

LEPELLE-NKUMPI LOCAL MUNICIPALITY



LEPELLE-NKUMPI LEAVE POLICY

LEAVE POLICY

Table of Contents

1. PREAMBLE.....	03
2. PURPOSE.....	03
3. SCOPE OF APPLICATION.....	03
4. LEGISLATIVE AND POLICY FRAMEWORK.....	03
5. DEFINITIONS.....	03
6. PROBLEM STATEMENT.....	03
7. POLICY PROVISIONS.....	03
7.1 Annual Leave.....	04.
7.1.1 Calculation of Annual Leave.....	04
7.1.2 Application for leave.....	04
7.1.3 Unpaid Leave.....	05
7.2 Sick Leave.....	05
7.2.1 Determination of Sick leave.....	05
7.2.2 Granting sick leave.....	07
7.3 Maternity Leave.....	07
7.4 Parental leave.....	09
7.5 Adoption leave.....	09
7.6 Commissioning parental leave.....	10
7.7 Family responsibility leave.....	10
7.8 Special leave for study and examination purposes.....	11
7.8.1 Leave for examination purposes.....	11
7.8.2 Additional leave for Post Graduate Studies.....	11
7.8.3 Attending of classes during working hours.....	11
7.9 Special leave for ad hoc instance.....	12
7.10 Additional Leave Condition.....	12
7.11 Long service leave bonus.....	13
7.12 Roles and responsibilities.....	13
8. POLICY MONITORING AND EVALUATION.....	13
9. POLICY APPROVAL.....	14

LEAVE POLICY

1. PREAMBLE

The Municipality abides by legislation and collective agreements to grant leave to all staff members and subject to the requirements of each type of leave.

2. PURPOSE

The purpose of this policy is to provide all staff members with the requirements for application for various types of leave available to them, and the management thereof.

3. SCOPE OF APPLICATION

The policy is applicable to all staff members of the Municipality, except temporary staff members who work less than 24 (twenty-four) hours a month.

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)
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- South African Local Government Bargaining Council: Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation, or as defined and / or explained in the Glossary of Terminology in the Human Resources Policies Manual.

6. PROBLEM STATEMENT

[Unique to each Municipality's situation: state prevailing problems that the policy shall regulate and provide framework for managing them]

7. POLICY PROVISIONS

7.1 Annual Leave

7.1.1 Calculation of Annual Leave

- (a) The Municipality shall grant a staff member the following annual leave in a leave cycle:
 - (i) Twenty-four (24) working days for a five (5) day worker, provided that the leave for a staff member that works less than a five (5) day week shall be calculated on a pro rata basis.
 - (ii) Twenty-seven (27) working days for a six (6) day worker.
- (b) A staff member shall take leave not later than six (6) months after the end of the annual leave cycle.
- (c) A staff member is required to take leave within each leave cycle as follows:
 - (i) A five (5) day worker shall take a minimum of sixteen (16) working days leave.
 - (ii) A six (6) day worker shall take a minimum of nineteen (19) working days leave.
- (d) Annual leave shall only be accumulated to a maximum of forty-eight (48) working days.
- (e) Any leave in excess of forty-eight (48) working days may be encashed should the staff member be unable to take such leave, despite applying and because the Municipality refused to grant him / her such leave, as a result of the Municipality's operational requirements.
- (f) If, despite being afforded an opportunity to take leave a staff member fails, refuses or neglects to take the remaining leave due to him / her during this period, such remaining leave shall fall away.
- (g) Within six (6) months of the end of a leave cycle, a staff member may not have more than forty-eight (48) days annual leave to his / her credit.
- (h) In the event of the termination of service, a staff member shall be paid his / her leave entitlement calculated in terms of the relevant provisions of the BCEA, as amended.

7.1.2 Application for leave

- (a) Application for leave shall be made on the prescribed form and / or system and approved by the Head of Department on the recommendation of the applicant's supervisor before the staff member may go on leave.
- (b) Annual leave shall be recorded in the annual leave register and may not be taken in advance. Any leave taken prior to approval and recording as prescribed shall be treated as unpaid leave.
- (c) All leave of absence due, granted and taken shall be recorded in a leave register at the HRM Unit and a staff member's leave record shall be available for inspection by him / her during office hours.
- (d) Application must be made in advance equal to the period of Annual Leave to be taken.
- (e) Subject to consultation with the staff member, the Municipality may change or withdraw annual leave already granted.
- (f) If a staff member becomes ill during annual leave, paid sick leave shall be granted in lieu of annual leave in accordance with the normal sick leave policy on submission of satisfactory proof.
- (g) Annual leave can be taken at any time during the year, provided approval is given by management.

