

ECDOE ACTING POLICY



Province of the
EASTERN CAPE
EDUCATION

Human Resource Management & Development

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INTERNAL MEMORANDUM

Compiler	Tel. number	Date
M. Zazela	040-6084212	23/07/2019
TO: THE HEAD OF DEPARTMENT		
FROM: DIRECTOR: HUMAN RESOURCE PLANNING & PROVISIONING SERVICES (A)		
SUBJECT: ECDOE ACTING POLICY		

PURPOSE

To request the Head of Department to approved the attached Draft Policy for acting arrangements and effect its implementation from the date of its approval.

BACKGROUND AND MOTIVATION

The Eastern Cape Department of Education (ECDOE) recognises that from time to time there is a need to appoint a qualified employee who meets the minimum requirements to discharge the duties of another employee who is absent; or to perform duties in a vacant funded post. The Department continues to rely of transversal prescripts from national departments in the Administration of such arrangement as there is no acting guiding document that is tailor made in response to departmental and statutory arrangements. The policy covers both acts that are administrated by the Department, which are the Employment of Educators Act, 1998 and Public Service Act, 1994. Whilst making further observations on what other statutory documents indicates as depicted in the *Legislative Mandate* paragraph of this submission.

The primary purpose of the policy is to:

- provide a uniform application of policies and or legislation for acting appointments;

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- ensure that there is continuity in the provision of services when vacancies arise/ when an incumbent of a current post is unable to perform his/ her duties;
- develop and empower employees by appointing them to act in higher positions and
- determine conditions under which employees can be appointed to act in positions.

CONSULTATIONS

The development of the policy was initiated by the Directorate: Human Resource Planning and Provisioning services. During its development a series of consultations were done which are inclusive of the Human Resource Management & Development units both at Head Office and District offices. The Senior Management of Human Resource Management & Development was also exposed to obtain further inputs on the document and it was concluded by the last consultation that was done with the organised labour organisations that are represented in the Department.

LEGISLATIVE MANDATE

The policy is legislated by the following prescripts:

- Employment of Educators Act, 1998 (Act No.76 of 1998), as amended.
- Public Service Act, 1994
- Personnel Administrative Measures, 2016
- Public Service Regulations, 2016
- Policy on Acting Allowance for employees on salary levels 1 to 12 in the Public Service, issued by the Department of Public Service and Administration, effective from 24 January 2003.
- Public Service Co-ordination Bargaining Council Resolution No. 9 of 2001
- Policy on Acting Allowance for the Senior Management Service (SMS), issued by the Department of Public Service and Administration, effective from 1 April 2003.

OTHER RELEVANT POLICIES/ CIRCULARS

- Policy on an acting allowance for Senior Management Service, 1 April 2003.
- Senior Management Services, Public Service Handbook 2003.

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FINANCIAL IMPLICATION

N/A

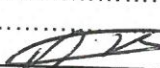
RECOMMENDATIONS

It is recommended that the Head of Department approves the attached Draft Policy for acting arrangements and effect its implementation from the date of its approval.


M ZAZELA
DIRECTOR: HRP & PS (ACTING)

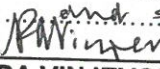
24/07/2019
DATE

PROPOSAL(S): RECOMMENDED/ NOT RECOMMENDED


MR N TSHIBO
CHIEF DIRECTOR: HRM & D

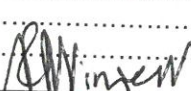
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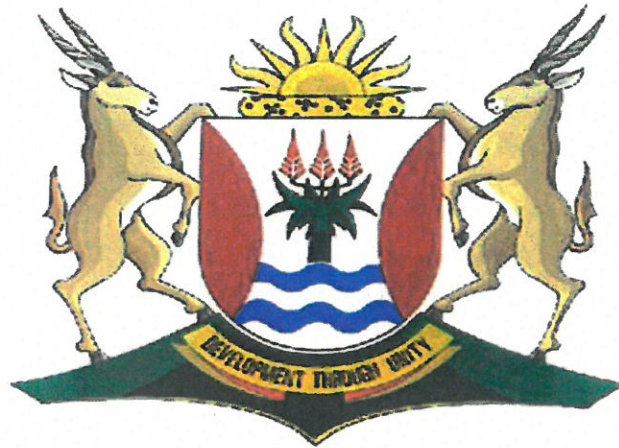
*This is an excellent piece of work.
I suggest implementation is 1 September 2019
and strong communication takes place in August 2019.*

