



TRANSFER, SECONDMENT AND ACTING APPOINTMENT POLICY

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RESPONSIBLE MANAGER	HEAD: CORPORATE SERVICES

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1. PREAMBLE

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

2. PURPOSE

To ensure that staff members are seconded and transferred appropriately and in line with operational requirements of the Entity.

2.1 To regulate the secondment or temporary assignment of staff members to and across the Entity's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.

2.2 To regulate the transfer of staff members to and across the Entity's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.

2.3 To provide management with a standard framework for allowing staff members to act in higher positions.

2.4 To provide management with a standard framework for paying an acting allowance to staff members acting in higher positions.

3. SCOPE OF APPLICATION

This policy applies to all staff members of the Entity.

4. LEGISLATIVE AND POLICY FRAMEWORK

4.1 Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)

4.2 Municipal Systems Act, 2000 (Act No. 32 of 2000)

4.3 Municipal Structures Act, 1998 (Act No. 117 of 1998)

4.4 Municipal Finance Management Act, 2003 (Act No. 56 of 2003)

4.5 Labour Relations Act, 1995 (Act No. 66 of 1995)

4.6 Employment Equity, 1998 (Act No. 55 of 1998)

4.7 Skills Development Act, (Act No. 97 of 1998)

4.8 Local Government: Regulations on appointment and conditions of employment of senior managers, 2014

4.9 Local Government: Municipal Staff Regulations, 2021

4.10 Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021

4.11 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)

5. DEFINITIONS

- 5.1 Entity refers to Port St Johns Development Agency;
- 5.2 Board refers to Board of Directors;
- 5.3 Parent Municipality refers to Port St Johns Development Agency
- 5.4 CEO refers to the Chief Executive Officer;
- 5.5 CFO refers to the Chief Financial Officer;
- 5.6 HoD refers to Head of Department;
- 5.7 CoGTA refers to Cooperative Governance and Traditional Affairs;
- 5.8 Organogram refers to a diagram that shows the organisational chart of the Entity and the relationships between the different people, departments, and jobs at different levels.
- 5.9 Job description refers to a simpler version of the job profile with brief overview of the role, list of key responsibilities, requirements, and qualifications, and is developed by conducting a job analysis which includes examining the tasks and sequences of tasks necessary to perform the job to meet operational objectives, and drafted in a format that feeds into the job evaluation and grading system.
- 5.10 Job grade refers to a grouping that encompasses positions with the same or similar values in order to assign compensation rates and structures.
- 3.11 Job profile refers to a description of a particular work function that includes the elements deemed necessary to perform the post effectively. Specifically, might include such things as duties or job responsibilities, required qualifications, advancement prospects, and the initial pay or salary associated with the position.
- 3.15 Recruitment refers to the activities undertaken through human resource management to attract job candidates who have the necessary potential, compliances and traits to fill jobs and thus assist the Entity in achieving its objectives.
- 3.16 Vacant Position refers to a position left unoccupied due to normal attrition e.g. resignation, retirement, etc.;
- 3.17 Funded vacancy refers to a vacant position that is budgeted for.
- 3.18 Acting refers to a situation where an employee on a lower level and/ or equal position takes full responsibility as well as accountability for a higher and /or equal position. In other words, the person who acts must man the higher the position completely;

