

THEMBISILE-HANI LOCAL MUNICIPALITY



PROMOTION, TRANSFER, SECONDMENT, AND ACTING APPOINTMENT POLICY 2024/25

PROMOTION, TRANSFER, SECONDMENT, AND ACTING APPOINTMENT POLICY

1. PREAMBLE

The Municipality views the promotion, transfer, and secondment of employees as an important human resource tool to improve performance and to attain employee satisfaction. In addition, allowing employees to act in higher positions also maintains service delivery while exposing employees to skill enhancement.

2. PURPOSE

- 2.1 To ensure that employees are promoted, seconded and transferred appropriately and in line with operational requirements of the Municipality.
- 2.2 To ensure promotion of employees for higher positions and salary levels in line with the Municipality's strategies of succession planning, career management, staff retention, performance enhancement, and employment equity.
- 2.3 To ensure that promotion is based on knowledge of the job, abilities, skills, aptitude, experience, performance, and the evaluation of the incumbent's post.
- 2.4 To regulate the secondment or temporary assignment of employees to and across the Municipality's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.
- 2.5 To regulate the transfer of employees to and across the Municipality's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.
- 2.6 To provide management with a standard framework for allowing employees to act in higher positions
- 2.7 To provide management with a standard framework for paying an acting allowance to employees acting in higher positions

3. SCOPE

This policy applies to all employees of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996

- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

To ensure that employees are promoted, seconded and transferred appropriately and in line with operational requirements of the Municipality.

7. POLICY PROVISIONS

7.1 Promotion

7.1.1 Promotion in the Municipality shall happen in two ways:

7.1.1.1 Notch progression within the same post grading on the criteria set out in the remuneration policy, or by resolution of the Municipal Council

7.1.1.2 Upgrading of the post the staff member occupies through job evaluation

7.1.1.3 Appointment to a post in the Municipality that is higher than the one the staff member previously occupied

7.1.2 The promoted staff member shall not forfeit his or her years of service and the benefits that accrue from those years of service.

7.2 Transfers

7.2.1 The Municipality may transfer any staff member in its service to any equivalent post in the Municipality or, subject to Section 197 of the Labour Relations Act, to an equivalent post in another municipality.

7.2.2 A staff member shall only be transferred –

7.2.2.1 if the staff member requests or consents, in writing, to the transfer;
or

7.2.2.2 in the absence of consent, if the transfer is fair taking into consideration-

- a. the operational requirements of the affected institutions, including whether the transfer of the staff member would address such requirements
- b. written representations from the staff member prior to the proposed transfer; and
- c. the extent to which the interests and circumstances of the staff member may be fairly accommodated.

7.2.3 The salary and other conditions of service of a staff member shall not be adversely affected by a transfer without the consent in writing of that staff member.

7.2.4 A staff member shall not be transferred to a position at a level which is lower than the staff member's current post level.

7.2.5 The Municipal Manager shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.

7.2.6 The Letter of Transfer shall state all conditions of the transfer, including expenses that the Municipality shall cover.

7.3 Secondment of Municipal staff to another municipality

7.3.1 The Municipality may second a staff member with the relevant competencies to act in a post that is vacant in another municipality.

7.3.2 The Municipality shall conclude a written agreement regarding the secondment with the staff member, and another municipality where the staff member is being seconded to, that specifies –

7.3.2.1 the party responsible for the costs of secondment

7.3.2.2 the duration of the secondment, which shall not in each case exceed a period of twelve months

7.3.2.3 the person to whom the seconded staff member shall report to

7.3.2.4 the place at which the seconded staff member shall work; and

7.3.2.5 the new job description of the seconded staff member.

7.3.3 The employee on secondment shall return to their substantive position after the secondment, on the same conditions of service, irrespective of the level at which they operated during the secondment.

7.4 Secondment of other government employees to the Municipality

7.4.1 The Municipality may request national or provincial government, another municipality or any employer as they case may be, to second a person with the relevant competencies to act in a vacant post for a specified period or until such time that a suitable candidate has been appointed.