7.1.3 Unpaid Leave

The Municipality shall grant a staff member unpaid leave to a maximum equivalent to the annual leave allocation subject to the following:

- (a) Application shall be made in advance equal to the period of leave without salary to be taken.
- (b) Subject to consultation with the staff member, the Municipality may change unpaid leave already granted.

7.2 Sick Leave

7.2.1 Determination of Sick leave

- (a) The Municipality shall grant a staff member eighty (80) days sick leave in a three (3) year leave cycle, provided that new appointments / staff members may not take more than thirty (30) days sick leave in the first year of employment.

(b) If more than two (2) consecutive days are taken as sick leave, the staff member shall be required to submit a medical certificate from a registered medical practitioner, or any other person who is certified to diagnose and treat patients, and who is registered with a professions council established by an Act of Parliament: Provided that the Municipality may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.

(c) The Municipality is not required to pay the staff member if absent on more than two (2) occasions during an eight- (8) week period, and on request by the Municipality, does not produce a medical certificate stating that the staff member was unable to work for the duration of the staff member's absence on account of sickness or injury.

(d) Additional sick leave

A staff member is entitled to a further eighty (80) working days on half pay per sick leave cycle of thirty-six (36) months.

(e) Sick leave without pay.

(i) A staff member 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 two hundred and fifty (250) working days in any cycle if the Municipality is satisfied that such a staff member is not permanently incapacitated to resume his / her duties, provided where sick leave without pay exceeds forty (40) consecutive days, the staff member must be examined by a registered medical practitioner or registered traditional healer appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

(ii) A staff member to whom the maximum period of full and half pay sick leave, and leave in terms of above clause has been exhausted, and the staff member has applied for medical boarding, the Municipality shall grant such a staff member additional forty (40) sick leave days without pay, and the staff member shall be examined by a registered medical practitioner or registered traditional healer appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

(f) Special sick leave for injury on duty cases and occupational diseases

(i) A staff member who is absent from work owing to 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 unfit to perform his / her duties.

- (ii) If the case falls within the ambit of the Compensation for Occupational Injuries and Diseases Act (COIDA), the amount payable to him / her in terms of the Act by means of periodic payments of his / her monthly earnings, shall be paid over to the Municipality, provided that Municipality has already advanced the amounts to the staff member.
- (iii) Special sick leave may only be granted if the Municipality was notified of an accident or disease as required in terms of COIDA and that a medical certificate from a registered professional is submitted to the Municipality.

7.2.2 Granting sick leave

- (a) Sick leave shall be granted only in connection with a staff member's absence from duty owing to illness, indisposition or injury.
- (b) 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 is reasonably satisfied that the staff member's state of health:
 - (i) renders him / her unfit for work; and
 - (ii) does not arise from failure to make use of vacation leave.
- (c) The Municipality may at any time require a staff member to submit him / herself to an examination by a registered health professional appointed by the Municipality, and the cost of such examination shall be borne by the Municipality.
- (d) The Municipality may, on the recommendation of a registered health professional or traditional healer, compel a staff member who, in the Municipality's opinion, is so indisposed that he / she cannot perform his / her duties properly, to take sick leave.

7.3 Maternity Leave

- 7.3.1** A staff member, including a staff member adopting a child under three (3) months, shall be entitled to receive four (4) months paid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to a staff member whose child is still-born.