- 3.19 Short term refers to acting in a position where the incumbent of the higher and / equal position is absent from duty due to e.g. leave, injury, maternity, etc.
- 3.20 Long term refers to acting in a position but is limited to six (6) consecutive months and may not exceed nine (9) months in exceptional circumstances. The Chief Executive Officer shall approve the payment of acting allowance for any such period longer than six (6) months.
- 3.21 Transfer refers to a form of internal mobility, in which the employee is shifted from one job to another, usually at a different location, department or unit.
- 3.22 Secondment refers to the temporary transfer of an employee to another position of employment.
- 3.23 Acting Allowance refers to a non-pensionable allowance paid to the acting incumbent calculated at a difference of the vacant and acting position.
- 3.24 Non-Pensionable refers to a payment /salary without pensionable deductions.
- 3.25 MSR refers to Municipal Staff Regulations.3.24
- 3.26 Subsistence and travel expense (S&T) refers to an amount of money paid by the Municipality to a representative to cover expenses such as meals, incidentals such as refreshments, snacks, soft drinks and newspapers, and all business-related travel; but exclude any personal recreation, such as visits to a cinema, theatre, clubs, or sightseeing.
- 3.26 Suitably qualified person refers to a person who has the abilities, formal qualifications, relevant experience or potential to acquire, within a reasonable time, the skills and competencies necessary to perform a particular job;
- 3.27 Dispute or alleged dispute refers to any disagreement about a matter of mutual interest between, on the one side the union and / or staff member (s) and, on the other side, the Entity;
- 3.28 Grievance refers to any dissatisfaction, perceived or otherwise, on the part of a staff member arising from factors that include a staff member's job, working environment or the entity 's employment practices.

6. PROBLEM STATEMENT

Due to challenges experienced by the Entity, it was then realised that there is a need to develop an acting policy that will regulate acting in the Entity, so as to ensure effective and efficient service delivery. Thereby resulting in acting capacity by personnel from time to time to act in higher positions.

The Entity regards the opportunity to act in a higher graded position or position on the same grade as work outside the employee's own sphere of expertise, with an indirect intention for personal growth and career development or an important development opportunity. However, given continuous staff alignment projects, it might also be required from employees to carry the full workload on lower grades.

It should be also noted that acting appointment will not automatically result in a permanent appointment in the acting position. Hence it is necessary to implement applicable regulations or HR prescripts on acting periods.

8.POLICY PROVISIONS

8.1 Transfer of staff within the entity

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

Transfers are treated as appointments and may be effected by the Chief Executive Officer, 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:

- (a) The staff member's salary and benefits remain the same.
- (b) The organisational level remains the same.
- (c) The staff member's level of responsibility remains the same.
- (d) The staff member meets the minimum requirements of the post as confirmed in the job description.
- (e) The staff member requests or consents, in writing, to the transfer.
- (f) 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).
- (g) 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.
- (h) The Human Resources Unit responsible has been informed of the transfer.
- (i) Should a staff member be on a personal-to-holder salary scale, the Chief Executive Officer will have the discretion to approve a transfer to a post of which the remuneration is not equal to the remuneration of the current post of the staff member.
- (j) A transfer request may not be considered if the vacant post has already been advertised in terms of section 6.2.4 of this policy.
- (k) Should a request for a transfer be declined, the relevant director shall provide the staff member with a reason(s) for his/her decision.

6.2.1 A staff member shall only be transferred –

- (a) if the staff member requests or consents, in writing, to the transfer; or

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- (b) 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.

6.2.2 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.

6.2.3 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.

6.2.4 The Chief Executive Officer shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.

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

6.3 Secondment of Entity staff to another Municipal Entity

6.3.1 The Entity may second a staff member with the relevant competencies to act in a post that is vacant in another Municipal Entity.

6.3.2 The Entity shall conclude a written agreement regarding the secondment with the staff member, and another Municipal Entity where the staff member is being seconded to, that specifies –

- (a) the Entity responsible for the costs of secondment;
- (b) the duration of the secondment, which shall not in each case exceed a period of twelve months;
- (c) the person to whom the seconded staff member shall report to;
- (d) the place at which the seconded staff member shall work; and
- (e) the new job description of the seconded staff member.

6.3.3 The staff member 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.

6.4 Secondment of other government staff members to the Entity

6.4.1 The Entity may request national or provincial government, another Municipal Entity or any state organ as 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.

