

Gauteng Enterprise Propeller (GEP)

Acting Policy

Private and confidential

Table of Content

TABLE OF CONTENTS		Pg.
0.	Policy Outline	3
1.	Abbreviations	4
2.	Definitions	4
3.	Policy Statement	6
4.	Purpose	6
5.	Scope of Application	6
6.	Policy Content	7
7.	Roles and Responsibilities	8
8.	Protection of Personal Information	8
9.	Non - Compliance	9
10.	Policy effective date	9
11.	Policy management and review	9
12.	Approval of the Policy	10

POLICY OUTLINE

Policy Title:	Acting Policy
Version:	02
Relevant Legislation:	Constitution of the Republic of South Africa Act, No. 108 of 1996 Labour Relations Act, No. 66 of 1995 Basic Conditions of Employment Act, No. 75 of 1997 Employment Equity Act, No. 75 of 1997 Skills Development Act, No. 97 of 1998 Public Finance Management Act, No. 29 of 1999 Gauteng Enterprise Propeller Act, No. 5 of 2005
Related Codes:	Legislative Regulations
Related Policies:	All policies of the Gauteng Enterprise Propeller.
Policy Owner:	Company Secretary
Responsible Person:	Chief Executive Officer
Contact Officer:	General Manager: Corporate Support and Administration
Approval Authority:	Board of GEP
Review Period:	As and when there are changes in the business environment for example change in the Treasury Instructions, Gazette, etc

1. Abbreviations

- 1.1 **BCEA** refers to Basic Conditions Employment Act;
- 1.2 **CEO:** refers to the Chief Executive Officer;
- 1.3 **CFO:** refers to the Chief Financial Officer;
- 1.4 **COO:** refers to Chief Operations Officer;
- 1.5 **CoSec:** refers to Company Secretary;
- 1.6 **EEA:** refers to Employment Equity Act,
- 1.7 **GEP:** refers to Gauteng Enterprise Propeller;
- 1.8 **GM CS&A:** refers General Manager Corporate Support and Administration;
- 1.9 **GM:** refers to General Managers;
- 1.10 **LRA:** refers to Labour Relations Act;
- 1.11 **PFMA:** refers to the Public Finance Management Act;
- 1.12 **POPI:** refers Protection of Personal Information;
- 1.13 **REMCO** refers to Human Resources Remuneration Committee, and
- 1.14 **SDA:** refers to Skills Development Act.

2. Definitions

- 2.1 **Acting allowance:** means a pre-determined amount of money paid to an employee for performing additional or more senior functions.
- 2.2 **Acting role:** means a temporary assignment to perform duties of another position whilst the incumbent is away or the position is vacant.
- 2.3 **Agency:** means Gauteng Enterprise Propeller.
- 2.4 **Board Committees:** means all Board Committees constituted from time to time.
- 2.5 **Board:** means the governance body established in terms of section 7 of the Act and contemplated in subsection 49(2)(a) of the PFMA.
- 2.6 **Business Unit:** means a main functional unit (division) in GEP, such as Office of the CEO, Finance; Risk and Audit, Corporate Support and Administration, Investment Management; Strategy, Monitoring and Evaluation and Company Secretariat.
- 2.7 **Chief Executive Officer:** means the official appointed by the MEC in terms of section 20(1) of the Act.
- 2.8 **Delegated Official:** means any Employee to whom a power has been delegated by the principal functionary (PF). This includes:

- I. The holder of a post to whom a Power has been Delegated in a contract of employment or in GEP policy; and
 - II. An Employee who is formally appointed to act in a post where the post is vacant or where the holder of the post is unable to exercise the Power. The Employee acting in the post will assume the Delegation of the holder of the post.
- 2.9 **Delegation:** means the allocation of power conferred or a duty imposed on a principal functionary (PF) to a delegated official (DO). To “Delegate” or “Delegated” means to entrust a Power or duty to a DO or a Sub-Delegated DO. The DO or Sub-Delegated DO acts as an agent of the PF. Delegation of a Power does not divest the PF of the responsibility concerning the exercise of power.
- 2.10 **Department:** means a grouping of one or more Functional Units within a Business Unit, e.g. the Marketing Department within the Corporate Support and Administration Business Unit.
- 2.11 **Employee:** means A person occupying a position on the fixed establishment of GEP.
- 2.12 **Employee:** means an official appointed to a post in the GEP (regardless of the period of appointment), including a person seconded (internally or from externally) to a post in the GEP.
- 2.13 **Executive Authority:** means MEC for Economic Development who is a shareholder.
- 2.14 **Executives:** means all executive managers who are direct reports of the CEO and include the CEO.
- 2.15 **Financial Year:** means 01 April to 31 March.
- 2.16 **Function:** means a task, actions or activities that have to be planned and undertaken in pursuance of a GEP objective, outcome or output.
- 2.17 **Functional Unit:** means a unit within a Department, tasked with the performance of one or more specific tasks, actions or activities relating to a particular output or objective, e.g. the Promotions Unit within the Marketing Department.
- 2.18 **Gauteng Enterprise Propeller:** means the juristic person established in terms of section 2(1) of the Act.
- 2.19 **Indirect Communication:** means the transfer of information, including a message or any part of a message, whether—
- (a) In the form of speech, music or other sounds; data; text; visual images, whether animated or not; signals; or radio frequency spectrum; or
 - (b) In any other form or in any combination of forms, that is transmitted in whole or in part by means of a postal service or a telecommunication system, as defined in RICA.
- 2.20 **Manager:** means all managers reporting directly to senior managers and executives, including ROM's.
- 2.21 **MEC:** means the MEC for the Gauteng Department of Economic Development (GEP Shareholder).
- 2.22 **Operational Requirements means:** economic, technological, technical, structural or similar needs of the employer as defined in Labour Relation Act.
- 2.23 **Policy:** means a policy directed at governing the corporate focus of GEP with a specific functional connection, describing related administrative, technical or operational aspects.

- 2.24 Power:** means the ability conferred on a person by law to determine and alter the rights, duties, liabilities and other legal relations of others.
- 2.25 Principal Functionary:** means the Board, the CEO and the Executives respectively in terms of a Power conferred through an empowering provision in legislation.
- 2.26 Regional Operations Manager:** means managers reporting to Senior Manager for Regions.
- 2.27 Seconded employee:** means A person employed by a government department, agency or any relevant institution and temporarily assigned to GEP for a specific task.
- 2.28 Senior Manager:** means all managers reporting directly to Executives.
- 2.29 Sub-Delegate:** means the further delegation of a Power or Function Delegated to a DO to another official, hereinafter referred to as the Sub-Delegated DO. Sub-Delegation of a Power does not divest the PF of the responsibility concerning the exercise of the Power.
- 2.30 Substantive Position:** means an employee permanent position of employment.
- 2.31 Temporary Acting:** means Acting in a filled position in the absence of an incumbent for a pre-defined period.

3 Policy Statement

The policy seeks to provide the framework for the appointment and compensation of employee acting in a position on interim or temporary basis.

The acting role should therefore be linked to the operational and structural requirements of the agency.

4 Purpose

The policy aims to provide measures for the appointment and compensation of employees in acting positions.

5 Scope of Application

The following fundamental principles underpin this policy:

- 5.1 The acting policy is directly linked to the agency's operational and structural requirements.
- 5.2 The appointment of an employee to act in a higher-grade position should be seen as a development opportunity for the employee and should not constitute and create an expectation for permanent appointment.

- 5.3 To ensure that all acting appointments of employees for added responsibility and decision making are reduced in writing.