- 7.3.2** To qualify for paid maternity leave, a staff member must have one (1) year of service with the Municipality. Staff members with less than one (1) years' service shall qualify for one (1) month's fully paid maternity leave and three (3) months unpaid maternity leave.
- 7.3.3** A staff member may commence maternity leave any time from four weeks before the expected date of birth, unless otherwise agreed. Alternatively, a staff member may commence with maternity leave from a date which a medical doctor or midwife certifies it is necessary for the staff member's health and/or that of her unborn baby.
- 7.3.4** The application for maternity leave shall be accompanied by a certificate from the doctor, which states the expected date of confinement, or evidence of legal adoption of a child.
- 7.3.5** Maternity leave is to be taken consecutively and may in normal circumstances not be split and taken on an *ad hoc* basis.
- 7.3.6** A staff member may apply to supplement maternity leave with annual leave. Approval of annual leave in these circumstances is, as with any other application for annual leave, at the sole and entire discretion of the line manager or Municipal Manager and shall be dependent on the operational needs of the Municipality. No negative leave may be applied for to supplement maternity leave.
- 7.3.7** Unpaid leave over and above maternity leave and annual leave to supplement maternity leave may be granted. Such approval is at the discretion of the Municipal Manager and shall be subject to the needs of the Municipality. Any such unpaid leave may not exceed two (2) months.
- 7.3.8** It is expected that any staff member who learns of her pregnancy or confirmation of adoption shall advise the Municipal Manager as soon as possible. The purpose of this is to facilitate planning, both for the period of absence as well as the staff member's return to work.
- 7.3.9** Staff members shall submit supporting documentation prior to commencing maternity leave either by way of a medical certificate confirming the expected date of birth or documentation from the relevant authorities confirming the adoption of a child.
- 7.3.10** No staff member may work for six weeks after the birth of her child, unless a medical doctor or midwife certifies that she is fit to do so.
- 7.3.11** A staff member who has a miscarriage during the third trimester of pregnancy, or bears a stillborn child, is entitled to maternity leave for six weeks after the miscarriage or stillbirth, even if the staff member has not yet proceeded on maternity leave.

7.3.12 All staff members proceeding on maternity leave shall be offered their original position upon return, unless they are consulted on alternatives prior to or during the course of maternity leave, and such alternatives have been accepted.

7.3.13 Absence from work for the purposes of maternity leave shall count towards qualifying years of service with the Municipality (e.g. long service awards) regardless of whether this absence is unpaid, part-paid or fully paid.

7.3.14 Any incentive payable at the discretion of the Municipality, for which a staff member may qualify in terms of the applicable criteria, may be pro-rated in view of the extended temporary absence from work whilst on maternity leave.

7.3.15 Staff members on maternity leave shall remain eligible for increases and promotions in the normal course.

7.4 Parental leave

7.4.1 A staff member who is a parent of a child is entitled to at least ten (10) consecutive days' parental leave. A staff member may commence parental leave on the day that the staff member's child is born, or the date that:

(a) the adoption order is granted; or

(b) a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child.

7.4.2 A staff member shall notify the Municipality in writing of the dates on which the staff member intends to commence parental leave, and return to work, after parental leave. Notification shall be given at least one month before the staff member's child is expected to be born, or the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order.

7.4.3 The Municipality is not required to pay the staff member during the parental leave, but the staff member may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.5 Adoption leave

7.5.1 A staff member who is an adoptive parent of a child who is below the age of two, is entitled to an adoption leave of at least ten (10) consecutive weeks, or the parental leave under 7.4 above. If there are two adoptive parents, one should choose adoption leave, and

the other parental leave. A staff member may commence adoption leave on the day that:

- (a) the adoption order is granted; or
- (b) a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child.

7.5.2 A staff member shall notify the Municipality in writing of the dates on which the staff member intends to commence adoption leave, and return to work, after adoption leave. Notification shall be given at least one month before the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order.

7.5.3 The Municipality is not required to pay the staff member during the adoption leave, but the staff member may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.6 Commissioning parental leave

7.6.1 A staff member who is a commissioning parent in a surrogate motherhood agreement is entitled to a commissioning parental leave of at least ten (10) consecutive weeks, or the parental leave under 7.4 above. If there are two commissioning parents, one should choose commissioning parental leave, and the other parental leave.

7.6.2 A staff member may commence parental leave on the day that the staff member's child is born as a result of the surrogate motherhood agreement.

7.6.3 A staff member shall notify the Municipality in writing of the dates on which the staff member intends to commence commissioning parental leave, and return to work, after commissioning parental leave. Notification shall be given at least one month before the staff member's child is expected to be born as a result of surrogate motherhood agreement.

