



JOE MOROLONG
LOCAL MUNICIPALITY

LEAVE MANAGEMENT POLICY

2021/22

1. PURPOSE

The objective of this policy is to regulate all forms of leave that are accrued and due to employees as a benefit, and to outline procedures to be followed for the granting and taking of leave.

2. LEGAL FRAMEWORK

Basic conditions of Employment Act, 2000 (Act No 75 of 1997).

Local Government: Municipal Systems Act 2000 (Act 32 of 2002) as amended in 2011 .

Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers 2006.

Collective Agreement on Conditions of Service for the Northern Cape Division of the South African Local Government Bargaining Council 1 March 2017 —30 June 2021

3. DEFINITION

3.1. Annual leave cycle: the period of 12 months employment with the same employer immediately following an employee's commencement of employment the completion of that employee's prior leave cycle.

3.2. Sick leave cycle: the period of 36 months, or as stipulated in the conditions of employment for both section 56's and non-section 56 employees.

3.3. Statutory Leave: Leave that is legislated and it includes annual leave, maternity leave and family responsibility leave. Leave that is not covered by this definition will be classified as non-statutory leave.

3.4 Non-statutory Leave: refers to special Leave and council resolution leave.

4. GUIDING PRINCIPLES

Fairness

Equity

5. ANNUAL LEAVE

- 5.1 All employees excluding section 57, are entitled to an annual leave of 24 leave days for a 5 day worker and 27 leave days for a (6) days worker with full pay every calendar year.
- 5.2 Municipal Manager and Managers directly accountable to the Municipal Manager are entitled to twenty-four (24) working days annual leave with full pay every calendar year.
- 5.3 Only annual leave will be accrued.
- 5.4 A five (5) day worker shall be required to take a minimum of 16 working days in a leave cycle.
- 5.5 A 6-day worker shall be required to take a minimum of 19 working days in a leave cycle.
- 5.6 Municipal Manager and Manager Directly Accountable to the Municipal Manager shall be required to take a minimum of 10 working days in a leave cycle.
- 5.7 All minimum leave days shall be taken within six months after the end of the annual leave cycle failing which it will be forfeited.
- 5.8 All employees are expected to apply for their minimum leaves days as stipulated in 5.7 before the end of the leave cycle.
- 5.10 All contract workers will forfeit all accrued statutory leave days in an event were by the employer decides to appoint the mentioned contract worker on a permanent basis. Therefore, the new appointed employee will then start to accrue both statutory and non-statutory leave days upon appointment date.

6. MATERNITY LEAVE

- 6.1.** All non-section 57 female employees are entitled to a paid (3) three months maternity leave.

- 6.2.** All female employees, who want to return to work before 6 weeks following the birth of the child, had to submit a fitness certificate from a medical practitioner or midwife.
- 6.3.** Section 57 female employees are entitled to four (4) consecutive calendar months maternity leave, to commence at any time from four (4) weeks before the expected date of confinement or on a date from which the attending medical practitioner certifies that is necessary for the employee's health or that of the unborn child.
- 6.4 In an event of a miscarriage or still born all female employees are entitled to six week's maternity leave.
- 6.5. An employee adopting a child under three (3) months shall be entitled to receive three months paid maternity adoption leave with no limit to the number of confinements or adoptions.

7. PATERNITY LEAVE

- 7.1 All male employees are entitled to a paid two (2) weeks or ten (10) paternity leave days.
- 7.2 A male employee is entitled to ten (10) consecutive days' when legally adopting a child

8. FAMILY RESPONSIBILITY LEAVE

- 8.1 All employees including section 57 employees are entitled to a paid 5 days annual family responsibility leave which will be granted under the following conditions:-
- 8.1.1 When the employee's child is born;
- 8.1.2 When the employee's child, spouse or life partner is sick;
- 8.1.3 In the event of death: -
- 8.1.3.1 the employee's child, spouse or life partner; or
- 8.1.3.2 the employee's child, adopted child, parents, adoptive parents, parents-in-law,
grandparents, grand-child or siblings.

9. SICK LEAVE

- 9.1.** All employees excluding section 57 employees are entitled to paid sick leave of 80

days in a three-year cycle.

9.2. Municipal Manager and Seniors Managers i.e. Managers directly accountable to the Municipal Managers are entitled to a thirty six (36) working days sick.

