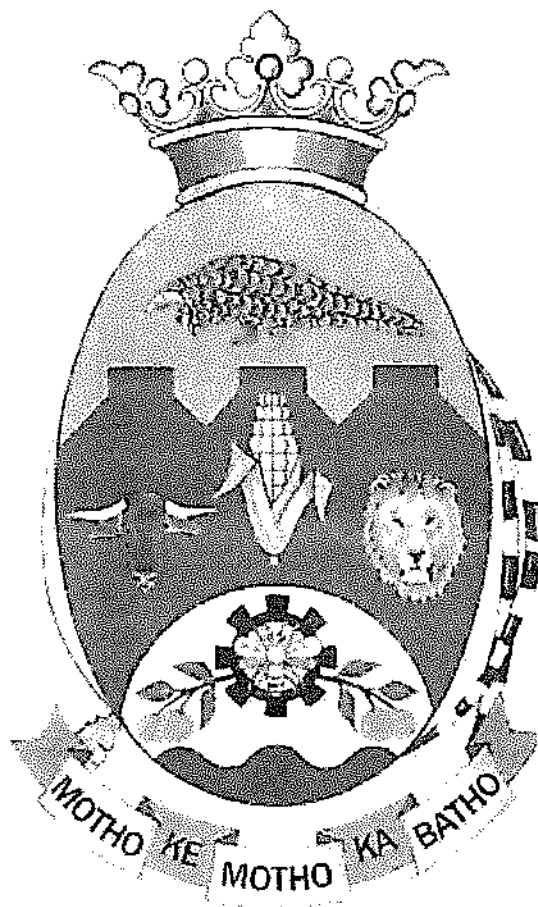


LEPELLE-NKUMPI LOCAL MUNICIPALITY



LEAVE POLICY

2022/2023 KG

LEAVE POLICY

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1. PREAMBLE

- 1.1 The conditions of service with regard to all types of leave are regulated in terms of the SALGBC Main and Divisional Collective Agreements on Conditions of Service. However there are some categories of leave that are not provided for in the agreements, and those leaves have been provided for in this policy.
- 1.2 The sections of this policy emanated and/or are regulated by the South African Local Government Bargaining Council Collective Agreement on Conditions of Services, therefore cannot be changed, namely:
- ✓ annual leave;
 - ✓ sick leave and Additional paid sick leave;
 - ✓ Maternity leave; and
 - ✓ Family responsibility leave.

2. PURPOSE OF THE POLICY

- 2.1 This policy seeks to regulate the taking, usage, accumulation and management of leave by employees; and
- 2.2 It promotes common and uniform leave for employees within the Municipality and replaces or supersedes all existing leave policies.

3. SCOPE OF APPLICATION

- 3.1 This policy is applicable to all employees, except employees employed under section 57 of the Local Government: Municipal Systems Act (Act 32 of 2000) as amended.

4. ANNUAL LEAVE

- 4.1. An employee shall be entitled to the following annual vacation leave credits in a leave cycle
- 4.1.1 Twenty-four (24) days for a five- (5) day worker; and
- 4.1.2 Twenty-seven (27) days for a six- (6) day worker.
- 4.2 An employee is required to take leave within each leave cycle as follows:
- 4.2.1 A five- (5) day worker shall take a minimum of sixteen (16) days leave; and
- 4.2.2 A six- (6) day worker shall take a minimum of nineteen (19) days leave.
- 4.3 Annual leave may be accumulated to a maximum of forty-eight (48) days.
- 4.4 Any leave in excess of forty-eight (48) working days may be encashed should the employee be unable to take such leave, despite applying and because the

employer refused to grant him such leave, as a result of the employers operational requirements. If despite, being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away

- 4.5 Employees may encash a maximum of ten (10) days leave per financial year.
- 4.6 An employee must take annual leave not later than six months after the end of the annual leave cycle.
- 4.7 Employees are therefore encouraged to take their leave periodically when their leave days are more than 48 days.
- 4.8 within six months of the end of a leave cycle, an employee may not have more than 48 days annual leave to his credit.
- 4.8 When employee's leave days are close to 48 days the Departmental Heads and the employees affected shall be notified by the Human Resource Section.
- 4.9 In the event of the termination of service, an employee shall be paid his leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997.

5. SICK LEAVE

- 5.1 Council shall grant an employee eighty (80) days sick leave in a three (3) years cycle.
- 5.2 Council shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- 5.3 Council shall be in a position to consult the employees' Doctor(s) for information verification and enquiries in the event that there are serious anomalies regarding the sick leave taken.
- 5.4 Council is further not required to pay an employee if an employee is absent on more than two (2) occasions during an eight-week period, and on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sick or injury.
- 5.5 In terms of SALGBC Collective Agreement on Conditions of Services which came into effect on 01 January 2004, The Divisions of Council at SALGBC shall be responsible for concluding agreements on additional paid sick leave and other measures to manage the taking, accrual and/or conversion of sick leave and administrative arrangements for the taking of sick leave (See the following section 5 & 6).