MS PA VINJEVOLD
DDG: EPEM

30/07/2019
DATE

APPROVED/ NOT APPROVED


MR T KOJANA
SUPERINTENDENT-GENERAL

05/08/2019
DATE



EASTERN CAPE DEPARTMENT OF EDUCATION ACTING POLICY

Policy Originator	Directorate Human Resource Planning & Provisioning Services
Policy Administrator	Human Resources Administration (HRA)
Date of approval	
Internal Policy Register No.	

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**1. TITLE OF THE POLICY: EASTERN CAPE DEPARTMENT OF EDUCATION ACTING
POLICY**

2. EFFECTIVE DATE:

The implementation of this policy shall be effective from the first day of the month following the date of approval.

3. DATE OF NEXT REVIEW: 31 JULY 2023

This policy may be reviewed when there is a change in the following:

- a) relevant legislative/policy framework; and/or
- b) operational requirements of the Department.

4. REVISION HISTORY

LAST POLICY WAS APPROVED IN2006
REVIEWED IN APRIL 2019

5. DEFINITIONS OF TERMS

5.1. In this policy any term to which a meaning is assigned in the Public Service Act and Employment of Educators Act bears that meaning, unless the context otherwise indicates:

No	Term	Explanation
5.1.1.	Acting	means temporarily performing the functions of another post
5.1.2	Acting allowance	means an allowance payable to an employee who is appointed to act in a higher vacant funded post for an uninterrupted period of six months.
5.1.3	Suitably qualified	means the blend of knowledge, skills, behaviour and aptitudes that a person can apply in the work environment, which indicates a person's ability to meet the requirements of a specific post and meets minimum requirements of the post.
5.1.4	Delegated authority	means a person who is entrusted with the power to enforce or perform a particular task.
5.1.5	Department	For purposes of this policy, means the Eastern Cape Department of Education.
5.1.6	Employee	means a person appointed in the post establishment of the Department and constitutes staff employed in terms of the Employment of Educators Act and those employed in terms of the Public Service Act. (This definition shall also include those employees permanently appointed additional to the establishment of the Department).
5.1.7	Vacancy	means a post that is funded and has no incumbent occupying it.

6. ACRONYMS

Term	Explanation
MMS	means members of the Middle Management Service.
EoEA	Employment of Educators Act
EPWP	Expanded Public Works Programme
SMS	means members of the Senior Management Service, including professionals on salary level 13 and higher.
HoD	means the administrative Head of the Eastern Cape Department of Education.
DPSA	means the Department of Public Service and Administration
MPSA	Minister for Public Service and Administration
OSD	means the Occupational Specific Dispensation

7. LEGISLATIVE FRAMEWORK

- 7.1 Employment of Educators Act, 1998 (Act No.76 of 1998), as amended.
- 7.2 Public Service Act, 1994
- 7.3 Personnel Administrative Measures, 2016
- 7.4 Public Service Regulations, 2016
- 7.5 Policy on Acting Allowance for employees on salary levels 1 to 12 in the Public Service, issued by the Department of Public Service and Administration, effective from 24 January 2003.
- 7.5 Public Service Co-ordination Bargaining Council Resolution No. 9 of 2001
- 7.6 Policy on Acting Allowance for the Senior Management Service (SMS), issued by the Department of Public Service and Administration, effective from 1 April 2003.

8. OTHER RELEVANT POLICIES/ CIRCULARS

- 8.1 Policy on an acting allowance for Senior Management Service, 1 April 2003.
- 8.2 Senior Management Services, Public Service Handbook 2003.

9. PREAMBLE

The Eastern Cape Department of Education (ECDOE) accepts that from time to time an employee may not be available to discharge his/her duties and responsibilities in terms of the employment contract. Furthermore, the ECDOE recognises that from time to time there is a need to appoint a qualified employee who meets the minimum requirements to discharge the duties of another employee who is absent; or to perform duties in a vacant funded post.