7.6.4 The Municipality is not required to pay the staff member during the commissioning parental leave, but the staff member may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.7 Family responsibility leave

Municipality shall grant a staff member during each annual leave cycle at the request of a staff member, a total of five (5) days paid leave, which the staff member is entitled to take, either when:

7.7.1 The staff member's child is sick;

7.7.2 The staff member's spouse or life partner is sick; and

7.7.3 In the event of death of the staff member's spouse or life partner, the staff member's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.

7.8 Special leave for study and examination purposes

7.8.1 Leave for examination purposes

- (a) Special leave may be granted to a staff member for the working day on which he / she sits for an examination.
- (b) The examination should be prescribed by an educational institution in order to qualify for a formal qualification.
- (c) Two (2) working days special leave for every paper / examination for which a staff member sits for an examination shall be granted to enable him / her to prepare for the examination.
- (d) The examination roster shall be included with the submission of the study leave application.
- (e) Results of the examination shall be submitted to the Municipal Manager as soon as they are available, and not later than three (3) months after the examination was written.
- (f) In cases where examinations were not written, the examination and study leave shall revert to annual leave unless a medical certificate is provided, in which case sick leave may be granted.
- (g) In case where the staff member fails the examination and has to sit for a re-examination, the above provisions may apply again, once only.

7.8.2 Additional leave for Post Graduate Studies

Special leave for a dissertation or thesis shall be granted with full pay to a maximum of five (5) working days in a year, per qualification.

7.8.3 Attending of classes during working hours

- (a) A staff member who studies part time or through correspondence in a field applicable to the Municipality and who, as a result of his / her studies is required to be absent

from work shall be granted vacation leave and special leave on a 50:50 basis for the time he / she is released from duty, subject to the requirements of the department.

- (b) If no leave to his / her credit, unpaid vacation leave shall be granted.

7.9 Special leave for ad hoc instances

Special leave with a maximum of ten (10) days on full pay per annum may be granted to a staff member when the staff member:

- 7.9.1** performs police duties in terms of the South African Police Act 68 of 1995, after the Municipality has given permission that the staff member may become a member of the reserve police force.
- 7.9.2** partake in a recognised sport activity at provincial and higher level, in which case the special leave with full pay shall not exceed three (3) working days per event and these three (3) working days may include travelling time.
- 7.9.3** has been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn.
- 7.9.4** gives evidence in a court case after a summons were served on them.
- 7.9.5** participate in religious holy days in which case the special leave with full pay shall not exceed three (3) working days per annum.
- 7.9.6** attends a meeting or conference approved by the Municipality.
- 7.9.7** participate in trade union activities as a shop steward in terms of the Recognition Agreement.

7.10 Additional Leave Conditions

- 7.10.1** No staff member shall take leave whilst serving a notice period following the tendering of a resignation. Any such leave of absence shall be recovered as leave without pay from portion of pay due to the staff member as a result of termination of service.
- 7.10.2** The Municipal Manager and Heads of Department shall use their discretion to ensure that the Municipality remains operational during any mass leave periods, by ensuring an equitable granting of leave during the most-preferred periods of the year.
- 7.10.3** In all cases, and especially in the most critical functional areas of the Municipality, application of leave by a staff member and the granting of leave by any manager shall at all times be made against the

necessary arrangements made to ensure continuity of the work during leave.

7.11 Long service leave bonus

7.11.1A staff member shall qualify for long service leave (bonus) as recognition for continuous service at the Municipality, additional to normal leave. The long service leave / bonus shall apply as follows:

- (a) After 5 years' service - 5 working days;
- (b) After 10 years' service - 10 working days;
- (c) After 15 years' service - 20 working days;
- (d) After 20 years' service - 30 working days;
- (e) After 25 years' service - 30 working days;;
- (f) After 30 years' service - 30 working days;
- (g) After 35 years' service - 30 working days;
- (h) After 40 years' service - 30 working days; and
- (i) After 45 years' service - 30 working days.

7.11.2A staff member may choose to either utilise the leave as annual leave or encash such leave within twelve (12) months of the date of qualifying for the leave.

7.12 Roles and responsibilities

7.12.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.12.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 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.

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

9. POLICY APPROVAL

This policy was formulated by HR Management in consultation with the Local Labour Forum.

Reviewed on _____

Recommended by:

_____ **Date:** _____
(MUNICIPAL MANAGER)

Approved by:

_____ **Date:** _____
(SPEAKER)

RESOLUTION NUMBER: _____