6. ADDITIONAL SICK LEAVE

- 6.1 An employee is entitled to a further 80 working days on half pay per sick leave cycle of 36 months commencing on the date of appointment.
- 6.2 If during the cycle not more than 20 working days sick leave are granted to an employee, there shall at the end of a cycle be added 33 1/3 per cent of the sick leave up to a maximum of 30 working days on full pay and 30 working days on half pay to the sick leave to which the employee is entitled during the ensuing cycle: Provided that in respect of any sick leave cycle no employee shall become entitle to more than 106 working days sick leave on full pay and 106 working days on half pay.
- 6.3 If the maximum period of sick leave to which an employee is entitled has been granted to him/her and, owing to reasons of health, he/she is not able to resume duty, the municipality may:
 - a) on submission of a satisfactory certificate from a registered medical practitioner or dentist, or a traditional healer register with a recognised professional council in terms of legislation;
 - b) it is satisfied that the employee is at that moment not permanent incapacitated to resume his/her duties ; and
 - c) if the employee has no vacation leave to his/her credit, grand to such employee further sick leave on half pay for not more than 66 working days in any cycle. Such grand may be made in respect of separate periods of absence and in respect of indispositions of different kinds.
- 6.4 On written application by an employee, who has executed his/her full paid sick leave, vacation leave which he/she has to his /her credit may be granted to his/her instead of sick leave on half pay or no pay. If the vacation leave is converted to sick leave, it can be utilized to supplement half pay sick leave.
- 6.5 If vacation leave as contemplated in clause 7(4) above has been granted to an employee and he/she has received payment in respect thereof, it may not subsequently be converted into sick leave.
- 6.6 If an employee to whom vacation leave has been granted is certified hospital of bed bound by a registered medical practitioner or dentist, or a traditional healer register with a recognised professional council in terms of legislation due to illness after his/ her vacation leave has commended , that part of his/her vacation leave during which he/she was thus certified hospital of bed bound shall be converted into sick leave on submission of the prescribe certificate by such registered medical practitioner or dentist, or a traditional healer register with a recognised professional council in terms of legislation.
- 6.7 If, due to illness, an employee is unable to take vacation leave already deducted he/she shall be credited with an equal number of vacation leave.
- 6.8 An employee may not during any period of sick leave approved in terms of these conditions, resumes service without the approval of a registered medical practitioner.

- 6.9 An employee who is absent from service because of illness must be taken all reasonable steps to notify the employer, department head or supervisor as soon as possible.

7. SICK LEAVE WITHOUT PAY

An employee to whom the maximum period of full and half pay sick leave has been granted, may be granted sick leave without pay for not more than 250 working days in any cycle if the Municipality is satisfied that such an employee is not permanently incapacitated to resume his/her duties. Provided where sick leave without pay exceeds 40 consecutive days, the employee must be examined by a registered medical practitioner appointed by the municipality. The cost of such examination shall be borne by the municipality.

8. GRANTING OF SICK LEAVE

- 8.1 Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition or injury.
- 8.2. In the case of nervous disorders, insomnia, debility or a similar less well-defined illness or indisposition, sick leave shall be granted only if the municipality's reasonably satisfied that the employee's state of health:
- a) renders him/her unfit for work; and
 - b) does not arise from his/her failure to make use of vacation leave.
- 8.3 The Municipality may at any time require an employee to submit himself/ herself to an examination by a registered medical practitioner or dentist appointed by the municipality and the cost of such examination shall be borne by the Municipality.
- 8.4 If an employee is absent from duty owing illness for a continuous period of two working days, sick leave may be granted to him /her submits a certificate of indisposition issued by a registered medical practitioner or dentist, or a traditional healer register with a recognised professional council in terms of legislation in the require format.
- 8.5 The Municipality may require a certificate referred in clause 5.2 above to be submitted after any day's absence, subject to the provision of the BCEA.
- 8.6 Sick leave on full pay and/ or half pay in respect of which the aforementioned certificate has not been submitted, may be granted for a maximum of twelve(12) working days during any calendar year of service and in respect of any further absence, vacation leave and/or leave without pay shall be granted.
- 8.7 The Municipality may, on the recommendation of a registered medical practitioner or dentist, or a traditional healer register with a recognised professional council in terms of legislation, compel an employee who, in the Municipality's opinion, is so indisposed that he/she cannot perform his/her duties properly, to take sick leave.

