

**LEAVE POLICY
UBUHLEBEZWE MUNICIPALITY**

Policy Number:	Approved Date:
Effective Date:	Review Date:

CONTENTS:

1. BACKGROUND
2. OBJECTIVE
3. PRINCIPLES
4. DEFINITIONS
5. PERIOD AND SCOPE OF OPERATION
6. TYPES OF LEAVE
 - 6.1 ANNUAL LEAVE
 - 6.2 SICK LEAVE
 - 6.3 FAMILY RESPONSIBILITY LEAVE
 - 6.4 MATERNITY LEAVE
 - 6.5 STUDY LEAVE
 - 6.6 SPECIAL LEAVE
 - 6.7 UNPAID LEAVE
 - 6.8 LONG SERVICE LEAVE
 - 6.9 OVERTIME LEAVE
7. PROCEDURE
8. ENCASHMENT OF LEAVE
9. AMENDMENT
10. COMPLIANCE

1. BACKGROUND

The conditions of services with regard to all types of leave are regulated in terms of the Collective Agreement as negotiated from time to time by the South African Local Government Bargaining Council. However there are some categories of leave that are not provided for in the Agreement. Such leave has been provided for in this policy. It is also necessary for the Municipality to stipulate the procedure that must be followed in applying for leave.

2. OBJECTIVE

To provide clear guidelines to all employees the conditions under which leave will be granted in order to ensure that there is uniformity and consistency in the awarding of such leave and to prevent Departmental staff shortages.

3. PRINCIPLES

It is the responsibility of the employee to ensure the approval of requested leave before undertaking such leave.

While all employees are encouraged to undertake their statutory leave as prescribed by the Conditions of Employment Act, (Act 75 of 1997), leave will be granted at the discretion of the supervisor or manager. The manager or supervisor may refuse to approve an application for leave where this will adversely affect the operations of the section, unit or department.

Any leave taken without the necessary approval will be unpaid, and such action will constitute misconduct.

An application for all planned leave must be submitted to the Head of Department at least two weeks before the leave is to be undertaken.

4. DEFINITIONS

All expressions used in this policy which are defined in the Basic Conditions of Employment Act, (Act 75 of 1997) and the Labour Relations Act, (Act 66 of 1995), shall bear the same meaning as in the Act, unless a contrary intention appears.

Words importing the masculine gender shall include the feminine and visa versa.

All references to days shall be to working days.

An annual leave cycle means the period of twelve (12) months of employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle. Section 57 employees shall be those employees employed in terms of section 57 of the Local Government: Municipal Systems Act, (Act 32 of 2000).

Medical practitioners shall mean all practitioners as defined by the Health Professionals Council of South Africa (Medical and Dental Practitioners).

5. PERIOD OF OPERATION

This Policy will remain in force until any changes have been implemented and amended by the South African Local Government Bargaining Council. The Policy is applicable to all full time employees of Ukhlebezwe Municipality.

6. TYPES OF LEAVE

6.1 ANNUAL LEAVE

6.1.1 An employee is entitled to at least:

6.1.1.1 Twenty four (24) days for a five (5) days worker; and

6.1.1.2 Twenty seven (27) days for a six (6) days worker.

6.1.2 An employee is required to take leave within each leave cycle as follows:

6.1.2.1 A five (5) days worker shall take a minimum of sixteen (16) days leave; and

6.1.2.2 A six (6) day worker shall take a minimum of nineteen (19) days leave.

6.1.3 All leave accrued as at 31 December 2003 shall be dealt with as follows:

6.1.3.1 The value of such accrued leave shall be determined at the rate of pay as at 01 December 2003.

6.1.3.2 Employees shall either take or encash such leave within a period of (2) years calculated from 1 January 2004.

6.1.3.3 Notwithstanding the provisions of 6.1.3.1 above, an employee is entitled to retain a maximum of forty eight (48) days of accrued leave.

6.1.3.4 Leave accumulated subsequent to 1 January 2004 may be accumulated to a maximum of forty eight (48) days inclusive of those days referred to in 6.1.3.2 above.

- 6.1.3.5 Any-leave in excess of forty eight (48) days may be encashed should the employee be unable to take such leave as a result of operational requirements. If despite being afforded an opportunity to take leave, an employee refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away.
- 6.1.3.6 In the event of the termination of service, an employee shall be paid his leave entitled calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997 and as amended.
- 6.1.3.7 An employee's entitlement to annual leave will be reduced by the number of days of occasional leave on full remuneration granted to the employee at the employee's request in that leave cycle .
- 6.1.3.8 An employee is entitled to an additional day of paid leave if a public holiday falls on a day during an employee's annual leave on which the employee would ordinarily have worked.
- 6.1.3.9 An employee is entitled to take leave accumulated in an annual leave cycle on consecutive days.
- 6.1.3.10 Employees may not work any for any other employer during any period of annual leave, unless the explicit written consent was obtained from the council prior to the employee embarking on "moonlight" work .
- 6.1.4 **Pay For Annual Leave:**
- 6.1.4.1 Applications for leave must be in writing on the Municipality Leave Application form which must be authorized by the Head of Department. Once authorized the original Leave Application must be forwarded to the payroll office for processing and thereafter placed on the employee's personal file.
- 6.1.4.2 Annual leave should not coincide with sick leave. Where an employee falls sick during the annual leave period this will not constitute sick leave nor should these sick days be credited to employee sick leave balance.
- 6.1.4.3 Leave paid out on termination of service will be calculated based on the employee's final salary .Where an employee's salary has previously been reduced leave pay will be calculated on a pro-rata basis at the different rates of pay.