This policy determines that employees who have acted in a vacant funded position for an uninterrupted period of six weeks and more, shall receive an acting allowance. In order to ensure uniform application of acting appointments, the Department shall always comply with the applicable legislative frameworks in appointing employees to act in approved funded posts.

10. PURPOSE OF THE POLICY

The purpose of this policy is to:

- 10.1 provide a uniform application of policies and or legislation for acting appointments.
- 10.2 ensure that there is continuity in the provision of services when vacancies arise/ when an incumbent of a current post is unable to perform his/ her duties.
- 10.3 develop and empower employees by appointing them to act in higher positions.
- 10.4 determine conditions under which employees can be appointed to act in positions.

11. PRINCIPLES

- 11.1 The delegated authority may request and / or direct an employee under his/her control to perform duties other than those ordinarily assigned to the employee or appropriate to her/his grade or post.

- 11.2 The Department shall ensure fairness and transparency during implementation of this policy.
- 11.3 Educators employed on post level 6 and those on Senior Management Service (SMS) do not qualify for the payment of acting allowances. (See PAM Chapter C.4.1).
- 11.4 An employee shall be appointed to act on one level higher than his/her permanent post provided that they are suitably qualified and meet minimum requirements to act in the higher-level post. Notwithstanding the provision referred to in paragraph 7.3 above, an educator shall only be appointed to act two levels higher than his/her permanent post if there is a vacancy in the next higher-level post and on condition that the incumbent of the next higher-level post has refused/rejected the offer for acting in writing.
- 11.5 An employee appointed in writing to act in a higher vacant post, shall be paid an acting allowance provided that the:
- (a) post is vacant and funded and;
 - (b) the period of appointment is uninterrupted and longer than 6 weeks.
- 11.6 The acting allowance is non-pensionable.
- 11.7. An employee must accept the acting appointment in writing.
- 11.8 Educators may only act in a higher post for a maximum uninterrupted period of 12 months.
- 11.9 An employee who acts in a vacant and funded SMS level position may only act for a maximum uninterrupted period of 6 months.
- 11.11 The relevant delegated authority shall compensate employee(s) who is appointed to act in a higher vacant funded position, provided that not more than two employees may simultaneously be compensated as a result of a single vacancy.
- 11.12 Appointment into a higher vacant funded position must not create a legitimate expectation that when the post is advertised, the acting incumbent shall be appointed permanently into the post.
- 11.13 An employee who is appointed to act in a higher position for three months or longer must amend their performance agreement to include the responsibilities of the higher post.

- 11.14 Notwithstanding the provision referred to on paragraph 11.13 above, an employee acting in a higher position shall be assessed in line with the performance standards of his/her permanent post.
- 11.15 In instances where there is more than one employee who qualifies to act in a post, managers may rotate the qualifying employees.
- 11.16 Managers must consistently practice fairness and transparency during execution of acting arrangements.
- 11.18 An employee appointed to act must meet the minimum requirements of the post.
- 11.19 Employees on probation and fixed term contract of less than one year may not be appointed to act in a higher-level post. Notwithstanding the above, employees who by virtue of their previous accumulated experience have been appointed in the same post/rank, can be appointed to act into the higher post even though appointed on probation.
- 11.20 The acting allowance payable to employees who are acting in a higher vacant and funded post for MMS at salary levels 11 or 12 positions is calculated as the difference between the employee's salary notch and the basic salary in terms of set 1 or set 2 of the minimum packages attached to the relevant higher MMS post. The set 1 of salary level 11 is 75% and set 1 of salary level 12 is 76%.
- 11.21 The absence of an employee for more than 30 consecutive days due to any nature of leave shall result in the termination of an acting appointment and allowance.
- 11.22 An employee acting on a post at salary level 11,12,13,14,15 or 16 shall not qualify for overtime.

12. CONDITIONS FOR APPOINTING AN EMPLOYEE IN AN ACTING CAPACITY

- 12.1 An acting appointment must only be made if service delivery will be hampered.
- 12.2 The employee must be familiar with the operations of the unit where the vacancy exists.
- 12.3 An employee directed to act in another post should have the necessary competency for the post to which he or she is appointed to act.
- 12.4 An educator appointed to act should have the relevant qualifications and experience to teach the subject / phase of the vacant post.
- 12.5 Employees in posts that are classified as non OSD posts can act in OSD posts provided that the employee meets the minimum requirements of the post.

