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LEAVE POLICY


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Table of Contents

1. DEFINITIONS	3
2. LEGISLATIVE FRAMEWORK	3
3. OBJECTIVES	3
4. APPLICABILITY	4
5. PROCEDURES	4
5.1. GRANTING AND CANCELLATION OF LEAVE	4
5.2. APPLICATION FOR LEAVE.....	4
6. ANNUAL LEAVE	4
7. SICK LEAVE	5
8. SPECIAL SICK LEAVE	6
8.1 INJURED ON DUTY OR OCCUPATIONAL DISEASES LEAVE	6
8.2 ADDITIONAL PAID SICK LEAVE	7
8.3 MEASURES TO MANAGE SICK LEAVE	7
9. MATERNITY AND ADOPTION LEAVE	8
10. FAMILY RESPONSIBILITY LEAVE	9
11. SPECIAL LEAVE	9
11.1 GRANTING OF SPECIAL LEAVE.....	9
11.2 LEAVE FOR EXAMINATION PURPOSES:.....	9
11.3 ATTENDING OF CLASSES DURING OFFICE HOURS:	10
11.4 SPECIAL LEAVE FOR AD-HOC INSTANCES:	10
12. ADDITIONAL LEAVE FOR LONG SERVICE RECOGNITION	10
13. PAYING OUT OF ACCUMULATED VACATION LEAVE AND SALARY CALCULATION	11
14. ROLE AND RESPONSIBILITY	12
15. DISPUTE RESOLUTION	12

1. DEFINITIONS

- **Examination leave** means a period of time used by an employee for the purpose of writing a specified and approved examination towards an academic qualification
- **Leave** is considered as time off/away from the workplace where the employee is not able to avail him/herself for execution of duties and task as normally done by the employee.
- **Maternity leave** means a period of time used by a female employee for the birth or adoption of a child.
- **Sick leave** means any period or periods used by an employee as a result of ill health/indisposition
- **Special leave** means leave in addition to normal leave in addition to normal leave.
- **Working day** means any day on which an employee is normally required to work according to the service requirement applicable to employee's post and as agreed to in the SALGBC

2. LEGISLATIVE FRAMEWORK

This policy is established within the framework of the following legislation and regulations:

- Basic Condition of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Labour Relation Act, 66 of 1995 as amended
- Municipal Systems Act 32 of 2000 as amended
- Collective Agreements

3. OBJECTIVES

- a) To regulate the taking, usage, accumulation and management of leave by all employees.

4. APPLICABILITY

The policy shall apply to all municipal employees including municipality managers and managers directly accountable to municipality managers in terms of section 56 of the Local Government: Municipal Systems Act 2000 (Act of 2000 as amended).

5. PROCEDURES

5.1. Granting and Cancellation of Leave

- 5.1.1. According to the Basic Conditions Employment Act the municipality and collective agreements all employees are entitled to leave which is subjected to the requirements of each type of leave.
- 5.1.2. The municipality may at any time cancel, postpone or interrupt leave of absence, other than sick leave which has been granted to an employee should it be deemed necessary in the interest of the municipality to do so.
- 5.1.3. Cancellation, postponement or interruption of leave of absence shall be confirmed in writing.
- 5.1.4. An employee shall not be absent from duty without prior permission unless he/she is prevailed by sudden illness or owing to other circumstances acceptable to the municipality.
- 5.1.5. The employer shall not unreasonably withhold approval / granting of leave.

5.2. Application for Leave

- 5.2.1. An employee shall apply for leave in the format required by the employer.
- 5.2.2. All forms of leave will be applied for in advance and in exceptional cases (*sick leave and other crisis situations*), sick leave may be completed as soon as is practical during or after the period of absence.
- 5.2.3. Leave will be applied for specific periods and no open ended leave application may be considered.

6. ANNUAL LEAVE

- 6.1. All permanent employees are eligible for the following annual leave in a leave cycle:
 - Twenty-four (24) days for a five (5) day worker

- Twenty-seven (27) days for a six (6) day worker
- 6.2. Employees must give a 30 day notice for a leave period that is more than 10 days.
- 6.3. Employees shall be entitled to take Annual Vacation Leave on full pay.
- 6.4. Employees shall be eligible to take annual leave no later than six months after the end of the annual leave cycle.
- 6.5. An employee is required to take annual leave as follows:
 - A five-day (5) worker shall take a minimum of sixteen (16) working days
 - A six- day (6) worker shall take a minimum of nineteen (19) working days
- 6.6. An employee may not accrue a greater number of working days leave annually; provided that no employee may accrue more than 48 working days leave, plus such further leave that accrues during his/her final year of service.
- 6.7. 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 due to the employer's refusal to grant such leave because of operational requirements.
- 6.8. If an employee fails, refuses or neglects to take leave due to him/her, despite being afforded an opportunity to take leave, such leave shall be forfeited and fall away.
- 6.9. Every employee with more than one year's service shall be obliged to take not less than half the number of days of annual leave before the expiry of each leave cycle.
- 6.10. Nothing herein contained shall be construed as preventing any employee from taking (subject only to operational requirements) all annual leave due to him/her.

