whilst he/she is on any form of leave or any other absence during the first twenty (20) days of his/her additional work period;
- (c) If an employee has performed additional work for a consecutive period of two (2) months or longer, he/she will qualify for an additional allowance while on paid leave;
- (d) An employee is deemed to be responsible for the partial duties of another post in addition to his/her current post, when he/she has agreed on the arrangement in writing and when the agreement has been authorised by the relevant Executive Director or City Manager (where applicable);
- (d) If an employee has spare capacity to do work of another post on the same level as his/her current post, then it is viewed that the employee is already remunerated for eight (8) hours work;
- (e) If an employee, referring to employee in clause 4.3.1(d), has to work overtime, he/she will receive overtime remuneration subject to the conditions that may apply to the overtime policy;



- (f) The employee performing the additional duties must have the necessary skills and requirements for the post in which the additional duties are performed;
- (g) The period for which the partial additional duties are performed must not exceed nine (9) consecutive working months; and
- (h) The acceptable percentage for entitlement to an additional allowance is a minimum of performing twenty percent (20%) additional duties and a maximum of eighty percent (80%) additional duties.

4.3.2 Additional allowance calculation

- (a) The employee performing the partial additional duties will receive the difference between his/her own salary and the first notch of the post wherein he/she is performing the additional duties, to a maximum of two (2) post levels higher;
- (b) If the employee performing the additional duties earns equivalent to or more than the first notch of the post, then the employee shall receive five percent (5%) of his/her pensionable salary;
- (c) Furthermore, additional allowance shall be calculated on a percentage pro-rata of the work that he/she does of the post.
- (d) If for example an employee does forty percent (40%) of the duties of the post then he/she will receive an additional allowance equivalent to forty percent (40%).

4.4 General Administration

- 4.4.1 Departments must submit all relevant documentation to Human Resources within two (2) working days after it has been signed off by the relevant Executive Director;

4.4.2 The following documents must accompany allowance requests:

- (a) Cover memorandum signed by the Executive Director detailing the request for the allowance(s);
- (b) Signed prescribed template(s);
- (c) Copy of organogram reflecting the vacant post;
- (d) Copy of signed Job Description in which duties will be performed;
- (e) Proof of relevant requirements of vacant post such as qualification(s) as stated in the Job Description; and
- (f) Proof of funding of the approved vacant post in which acting-, additional- and secondment duties will be performed.

4.4.3 The signed and supporting documents to be submitted to Human Resources five (5) working days before an employee commences his/her duties.

4.5 The process and action steps

4.5.1 The employee confirms acceptance of the acting, additional work or secondment request by signing the template which shall be signed by the Line Manager and authorised by the Executive Director and/or the City Manager, where applicable;

4.5.2 The authorised prescribed documentation must be forwarded to the Senior Manager: Human Resources for processing;

4.5.3 The acting arrangements must be communicated to the relevant employee(s);

4.5.4 Acting-, Additional- and Secondment allowances are prepared by Human Resources and signed off by the Executive Director: Corporate Services and/or City Manager (where applicable) whereafter amounts and calculations are verified before any payments can be made; and

4.5.5 The Senior Manager: Human Resources and staff will ensure that the relevant approved documentation is placed on the incumbent(s) personnel file.



5. BUDGET

- 5.1 Acting appointments, additional duties and secondments may only take place in funded vacant post on the approved organisational structure; and
- 5.2 Finance to confirm the funding of the approved vacant post in which acting-, additional- and secondment allowance duties will be performed.

6. ROLES AND RESPONSIBILITIES

Role	Responsibility
City Manager	Authorise relevant Acting / Secondment / Additional duties arrangements and payment of allowances
Executive Director	Authorise relevant Acting / Secondment / Additional duties arrangements
Executive Director: (Corporate and Planning Services)	Determine Acting / Secondment / Additional allowances and the conditions regulating such allowances, and is responsible for the administration of the policy
Head of Department / Division	Make recommendations with regard to Acting / Secondment / Additional duties arrangements, complete the documentation and obtain the relevant approvals in compliance with the policy
Senior Manager: Human Resources and relevant staff	Guide the process. Ensure correct completion of the documentation and ensure that payroll is informed in time. Ensure that all records are kept on the incumbents personnel file.
CFO and Financial Services	Ensure the correctness of the allowance calculations, give effect to payment of allowances and confirms the funding of the approved vacant post.
Employee	Agree to the Acting / Secondment / Additional Duties arrangements and undertake to resume all the duties and/or partial responsibilities attached to the post.

7. RECORD KEEPING

Adequate records of acting / secondment / additional duty arrangements need to be maintained by the HR Division.

8. DISPUTE RESOLUTION

Where the content of this policy is covered by Legislation and/or an existing collective agreement, disputes about the interpretation/application of such content shall be resolved as per the dispute resolution mechanism of the collective agreement. Any content of this policy not covered by collective agreement and/or Legislation shall not be deviated from.