13. CONDITIONS UNDER WHICH AN EMPLOYEE MAY BE APPOINTED IN AN ACTING CAPACITY

An employee may be appointed in an acting capacity to a higher post that is funded on condition that the actual incumbent of the post:

- 13.1 is absent from duty for whatever formalised and recorded reason (School-based EoEA Employees); or
- 13.2 has vacated the position.

14. PROCEDURE

14.1 Appointment to act in a higher, vacant post for a minimum period of 6 weeks

- (a) The relevant delegated authority must appoint an employee in writing to act in a post.
- (b) The relevant director/principal/manager must ensure and confirm that the higher vacant funded post exists and this must be attached to the submission for consideration of approval of the acting arrangements.
- (c) Copies of the acting letter must be submitted to the human resources

component prior to the commencement of the acting period for record purposes.

15. PAYMENT OF AN ACTING ALLOWANCE

15.1 Payment of an acting allowance is:

- (a) only effected when the post exists on the post establishment and approval for an employee to act has been granted;
- (b) granted only if the period of appointment is uninterrupted and longer than 6 weeks.
- (c) granted only if the period of acting does not exceed twelve calendar months.

15.2. Calculation basis for Non-SMS

- (a) The acting allowance 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.

- (b) An employee who is not an SMS member, appointed to act in a post on the SMS level, will receive the difference between his/her current salary notch and 70% of the commencing inclusive flexible remuneration package applicable to the vacant SMS post.
- (c) An employee appointed in an acting capacity, who is on a higher salary notch than the commencing salary notch of the vacant post, will receive the difference between his/ her current salary notch and the next higher salary notch of the higher vacant post or 70% of the commencing inclusive flexible remuneration package applicable to the vacant SMS post, provided there is a difference.
- (d) If the payment of the acting allowance commences after the 1st day of the month 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 calendar days for the specific month.
- (e) The acting allowance for MMS members (salary levels 11 and 12) who act in higher vacant SMS posts, is calculated as the difference in the acting MMS member's total remuneration package and the minimum total remuneration package attached to the relevant vacant SMS post which includes employees classified under the occupational specific dispensation (OSD).
- (f) Employees who are appointed out of adjustment and act in the next higher level shall not qualify for an acting allowance.
- (g) If the employee is appointed out of adjustment in the next higher level and appointed to act two levels higher than their current permanent post the employee shall be eligible for an acting allowance.

15.3. Calculation basis for SMS Members

- (a) The acting allowance for SMS members is calculated on the basis of the difference between the current total remuneration package of the member and the commencing remuneration package of the higher vacant post.

- (b) A member on an inclusive flexible remuneration package, including those employees on a personal remuneration package, which is higher than the commencing inclusive flexible remuneration package of the higher graded vacant post should receive the difference between her/his current package and the next higher remuneration package applicable to the vacant higher post, provided there is a difference.
- (c) If the payment of the acting allowance and the payment of the HoD's allowance to a member who acts in a designated HoD position commences after the 1st day of the month or terminates before the last day of the month, the daily tariff is calculated by dividing the annual amount by 12 (number of months per year) and then by the number of calendar days for the specific month.
- (d) The HoD may approve an acting allowance, if an employee is appointed to act in the post during the absence of the SMS member. The 10% HoD's allowance is paid to an employee appointed by the MEC to act in the post of HoD.

16. PAYMENT OF THE HoD's ALLOWANCE TO MEMBERS ACTING IN A DESIGNATED HoD POSITION

- 16.1 Where an SMS member acts in a vacant designated HoD post, the HoD's allowance is payable in addition to the acting allowance, calculated at 10% of the employee's current inclusive flexible remuneration package.
- 16.2. The HoD's allowance is payable with effect from the date the employee is appointed to act in the vacant designated HoD's post. This must be captured in writing.
- 16.3. In cases of suspension of the HoD, the payment of the HoD's allowance must be terminated with effect from the date of suspension.