6 Policy Content

- 6.1 All acting appointments with any financial implication shall be approved by the CEO before the acting commences.
- 6.2 Appointment of the acting Chief Executive Officer shall be approved by MEC in consultation with the GEP Board of Directors as per relevant legislation
- 6.3 Only employees who meets the position's minimum educational requirements and experience can be appointed to act in a higher/ lateral position.
- 6.4 To qualify for an acting allowance, an employee must be acting in a position senior or lateral to his/her own substantive post for a period of at least a month.
- 6.5 An employee who acts in a senior position and continues to perform own functions; will be paid an acting allowance equivalent to 15% of the annual total cost to company of the position acting in, calculated on a monthly basis and pro-rated where necessary.
- 6.6 An employee who performs only acting functions and ceases to perform own functions will be paid an acting allowance equivalent to 10% of the annual total cost to company of the position acting in, calculated on a monthly basis and pro-rated where necessary.
- 6.7 An employee acting on a lateral position will be paid an acting allowance equivalent to 10% of the annual total cost to company of the position acting in, provided that he/she perform both his substantive and acting functions.
- 6.8 The acting allowance is a non-pensionable allowance.
- 6.9 GEP will pay the acting allowance in the completion of the qualifying period, backdated to the date that the employee officially began acting.
- 6.10 An employee may be appointed to an acting role if the position is vacant and funded or when the substantive incumbent is temporarily not available to perform his/her duties.
- 6.11 The employee must accept the terms and conditions of the acting appointment in writing.

- 6.12 The employee who acts in any given position shall have the right to terminate his/ her acting after consultation with the delegating authority.
- 6.13 An acting employee who is on any approved absence from work during a period of acting for not more than five (5) consecutive days shall not be penalized in terms of the acting allowance.
- 6.14 Should a vacancy arise in a Department or Functional Unit, acting in a higher grade or lateral grade position shall be done on the basis of equal staff rotation with clearly defined maximum acting periods not exceeding twelve (12) months at a time, per employee.
- 6.15 Acting employees will be held responsible for their performance during the period of acting in a particular position, irrespective of the duration of the acting period, and regardless of whether they are in receipt of an acting allowance or not.
- 6.16 An employee who acts in another position for a minimum period of three (3) months shall for the purpose of the performance management review or assessment be reviewed or assessed based on the acting role for the duration of the acting period in addition to substantive position.

7 Roles and Responsibilities

- 7.1 **Assurance Providers:** shall provide assurance on and monitor the implementation of the policy and report non-compliance, as and when, time allows breach or violation to Executive Management.
- 7.2 **CEO:** shall issue Policy directive in terms of this policy.
- 7.3 **GM CS&A** shall ensure the review of this policy, ensure compliance and implementation of this policy, be the custodian of policy and report any breach or violation to the CEO and assurance providers.
- 7.4 **GM CSA&A:** shall ensure that the policy complies with the Board's resolutions, legislations, and the GEP Bargaining Agreements.
- 7.5 **HR Unit:** shall workshop all employees during induction and ensure that the policy is applied uniformly within the Agency.
- 7.6 **Board and Sub- Committees:** shall play an oversight role on the application, implementation and adherence to the policy.
- 7.7 **Other GEP officials** shall, in respect of their respective areas of responsibility, comply with this policy.

8 Protection of Personal Information

- 8.1 Officials of the GEP when handling PEP information must at all times ensure that Personal Information is protected, secured and processed, collected, used, stored, distributed, modified, destroyed and, or deleted in a manner that does not infringe the common-law or statutory rights of individuals. GEP officials shall also comply with, amongst others, the Code of Ethics, Code of Conduct, Internal and External Communication Policy, compliance Information Policy, Protection of Personal Information Policy and Promotion of Access to Information Policy once implemented.

9 Non - Compliance

- 9.1 Non-compliance with this policy or any applicable regulatory requirement through any deliberate or negligent act or omission, including allowing any staff, either expressly or impliedly, not to comply with this policy or any applicable regulatory requirement, will be considered serious and will be dealt with in terms of the GEP's disciplinary policies and procedures.

10 Policy Effective Date

- 10.1 This policy comes into effect on the date when approval of this policy is communicated to GEP staff via e-mail, provided that if the e-mail communication does not fall on a business day then the policy comes into effect on the first day following the date on which the e-mail communication was sent.

11 Policy Management and Review

- 11.1 This policy shall be managed and reviewed as and when there are changes in the business environment informed, for example change in the Treasury Instructions, Gazette, etc.

12 Approval

12.1 The Board, in terms of section 14 of the Act; and section 56 of the PFMA approves the Policy

Signature:	
Name and surname:	Margaret Diedricks
Capacity:	REMCO: Chairperson
Date:	30th of June 2020

Signature:	
Name and surname:	Khehla Mthembu
Capacity:	Chairman: GEP Board of Directors
Date:	30th of June 2020