9. SPECIAL SICK LEAVE FOR INJURY ON DUTY CASES AND OCCUPATIONAL DISEASES

- 9.1 An employee who is absent from duty to an injury arising out of his/her duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his/her duties, shall be granted special sick leave on full pay for the period during which he/she is to perform his/her duties.
- 9.2 If the case falls within the ambit of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993), the amount payable to him/her in terms of an Act by means of periodic payments of his/her monthly earnings, shall be paid over to the municipality, provided that the Municipality has already advanced amount to the employee.
- 9.3 Special sick leave may only be granted, if the Municipality was notified of an accident or disease as required in terms of sections 38 and 68 of Act 30 of 1993, and that a satisfactory medical certificate from a registered medical practitioner is submitted to the Municipality.
- 9.4 "Remuneration" as applicable in this paragraph includes all forms of remuneration as envisaged in the Compensation for Occupational Injuries Act (Act 130 of 1993) and subject to all provision of the Act.
- 9.5 Special sick leave may only be granted if the injury on duty has been approved by the Compensation Commissioner (Act 130 of 1993) in respect of 9.1 and 9.2 above.
- 9.6 If the period of special sick leave in terms of clause 9.3 exceeds 365 calendar days the employer may take any decision it deems appropriate in line with "ill health" and or incapacity provisions of the Labour Relations Act.

10. MATERNITY LEAVE

- 10.1 Maternity leave for confinement purposes may be granted to an employee subject to the following qualification requirements and restrictions:
- 10.1.1 The employee must be employed with the municipality and have completed a qualifying period of service of 12 calendar months (one year's service) continuous service at the municipality before any provision in this policy may be utilized by such employee;
- 10.1.2 An employee shall provide the employer with four weeks' notice of the intention to take maternity leave prior to the commencement date of employee's maternity leave i.e. at least four weeks before and six weeks after the confinement as provisions of the Basic Conditions of Employment Act 1997;
- 10.1.3 An employee, including an employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid maternity leave, with no limit

to the number of confinements or adoptions. This leave provision shall also apply to an employee's whose child is still born.

10.1.4 An employee shall retain her normal benefits and normal incremental date for a period of absence due to maternity leave;

10.1.5 Should an employee not qualify for the benefit in terms of the conditions in Clause 10.1.3, she may exercise a choice in respect of the utilization of available vacation leave with full payment or vacation leave without payment.

11. FAMILY RESPONSIBILITY LEAVE

11.1 Family responsibility leave applies to all employees who have been in employment with an employer for longer than four [4] months;

11.2 An employer shall grant an employee, during each annual leave cycle, at the request of the employee a total of five (5) days paid leave, which the employee is entitled to take, either when:

11.2.1 when the employee's child is born;

11.2.2 when the employee's child is sick; or

11.2.3 the employee's spouse or life partner is sick

11.2.4 in the event of the death of-

a) the employee's spouse or life partner; or

b) the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling (a child in relation to another or others of the same parent; a brother or sister).

11.3 Subject to subsection [11.2], an employer must pay an employee family responsibility leaves as follows:-

a) the wage the employee would ordinarily have received for work on that day; and

b) on the employee's usual pay day.

11.4 An employee may take family responsibility leave in respect of the whole or a part of a day.

11.5 Before paying an employee for leave in terms of this section, an employer may require reasonable proof of an event contemplated in subsection [11.2] for which the leave was required.

- 11.6 An employee's unused entitlement to leave in terms of this section lapses at the end of the annual leave cycle in which it accrues.

12. SPECIAL LEAVE FOR STUDY PURPOSES

12.1 Leave for examination purposes

- 12.1.1 Special leave may be granted to an employee for the working day on which he/she sits for an examination prescribed by an educational institution in order to qualify for a formal qualification.
- 12.1.2 Special leave equal to the number of papers (examinations) for which an employee sits for an examination, may be granted to enable him/her to prepare for the examination;
- 12.1.3 All Special leave applications for examinations must be accompanied by an authentic examination time table from the relevant institution.
- 12.1.4 All employees will be entitled to two (2) working days Special Study leave of which one working day prior to examinations and the examination date for each subject.
- 12.1.5 No Special leave applications will be approved for employees who failed an examination, writing of supplementary examinations or class tests;
- 12.1.6 Accordingly study leave applications and proposals should be discussed by staff with their managers as part of their annual work plan or programme;
- 12.1.7 Leave applications should be submitted on the municipality's normal approved application form where the Manager / Supervisor recommend and the Head of Department approves.

12.2 Additional leave for Post Graduate Studies

- 12.2.1 Special leave for a dissertation or thesis will be granted with full pay to a maximum of five (5) working days leave per qualification.

12.3 Attending of classes during office hours

- 12.3.1 An employee who study part-time or by means of correspondence in a field applicable to the Municipality and who, as the result of his/her studies, is required to be absent from his/her place of work, will be granted vacation leave and special leave on a 50:50 basis for the time he/she is released from duty, subject to the exigencies of the service.
- 12.3.2 If he/she does not have leave to his/her credit, unpaid vacation leave will be granted.