17. ROLES AND RESPONSIBILITIES

The delegated authority at all levels must:

- 17.1 Ensure that the appointment of an employee in an acting capacity is done in writing.
- 17.2 Consult the identified employee prior to the issue of the appointment letter, since it is the prerogative of the employee to either accept or decline the appointment.
- 17.3 Ensure that no acting roles or responsibilities are executed before the formal approval of the acting arrangements.

18. GENERAL CONDITIONS

- 18.1 Appointment in an acting capacity is a management prerogative and not an employee's right.
- 18.2 An employee shall not be appointed to act in two positions simultaneously.
- 18.3 Acting appointments must be undertaken in accordance with the approved delegations or circular (s) as issued by the HoD.
- 18.4 An employee on contract may be appointed to act in a vacant higher position, provided that she/he has been employed on contract for a period of 12 months or longer and is familiar with the functional responsibilities and work processes of the relevant organisational unit.
- 18.5 In instances where more than one employee possesses the necessary knowledge, skills, abilities and meets the minimum requirements to act in a higher vacant post, each of these employees may be given an opportunity to be appointed in an acting capacity for two separate periods of a 6-week cycle. In the case of SMS members, the period to be appointed to act in a funded vacant post is at least three months in order to ensure continuity of service delivery.
- 18.6 It is the prerogative of the delegated authority to terminate an acting appointment at any time.

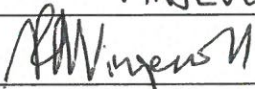
19. SHORT TITLE

This policy shall be called **EASTERN CAPE DEPARTMENT OF EDUCATION ACTING POLICY (ECDOE).**

20. SCOPE OF APPLICABILITY

This policy applies to all employees in the Department excluding all abnormal appointments such as interns, learnerships, Extra School Support Programme (ESSP) Workers, Expanded Public Works Programme (EPWP) Beneficiaries as well as School Governing Body appointments.

21. APPROVAL

DATE OF APPROVAL OF ECDOE ACTING POLICY	
Approved by ECDOE: (HOD)Print Name:	P. A. VINTJEVOLD
Signature:	
Date of Approval	03/08/2019



EDUCATION PLANNING EVALUATION AND MONITORING

Steve Vukile Tshwete Education Complex* zone Zwelitsha * Private Bag X0032 * Bhisho* 5605* REPUBLIC OF SOUTH AFRICA *

Enquiries: S. Tembani Email: Sifiso.tembani@ecdoe.gov.za Telephone: 040 602 7074

Mr N Tshibo

Chief Director: Human Resource Management and Development
Eastern Cape Department of Education
Zwelitsha

Dear Mr Tshibo


URGENT DISTRIBUTION AND IMPLEMENTATION OF THE ACTING POLICY

The purpose of this communication is to request that you ensure that the attached Acting Policy is distributed to all employees of the Department by 8 August 2019. This will ensure that the Policy is ready for full implementation on 1 September 2019.

Yours in Education



MR TS KOJANA

 06-08-2019

DATE

SUPERINTENDENT-GENERAL: EASTERN CAPE DEPARTMENT OF EDUCATION



Province of the
EASTERN CAPE
EDUCATION

OFFICE OF THE SUPERINTENDANT GENERAL

Steve Vukile Tshwete Complex, Zone 6 Zwelitsha, 5608, Private Bag X0032, Bhisho, 5605 REPUBLIC OF SOUTH AFRICA: Website: www.ecdoe.gov.za; Email: nomandla.gobeni@ecdoe.gov.za; Tel: 040 6027016

Enq: N Simani

Date: 02nd Aug 2019

Ms P Vinjevold
DDG - EPEM
Department of Education
ZWELITSHA
5608

Dear Ms Vinjevold

APPOINTMENT AS ACTING SUPERINTENDENT-GENERAL

Please be informed that as from the 05th-08th August 2019 I will be attending the HEDCOM Workshop to be held in Kimberly. It is on this basis that I appoint you as acting Superintendent-General for the period of my absence.

Therefore you are required to perform the responsibilities of the Department in accordance with the relevant Departmental policies and Legislature frameworks.

Kindly note that you are expected to manage all functions and to give a comprehensive report on developments on my return.

Yours in education development.



T. S. KOJANA
SUPERINTENDENT GENERAL: EDUCATION