6.4.2 The relevant legislation, terms and conditions of service of that person shall apply.

6.4.3 The Entity shall conclude a written agreement regarding the secondment with the national or provincial government, another Entity or any state organ as the case may be, and the staff member to be seconded, that specifies –

- (a) the party responsible for the costs of secondment;
- (b) the duration of the secondment, which shall not in each case exceed a period of twelve months;
- (c) the person to whom the seconded staff member shall report to;
- (d) the place at which the seconded staff member shall work; and
- (e) the new job description of the seconded staff member.
- (f) A fixed secondment allowance difference between the secondee's current salary package and minimum budgeted salary of the position the secondee is acting in, must be paid.

6.4.4 The Chief Executive Officer shall inform the Municipal Manager responsible for parent municipality of any such secondment and the terms and conditions associated with that secondment.

6.5 Acting appointment on a vacant post

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

6.5.2 Unless indicated otherwise in the appointment to the acting post, a staff member of the Entity 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.

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

6.5.4 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.

6.5.5 The appointment to act in a post shall be –

- (a) with the consent of the staff member;
- (b) in writing; and

- (c) authorised by the Chief Executive Officer or the person to whom this function is delegated.

6.5.6 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.

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

- (a) the relevant requirements of the post and that person's performance.
- (b) the Entity's developmental needs; and
- (c) the Entity's employment equity policy and plan.

6.5.8 A person may only be appointed in an acting position for a period not exceeding six (6) consecutive months.

6.5.9 The Chief Executive Officer may extend the acting period for a further period of three (3) months if the Entity has failed to attract suitable candidate and the vacant position must be re-advertised. Any further extensions made by the Chief Executive Officer shall not exceed a period of nine consecutive months, whereafter the post shall be advertised and filled on a competitive basis.

6.5.10 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.

6.5.11 The acting staff member shall be informed about his or her performance during the acting period in line with the Performance Management System Policy.

6.6 CALCULATION BASIS

An employee appointed in writing to act in a higher position, by a person who is duly authorized, shall be paid an acting allowance provided that:

- i. the post is vacant and funded;
- ii. the employee has been duly appointed by the Chief Executive Officer or delegated official to act in the higher post; and
- iii. the period of appointment is uninterrupted and longer than ten (10) consecutive days, inclusive of public holidays and weekends where necessary.
- iv. The employee must accept the acting appointment in writing.
- v. The acting allowance shall be calculated on the basis of the difference between the current salary package of the employee and the commencement all-inclusive salary package of the higher post.
- vi. In the event of the total cost to employer salary package of the acting incumbent being equal or more than the commencement total cost to employer salary package of the acting post, 2.5% of the total remuneration package of the acting incumbent shall be paid as acting allowance.
- vii. The acting allowance is a non-pensionable allowance.

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7. ROLES AND RESPONSIBILITIES

The Chief Executive Officer 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 in consultation with the Chief Executive Officer.

8. RECORD KEEPING

Documentation concerning the entire acting allowance process needs to be maintained, including selection and short-listing criteria. These records need to be maintained for the prescribed period by the HR department.

9. POLICY MONITORING AND EVALUATION

10.1 This policy shall be implemented and effective once recommended by the HRRC and approved by Board.

10.2 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.

10.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

10. COMMUNICATION AND CONSULTATION

This policy will be communicated to all employees using the full range of communication methods available to the entity. This communication and awareness of the policy will be the responsibility of the Corporate Services.

11. PENALTIES

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the Entity's Disciplinary Policy.

12. DISPUTE RESOLUTION

Internal dispute resolution processes must be followed in the event of any grievances and disputes arising out of the implementation of this policy.

13. POLICY REVIEW

This policy must be reviewed annually from its effective date to determine its effectiveness and appropriateness. This policy may be assessed before that time as necessary to reflect substantial organisational changes at the Entity

or any change required by law.

14. POLICY APPROVAL

This policy was formulated by the Entity's for recommendations by HRRC and approved by the Board.

15. APPROVAL AND SIGNATURES

Chief Executive Officer	 _____ Signature	<u>19 January 2026</u> Date
Board Chairperson	 _____ Signature	<u>19/01/2026</u> Date