13. SPECIAL LEAVE FOR AD HOC INSTANCES

13.1 Special leave with full pay may be granted to an employee when the employee

13.1.1 after the Council has given permission the employee may become a member of the reserve police, performs police duties in terms of Sec 48 of the South African Police Act, 1995 (Act 68 of 1995).

13.1.2 partake in a bona fide sport activity at provincial and higher level in which case the special leave with full pay will not exceed three(3) working days per event and these (3) days may include travelling time

13.1.3 Special leave on full pay will be granted to an employee who has been arrested or has to appear in court on a criminal charge and is later acquitted or has the charge withdraw.

13.1.4 Gives evidence in a court case after a subpoena and/or summon has been served on him/her.

14. ACCUMULATION AND RETAINMENT OF LEAVE

14.1 A five (5) day worker shall accumulate a maximum of eight (8) working days per cycle.

14.2 A six (6) day worker shall accumulate a maximum of eight (8) working days per cycle.

14.3 All employees shall retain up to a maximum of forty-eight (48) working days in a leave cycle.

15. UNPAID LEAVE

15.1 Any leave taken by the employee without approval automatically becomes unpaid leave after the necessary disciplinary procedure has been followed.

15.2 Participation in an illegal or legal industrial action constitutes unpaid leave i.e. no work no pay policy shall apply.

15.3 Failure of the employee to provide the employer with a medical certificate on request after having been absent from work on more than two (2) consecutive working days in an eight week period constitutes unpaid leave.

15.4 Failure of the employee to provide the employer on request with supporting documents (death, birth certificates etc.) in relation to family responsibility constitutes unpaid leave.

16. TIME OFF FOR UNION ACTIVITIES

16.1 Shop stewards shall be entitled to 15 (fifteen) days per year with full pay during working hours for trade union activities and training.

- 16.2 Six (6) days of each shop steward's annual entitlement of time off shall be pooled and re-allocated at the trade union's discretion to the shop stewards at the employer concerned, provided that no single shop steward may take more than 21 (twenty-one) days off per year and that the total days in the pool are not exceeded.
- 16.3 Further request for time off for shop stewards shall not be unreasonably refused.
- 16.4 Trade unions shall give notice to the employer in advance of the intention to take time off.

17. LEAVE LESS THAN EIGHT (8) HOURS A DAY

- 17.1 If an employee worked less than 4 hours in a working day and take leave for the remaining hours, such employee shall be required to submit a leave form to make use of available leave days and such day will be regarded as if an employee was on leave for entire working day.
- 17.2 If an employee worked 4 hours and/or more in a working day and take leave for the remaining hours such day will be regarded as if an employee has worked the entire working day.
- 17.3 If an employee fails to advise or contact or inform the immediate supervisor of his/her absence to work within two (2) hours from the commencement of the normal shift or working hours, such employee shall be regarded as absent without leave therefore shall be regarded as an unpaid leave.

18. MANAGEMENT OF OVERTIME LEAVE CREDITS

- 18.1 If an employee works overtime and is not monetarily compensated, such employee shall be granted Special leave. Special leave on full pay calculated at 1.5 times the number of hours worked.
- 18.2 Individual record of employee overtime leave to be taken as time off will be recorded manually and updated from time to time by Human Resources division.
- 18.3 An employee will be permitted to utilize overtime leave credits provided prior approval was obtained from Supervisor.

19. DISPUTE RESOLUTION PROCEDURES

- 19.1 Any dispute relating to both the interpretation of the provisions of this policy as well as the Municipal decision on any specifics in leave case(s) shall be dealt with in accordance with the dispute resolution mechanism provided for in the applicable SALGBC Collective Agreement and/or Labour Relations legislation.

20. POLICY WAIVING AND IMPLEMENTATION PROVISIONS

- 20.1 This policy shall be superseded by a Bargaining Council Resolution, legislation and enforceable legal order.
- 20.2 This policy takes precedence over all other leave provisions that exist.
- 20.3 This policy shall be reviewed annually in accordance with Municipality's Organizational Developmental changes and the amendments in the Collective Agreements

20. CONCLUSION

The correct implementation of this policy within the Municipality will have great benefits for both employers and staff members. It will assist in proper regulation of leave by Municipality and also give effect to the implementation of SALGBC Collective Agreement on uniform conditions of service.


21. AMENDMENT OF THE POLICY

This policy shall be reviewed and amended if necessary at the end of every financial year to cater for legislative requirements.

Document Name: LEAVE POLICY

Reviewed on 05.04.2022

Approved by COUNCIL:



J NKOBELA (SPEAKER)

Date: 03/06/2022

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ACTING MUNICIPAL MANAGER
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