

PROMOTION, TRANSFER, AND ACTING APPOINTMENT POLICY
2025/2026 FY



APPROVED BY:

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TABLE OF CONTENTS

1.	Background.....	3
2.	Purpose of Policy.....	3
3.	Objective of Policy.....	3
4.	Scope.....	3
5.	Definition Policy.....	3
6.	Legislative Framework.....	3
7.	Policy Procedure.....	4
8.	General Policy Provisions.....	4
10.	Policy Reviewal.....	9

1. BACKGROUND

Guide and empower management to promote, demote, and transfer employees based on a clearly define criteria and procedure.

2. PURPOSE

To ensure that staff members are promoted, transferred appropriately and in line with operational requirements of the municipality

3. SCOPE OF APPLICATION

This policy applies to all staff members of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Employment Equity, 1998 (Act No. 55 of 1998)
- Skills Development Act, (Act No. 97 of 1998)
- Local Government: Regulations on appointment and conditions of employment of senior managers, 2014
- Local Government: Municipal Staff Regulations, 2021
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation.

6. POLICY PROVISIONS

6.1 Promotion

Promotion in the Municipality occurs when:

- (a) Upgrading of the post the staff member occupies through job evaluation; and
- (b) Appointment to a post in the Municipality that is higher than the one the staff member previously occupied.
- (c) The promoted staff member shall not forfeit his or her years of service and the benefits that accrue from those years of service. (Leave payout and pro-rata bonus will be paid before assuming duties in the new position)

6.2 Transfer of staff

- a) 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.
- b) Transfers are treated as appointments and may be affected by the Municipal Manager or Directors, depending on which has the appointing authority in terms of the relevant delegations. Transfers may only be affected if the following criteria have been met:
 - (i) The staff member's salary and benefits remain the same.
 - (ii) The organisational level remains the same.
 - (iii) The staff member's level of responsibility remains the same.
 - (iv) The staff member meets the minimum requirements of the post as confirmed in the job description.
 - (v) The staff member requests or consents, in writing, to the transfer.
 - (vi) The transfer is not applied as a punitive measure. (In terms of the Disciplinary Code, a transfer can occur as a result of a

transgression by the staff member but only after the disciplinary process has been applied).

- (vii)** Proper consultation with the staff member has taken place in which the reason(s) for transfer, advantages and possible disadvantages have been discussed and resolved where applicable.
- (viii)** The Human Resources Practitioner has been informed of the transfer.
- (ix)** Should a staff member be on a personal-to-holder salary scale, the Municipal Manager will have the discretion to approve a transfer to a post of which the remuneration (T-grade) is not equal to the remuneration (T-grade) of the current post of the staff member
- (x)** A transfer request may not be considered should the vacant post already be advertised in terms of section 6.2.4 of this policy.
- (xi)** Should a request for a transfer be declined, the relevant director shall provide the staff member with a reason(s) for his/her decision.

c) A staff member shall only be transferred –

1. if the staff member requests or consents, in writing, to the transfer;
or
2. in the absence of consent, if the transfer is fair taking into consideration-
 - (i)** the operational requirements of the affected institutions, including whether the transfer of the staff member would address such requirements;
 - (ii)** written representations from the staff member prior to the proposed transfer; and
 - (iii)** the extent to which the interests and circumstances of the staff member may be fairly accommodated.

- i. 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.
- ii. A staff member shall not be demoted, promoted or transferred to a position at a level which is lower or higher than the staff member's current post level.
- iii. The Municipal Manager shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.
- iv. The Letter of Transfer shall state all conditions of the transfer, including expenses that the Municipality shall cover.

6.3 Acting appointment on a vacant post

- (a) An acting appointment may be made to a funded post in order to ensure that the disruption of services is minimised.
- (b) 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.
- (c) A person acting in a higher post has no right or expectation to be appointed to that post.
- (d) 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.
- (e) The appointment to act in a post shall be –
 - (i) with the consent of the staff member;
 - (ii) in writing; and
 - (iii) authorised by the Municipal Manager or the person to whom this function is delegated.

(iv) 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.

(v) In selecting a person to act in a post, the following shall be considered –

1. the relevant requirements of the post and that person's performance;
2. the Municipality's developmental needs; and
3. the Municipality's employment equity policy and plan.

(vi) A person may only be appointed in an acting position for a period not exceeding three months.

(vii) The Municipal Manager may extend the acting period for a further period of three months if the municipality has failed to attract suitable candidate and the vacant position must be re-advertised. Any further extensions made by the Municipal manager shall not exceed a period of nine consecutive months, whereafter the post shall be advertised and filled on a competitive basis

(viii) The leave status of the acting staff member shall remain unchanged, though they shall not be allowed to take leave of absence unless:

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

(b) acting in a post where the permanent incumbent is on extended leave.

(ix) The acting staff member shall be informed about his or her performance during the acting period in line with the Performance Management and Development Policy.

(x) No employee shall commence with duties of acting unless she/he has accepted the offer in writing and with the approval of the Municipal Manager

6.4 CALCULATION OF ACTING ALLOWANCE

- a) In the event that an employee's salary is equal to or higher than the commencing notch of the salary scale of the post in which he/she is due to assume an acting position, an acting allowance fixed at 2.5% of the employees basic salary, Mbhashe Municipality shall be paid to the employee.
- b) Employees acting in a higher position but not in fixed term contractual positions including the Municipal Manager's position shall be calculated in terms of the Collective Agreement on Conditions of Services.

6.5 ACTING AS A MUNICIPAL MANAGER

- a) The MM may appoint an employee to act on his/her behalf during his/her absence only if it is for a period shorter than 10 consecutive days that will not require allowance.
- b) The Council is eligible to appoint Acting Municipal Manager if that person will act more than 10 consecutive working days.
- c) The Executive Mayor may appoint the Acting Municipal Manager as delegated by the Council if that period is not more than 30 days.
- d) The acting allowance payable is calculated in terms of the employment contract of the employee acting as MM.

6.6 ACTING AS SENIOR MANAGER OF A DEPARTMENT

- a. The MM may appoint an employee to act as a Senior Manager of a Department during the absence of that Senior Manager.
- b. The acting period more than 30 days will be done by the Council.

6.7 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.

6.8 POLICY MONITORING AND EVALUATION

- a. This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- b. Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.
- c. Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

7. POLICY REVIEWAL

The policy shall be reviewed on an annual basis.