7.4.2 The Municipality shall conclude a written agreement regarding the secondment with the national or provincial government, another municipality or any employer as they case may be, and the employee to be seconded, that specifies –

7.4.2.1 the party responsible for the costs of secondment

7.4.2.2 the duration of the secondment, which shall not in each case exceed a period of twelve months

7.4.2.3 the person to whom the seconded staff member shall report to

7.4.2.4 the place at which the seconded staff member shall work; and

7.4.2.5 the new job description of the seconded staff member.

7.4.3 The Municipality shall inform the MEC responsible for local government of any such secondment and the terms and conditions associated with that secondment.

7.5 Acting appointment

7.5.1 An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised.

7.5.2 Unless indicated otherwise in the appointment to the acting post, a staff member of the Municipality who is acting in a higher post shall continue

to perform the duties of the post that the staff member ordinarily occupies during the acting period.

7.5.3 A person acting in a higher post has no right or expectation to be appointed to that post.

7.5.4 A staff member may only act in a post that is equivalent to or one grade higher than the post that the staff member ordinarily occupies.

7.5.5 The appointment to act in a post shall be –

7.5.5.1 with the consent of the staff member

7.5.5.2 in writing; and

7.5.5.3 authorised by the Municipal Manager or the person to whom this function is delegated.

7.5.6 The staff member appointed to act in a post shall have the requisite competencies to be able to perform the duties associated with the post.

7.5.7 In selecting a person to act in a post, the following shall be considered –

7.5.7.1 the relevant requirements of the post and that person's performance

7.5.7.2 the Municipality's developmental needs; and

7.5.7.3 the Municipality's employment equity policy and plan.

7.5.8 A person may only be appointed in an acting position for a period not exceeding three months. The Municipal Manager may extend the acting period for a further period of three months, if there is a justifiable reason to do so. Any further extensions made by the Municipal manager shall not exceed a period of one year.

7.5.9 The leave status of the acting employee shall remain unchanged, though they shall not be allowed to take leave of absence unless:

7.5.9.1 it is an unplanned leave (e.g. sick leave); or

7.5.9.2 acting in a post where the permanent incumbent is on extended leave

7.5.10 The acting employee shall be informed about his or her performance during the acting period in line with the Performance Management Policy.

- 7.5.11** The Municipal Manager having considered the written recommendations and reasons by the Head of Department and in compliance with the provisions of Section 6 herein, shall appoint an appropriately skilled person in writing to act in the post higher than the post which the appointed employee occupies.
- 7.5.12** 11.2. The acting allowance is only payable when an employee acts in the post higher than the post which the appointed employee occupies for a minimum of three (03) uninterrupted consecutive working days.
- 7.5.13** 11.3. The employee that acts in a position senior than his/hers shall be paid an acting allowance equal to the difference between his/her salary and the minimum notch (first notch) of the salary scale pertaining to the post he/she is appointed to act in, save for employees acting in the position of the Municipal Manager and those acting in the position of a Section 56 Manager.
- 7.5.14** 11.4 The period of acting shall not unreasonably be stopped or interrupted resulting in non-payment of an acting allowance.
- 7.5.15** 11.5 The acting allowance payable in terms of this policy shall be fully taxable and included in the monthly salary of the Acting Employee and be paid on the payday of the month following the conclusion of the acting period.
- 7.5.16** 11.6. Before an acting allowance is payable in terms of this policy, the Head of Department must certify that the acting employee performed all the duties of the post he/she was acting in satisfactorily and such certificate shall be filed in the personal file of the employee who acts in terms of this policy.
- 7.5.17** Acting allowance includes all benefits and tools of trade (e.g Cellphone allowance, 3g,4g, travel allowance etc) of the higher post if acting is for a period on 22 days or longer.

7.6 Roles and responsibilities

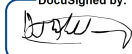
The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy. The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management Unit.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

- 8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Approved by Municipal Council on the 23 rd of May 2024 and signed by the Municipal Manager	
<small>DocuSigned by:</small>  <small>8E47CE96789E4F7...</small>	6/5/2024
DJD Mahlangu	Date