7. SICK LEAVE

- 7.1. Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition or injury.
- 7.2. The employer shall grant an employee eighty days (80) in a three (3) year leave cycle, provided that in respect of new appointments an employee may not take more than 30 days sick leave in the first year of employment.
- 7.3. The employee 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.
- 7.4. If more than two (2) consecutive days are taken as sick leave, the employer may request a sick leave medical certificate for every day of sick leave.

- 7.5. The employee must be informed when annual or unpaid leave is used for purposes of sick leave in an instance where sick leave is depleted.
- 7.6. An employee who is absent from work due to illness must take all reasonable steps to inform the employer, director, manager or supervisor.
- 7.7. The municipality will not pay an employee who is absent on more than two occasions during an eight-week period and who on request by the employer does not produce a medical certificate stating the reasons for absence for the duration of the employee's absence on account of sickness or injury.
- 7.8. An employee 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 they are unfit to perform their duties.
- 7.9. Special sick leave may only be granted if the municipality is notified of an accident or disease as required in terms of the Compensation for Occupational Injuries and Diseases Act and a satisfactory medical certificate from a registered practitioner is submitted to the municipality.
- 7.10. The employer is not required to pay an employee if an employee is absent more than two 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 sickness or injury.

8. SPECIAL SICK LEAVE

8.1 Injured on Duty or Occupational Diseases Leave

- 8.1.1 If an employee suffers an injury on duty or contracts an occupational disease arising out of or in course of his/her official duties such as to entitle the employee compensation in terms of Compensation for Occupation Injuries and Diseases Act 1993 shall be granted paid special leave for the period of incapacitation.
- 8.1.2 The municipality shall grant the employee who has injured on duty or suffers from the occupation disease, special leave at the salary value of 100% of his normal pay during the period of incapacitation or total disablement, as provided for the Occupational Health and Safety Act.
- 8.1.3 This clause shall not detract from the employer's right to terminate the employment contract for a reason and having followed the correct procedures.

8.2 Additional Paid Sick Leave

- 8.2.1 If any employee has taken 20 days of sick leave in a 3-year cycle, then the employee will receive an additional 15 days sick leave subject to maximum sick leave of 120 days per sick leave cycle.
- 8.2.2 If the maximum period of sick leave to which an employee is entitled has been granted to him/her, owing to reason of ill health and he is not able to resume duty, the municipal manager shall grant such employee an additional 60 working days leave in respect of chronic illness and or illness requiring hospitalization which shall be made up as follows:
- 30 working days on full pay
 - 30 working days on half pay
- a) The following conditions shall apply:
- The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who certified to diagnose and treat patients and who is registered with a profession's council established by an Act of Parliament
- 8.2.3 If an employee has exhausted all the sick leave to which he is entitled, the municipality will appoint a medical practitioner to evaluate the employee and will submit a report as to whether the medical condition has resulted in permanent or temporary incapacity,
- 8.2.4 if the employee is found to be permanently incapacitated, the municipality may convene an incapacity hearing in terms of Schedule 8 of the Labor Relations Act. If it is determined that the incapacity is of a temporary nature, the municipality may grant additional sick leave on application by any party for exemption for the Divisional Bargain Council in terms of the exemption's provisions in this agreement.

8.3 Measures to Manage Sick Leave

- 8.3.1 The conversion of annual leave to sick leave when an employee is hospitalized: if an employee to whom annual leave has been granted is hospitalized and certified sick by a registered medical practitioner after his annual leave commenced, that part of the annual leave during which he was thus certified sick

shall be converted into sick leave on submission of the prescribed medical certificate. A number of annual leaves of the prescribed medical certificate. A number of annual leave days equal to the number of sick days shall be credited in respect of the sick leave taken.

- 8.3.2 If an employee reports for duty and goes off within the first three hours of working day, he must apply for sick leave at that point.
- 8.3.3 An employee who is off sick must notify the employer in terms of the acceptable means of notification and as agreed at the municipality within 3 hours of the normal workdays/Shift commencing.
- 8.3.4 A medical certificate can only be issued by medical practitioner/traditional healer as registered in terms of the Medical and Dental Council as per the provisions of the BCEA.