9.3. All employees who are absent from work on account of sickness for **more than two (2) consecutive days** will be required to submit a valid medical certificate from a:

9.3.1 Registered medical practitioner;

9.3.2 Registered Traditional healer.

9.4. If an employee to whom annual leave has been granted is certified sick by a registered medical practitioner and /a traditional healer, after his annual leave has commenced, that part of his annual leave during which he was thus certified sick shall be converted into sick leave on submission of the prescribed certificate.

9.5 An employee may be on sick leave for two days and not submit a sick note within eight (8) weeks cycle.

9.6 An employee who is absent from service because of illness must take all reasonable steps to notify his immediate supervisor as soon as possible but not later than 10h00 a.m. on his first day of absence.

10. ADDITIONAL PAID SICK LEAVE

10.1 Employees who have a balance of at least 60 working days unused sick leave at the end of a three year cycle, shall receive an additional 20 working days paid sick leave to which he will be entitled in the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than 100 working days sick leave on full pay;

10.2 If the maximum period of sick leave to which an employee is entitled as per clause; above has been granted to him and, owing to reasons of ill health, he is not able to resume duty, the Municipality may grant such employee an additional 60 working days sick leave in respect of chronic illnesses, injury, surgery or illnesses requiring hospitalization which shall be made up as follows:

- 30 working days on full pay;
- 30 working days on half pay.

The following conditions shall apply:

10.2.1 The employee shall submit a satisfactory certificate from a registered medical, dental practitioner or any other person who is certified to diagnose and treat patients and who is registered with a profession's council established by an act of parliament.

10.2.2 Employer and employee shall comply with the provisions of any applicable risk benefit insurance relating to disability.

10.2.3 Such additional sick leave may be granted in respect of separate periods of absence and in respect of indispositions of different kinds.

On written application by an employee, who has exhausted his full paid sick leave and additional paid sick leave, annual vacation leave which he has to his credit may be granted to supplement sick leave on half pay or unpaid sick leave, provided that arrangements are made to maintain risk benefits applicable.

10.3 An employee to whom the maximum period of full and half paid sick leave has been granted, may be granted unpaid sick leave for not more than 250 working days in any cycle, provided that employer and employee comply with the provisions of applicable risk benefit policies relating to disability and provided further that where unpaid sick leave exceeds 40 consecutive days the employee must be examined by a medical practitioner appointed by the employer. The costs of such examination shall be borne by the employer.

11. STUDY LEAVE

11.1 Study leave shall be granted in line with Collective Agreement on Conditions of Services for the Northern Cape Division of the SALGBC.

11.2 Study leave shall be granted on the basis of one day paid special leave for each day that an employee writes an examination plus an equivalent amount of days for preparation for the examination.

11.3 The said leave for examination in terms of clause 11.1 must be approved in advance by the Municipal Manager or his assignee.

11.4 Leave of absence for obligatory course/study requirements.

11.4.1 The fields of study must be relevant to the local government undertaking in accordance with the municipality's policy and must be in accordance with the requirements of the curriculum of the approved course.

11.4.2 An employee writing a test that contributes to the year mark, attending training, study course or contact sessions shall be granted up to ten (10) day's paid special leave and thereafter one day's paid special leave for every day's leave taken by the employee.

11.4.3 Leave referred to in clauses 11.1 and 11.4 shall be granted for a maximum of two times per subject/module.

11.4.4 An employee attending a work-related training or study course shall be deemed to be on duty.

12. SPECIAL LEAVE

12.1 All special leave shall be granted at the discretion of the Municipal Manager or his /her assignee and shall be considered in a bona fide manner, and shall not be unreasonably refused. This benefit applies to all employees.

12.2 Supporting documents, where required, must be provided with the application.

12.3 Special leave shall not exceed 20 days in an annual leave cycle, but this limitation is not applicable to clauses 5.4, 5.6, 5.7 but shall include clauses 5.1, 5.2, 5.3 and 5.5 in the collective agreement on conditions of service for the Northern Cape division of the SALGBC {1 March 2017 —30 June 2021}.