9. MATERNITY AND ADOPTION LEAVE

- 9.1. An employee including an employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid maternity or adoption leave with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still-born.
- 9.2. An employee must be employed for 1-year continuous service to qualify for paid maternity / adoption leave.
- 9.3. The application for maternity leave must be accompanied by a medical certificate stating the expected date of confinement or evidence of a legal adoption of a child.
- 9.4. Once maternity leave has commenced an employee may not return back to work within six weeks after the date of delivery, unless the employee so applies in writing and her application is supported by a medical certificate that she is in good health and may return to work.
- 9.5. An employee who does not qualify for paid maternity leave must apply for unpaid maternity leave and then claim benefits from the Department of Labour (Unemployment Insurance Fund / UIF). The payment of benefits will be determined by the Department of Labour (and not the employer.)

10. FAMILY RESPONSIBILITY LEAVE

- 10.1. Family Responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months.
- 10.2. An employer, upon receipt of reasonable proof, shall grant an employee during each annual leave cycle at the request of an employee, a total of five (5) working days paid leave, which the employee is entitled to take, either when:
- a) The employee's child is born;
 - b) The employee's child is sick;
 - c) The employee's spouse or life partner is sick;
 - d) In the event of death of:
 - The employee's spouse or life partner;
 - The employee's parent, adoptive parent, parents-in-law,
 - Grandparent or sibling,
 - child, adopted child, grand child

11. SPECIAL LEAVE

11.1 Granting of Special Leave

- 11.1.1. Special leave shall be made to the Municipal Manager or his / her nominee for consideration and approval.
- 11.1.2. The application for this leave must be accompanied by documentation that supports the application.
- 11.1.3. Special leave is limited to 10 days per annum and cannot accumulate.

11.2 Leave for examination purposes:

- 11.2.1. Where an employee applies for leave for exam purposes, an exam roster with the name of the employee should be attached to the application.
- 11.2.2. 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.
- 11.2.3. 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.

11.2.4 Instances where the examinations were not written, the leave will be converted to annual leave unless a medical certificate is provided for sick leave.

11.3 Attending of classes during office hours:

11.3.1. An employee who studies part-time or by means of correspondence in a field applicable to the employer and who, as a 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.

11.3.2. If he/she does not have leave to his/her credit, unpaid leave will be granted.

11.4 Special Leave For Ad-hoc Instances:

11.4.1 This leave refers to leave not covered in the Main Collective Agreement or in any divisional collective agreement concluded in the SALGBC.

11.4.2 Application for such leave shall be made to the Municipal Manager or his nominee for consideration and approval.

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

- a) Court appearance
- b) Partake in a sport activity at provincial and national level with recognized sporting bodies.
- c) Study purposes one day leave of writing examination and the one day (day before writing examination) for each enrolled module for the academic year.
- d) The application for special leave must be accompanied by relevant documentation that supports application.

11.4.4 The special leave referred to above in a) and b) is limited to the maximum of 15 days per annual and may not be accumulated.

12. ADDITIONAL LEAVE FOR LONG SERVICE RECOGNITION

12.1 An employee who was appointed after 1 July 1986 shall qualify for the following additional leave as recognition for long service at the same employer, which shall be only on the date on which the various periods of continuous service have been completed:

- 5 years of service – 5 working days

- 10 years of service – 10 working days
- 15 years of service – 20 working days
- 20 years of service – 30 working days
- 25 years of service – 30 working days
- 30 years of service – 30 working days
- 35 years of service – 30 working days
- 40 years of service – 30 working days
- 45 years of service – 30 working days

12.2 The long service recognition leave may be wholly or partially converted to payment on the date on which the employee qualifies for it or at any stage thereafter subject to budget provisions.

12.3 The encashment or the taking of the leaves must take place in the same year that employee qualifies for the recognition or long serving leave.

12.4 An employee that has five (5) or more years with the municipality and leaves the service of the municipality for any reason whatsoever, excluding reasons relating to misconduct, shall receive a pro rata long service bonus for any uncompleted stipulated in clause 12.1

13. PAYING OUT OF ACCUMULATED VACATION LEAVE AND SALARY CALCULATION

13.1 Calculation of leave payment

a) Payment for leave shall be calculated in accordance with the following formula

$$\frac{A \times B}{249}$$

249 days

Which represent the following:

A = the annual salary on the last working day

B = is the employee's vacation leave credit on that day

and

249 = the number of working days per annum

b) **The salary calculation**

The salary of an employee shall be calculated as follows:

$$\frac{\text{Monthly salary}}{\text{Salary}} = \frac{\text{Annual}}{12}$$

$$\frac{\text{Weekly salary}}{\text{Salary}} = \frac{\text{Annual}}{52}$$

$$\frac{\text{Daily salary}}{\text{Salary}} = \frac{\text{Annual}}{249}$$

$$\text{Hourly rate} = \frac{\text{Annual salary} \times 1}{249}$$

14. ROLE AND RESPONSIBILITY

The Municipal Manager or his /her nominee accept overall responsibility for implementation and monitoring of the policy.

15. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum shall be incorporated in the policy.