12.4 All special leave may be granted under the following circumstance:

12.4.1 Court attendance as a state witness;

12.4.2 Participation under National sports and cultural activities;

12.4.3 Term of service in the institution:-

Table 12.4.3

YEARS OF SERVICE	LEAVE SERVICE CREDITS
10 Years	days accumulative leave, plus a once off payment equal to 3% of the employees' remuneration.
15 Years	10 days accumulative leave, plus a once off payment equal to 4% of employees' remuneration
20 Years	15 days accumulative leave, plus a once off payment equal to 5% of the employees' remuneration
25 Years	15 days accumulative leave, plus a once off payment equal to 6% of employees' remuneration
30 Years	15 days accumulative leave plus a once off payment equal to 6% of the employee
35 Years	15 days accumulative leave plus a once off payment equal to 6% of the employee
40 Years	15 days accumulative leave plus a once off payment equal to 6% of the employee
45 Years	15 days accumulative leave plus a once off payment equal to 6% of the employee

12.4.4. OVERTIME

- 12.4.4.1 Overtime hours worked (i.e. attending to fire fields, natural disasters) to be converted into leave days and an official be rewarded with equal leave days.
- 12.4.4.2 Employees will be entitled as per post level for overtime days on account of the nature and responsibilities of their job.
- 12.4.4.3 Only accrual leave days earmarked for overtime can be encashed or taken.
- 12.4.4.4 Where hours for overtime exceed the leave days at a specific post level, the HOD may approach the Municipal Manager on remuneration for additional hours. Such overtime must be strictly recorded.
- 12.4.4.5 Employees working shifts (Radio operators) will be remunerated in line with the BCEA.

13. LEAVE ACCRUAL AND ENCASHMENT

- 13.1 All leave days will be calculated as per appointment date, upon confirmation of probation.

- 13.2 In the event of termination of services and resignation, leave will be paid in accordance with the provision of the BCEA. Any leave in excess of annual and council resolution leave days allocation of 21 working days accrued will be paid at the rate of pay at the date of encashment. Any portion that is not taken at the time of termination that is below the statutory minimum of 21 working days will be paid in terms of the definition of remuneration as envisaged by the BCEA, at the date of encashment.
- 13.3 Only permanent employees and fixed-term employees (i.e. section 57's and Political Support/Office staff) are entitled to encashment.
- 13.4 Calculation for the encashment of leave will be done, using the 250 working days.
- 13.5 Annual & council resolution leave days may only be encashed in a leave cycle in December.
- 13.6 Upon encashment, provision must be made for the 16 days leave that have to be taken in the calendar year (to make provision for the BCEA).
- 13.7 All leave encashment shall be authorized by the relevant Head of Department (Corporate services) and the Municipal Manager.

14. LEAVE WITHOUT PAY

- 14.1 Leave without pay will be approved by Municipal Manager or his/her assignee, and the approval shall not be unreasonably withheld, shall be subject to the following conditions:
- 14.1.1 Leave without pay shall be granted only when all available vacation & sick leave has been exhausted.
- 14.1.2 All unauthorised leave applications shall be deemed unpaid.
- 14.1.3 For the period of leave without pay the employer shall continue to make employers contribution only to the employee's group life insurance scheme, pension and medical aid fund, provided that the employee also makes his contributions to the said funds, as well as any payment in terms of a collective agreement.

15. DEVIATION FROM, AND RATIFICATION OF MINOR BREACHES OF THE LEAVE POLICY

- 15.1 All deviations from the policy must be recorded and the reasons for any deviation from this policy must be reported to the next council.
- 15.2 The policy also allows the accounting officer to rectify any minor breaches of the policy as an official acting in terms of delegated powers or duties which are purely of a technical nature.

16. DELEGATION AND SUB-DELEGATION

- 16.1 All leave forms shall be authorized by the employee's supervisor, Head of Department and the Municipal Manager or his/her assignee.
- 16.2 Only the Municipal Manager and the Heads of Department may sub-delegate their leave authority.

17. LEAVE APPLICATION PROCEDURE

- 17.1 All leave applications must be recommended first by the supervisor to the Head of Department who will then recommend to the municipal manager who will then grant the approval.
- 17.3 Annual leave applications shall be made at least two weeks prior to the actual leave.
- 17.4 Normal leave applications of less than three days shall be made a week in advance.
- 17.5 Emergency leave applications shall be granted at the discretion of the Head of Department/ Municipal Manager or his/her assignee.
- 17.6 All leave applications except annual leave shall be accompanied by relevant supporting documents.

18. COMMENCEMENT

- 18.1 The changes in this policy take effect after council has resolved to implement the policy.

19. POLICY REVIEW

This policy will be reviewed annually.