6.2 SICK LEAVE

- 6.2.1 An employer shall grant an employee eighty (80) days sick leave in a three (3) year cycle.
- 6.2.2 The employer shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- 6.2.3 The medical certificate must state the nature of the medical incapacity; the date on which the employee consulted a medical practitioner; and must be signed by a medical practitioner registered with the South African Medical and Dental Council.
- 6.2.4 The employer is further not required to pay an employee if an employee is absent on 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 .
- 6.2.5 The divisions of the Council shall be responsible for concluding agreements on additional paid sick leave and other measures to manage the taking accrual and / or conversions of sick leave and administration agreement for the taking of sick leave.
- 6.2.6 An employee who has taken sick leave will on his \ her return to work complete the required leave form and attach all relevant supporting documentation
- 6.2.7 Management reserves the right to take disciplinary action against any employee where the attendance record of any employee indicates a possible abuse of sick leave.
- 6.2.8 Where an employee has been on sick leave for excessive period, the Municipality reserves the right to conduct an enquiry into the employee's capacity (or incapacity) to perform his job, and to take whatever lawful steps it deems appropriate, including but not limited to the termination of the employee's contract of employment with the Municipality.

6.3 FAMILY RESPONSIBILITY LEAVE

- 6.3.1 Family responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months, and who works on at least four days a week for the Municipality.

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

6.3.1.1 The employee's child is born ;

6.3.1.2 The employee's child is sick ;

6.3.1.3 The employee's spouse or life partner is sick ;

6.3.1.4 In the event of death of ;

- The employee's spouse or life partner ; or
- The employee's parent, adoptive parent , grandparent , child, adoptive child, grandchild or sibling .

6.3.3. Before paying an employee for leave in terms of this policy, the Municipality may require reasonable proof of an event contemplated in section 6.3.2 for which leave was required.

6.3.4 The Municipality will require the following proof in respect of application for family responsibility leave –

Situation	Proof Required	When Required
Death of immediate family member	Death certificate, Proof that Deceased is immediate family member	Within 7 days of returning to work
Birth of a child	Birth Certificate Proof of Paternity	On returning from FR leave
Illness of child	Proof of Parenthood Medical certificate specifying name of child	On returning from FR leave

6.3.5 Request for Family Responsibility Leave must be in writing on the Municipality's Leave Application form, which must be authorized by the Head of Department .

6.3.6 Once authorized the original leave application must be filled on the employee's personal file.

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

6.3.8 Employees who have used all their Family Responsibility Leave may, subject to the approval of the Head of Department, apply to –

6.3.8.1 Use available annual leave , or

6.3.8.2 Use unpaid leave.

6.4 MATERNITY LEAVE

- 6.4.1 This policy must be read in conjunction with the Code of Good Practice on the Protection of Employees during Pregnancy and after the birth of a child .
- 6.4.1 An employee shall be entitled to receive three (3) months paid maternity leave with no limit to the number of confinements.
- 6.4.2 To qualify for paid maternity leave, an employee must have one (1) year service with the employer.
- 6.4.3 In addition the employee will be required to work back the period of paid maternity leave actually taken.
- 6.4.4 The employee is required to notify the Municipality in writing , and provide the Municipality with a valid medical certificate at least 4 (four) weeks before proceeding on maternity leave, of the date on which the employee intends to :
- 6.4.5.1 Commence maternity leave;
- 6.4.5.2 Return to work after maternity leave.
- 6.4.5 Shorter notice may be given if it is not reasonably practical to give the required notice period, for instance when a medical practitioner or midwife recommends that the employee commence maternity leave at an earlier date .
- 6.4.6 The commencement and duration of maternity leave shall be granted in accordance with the Basic Conditions of Employment Act , 1997, as follows;
- 6.4.6.1 At any time from 4 weeks before the expected date of birth , unless otherwise agreed ;
- 6.4.6.2 On a date from which a medical practitioner or midwife certifies that it is necessary for the employee's health and that of her unborn child.
- 6.4.6.3 An employee is entitled to 3 (three) consecutive months' maternity leave . An employee is not required to remain away from work for the entire 3 (three) month period and may choose to return earlier if the wellbeing of the mother and child are not compromised. However, she may not work within 6 (six) weeks of the birth of her child unless a medical practitioner or midwife certifies that she is fit to do so .
- 6.4.6.4 An employee who has a miscarriage during the third trimester of her pregnancy or gives birth to a stillborn child is entitled to 6 (six) weeks maternity leave after the miscarriage or birth of a stillborn child.

- 6.4.7 Upon confirmation of pregnancy the employee shall be entitled to 1 (one) day's paid leave per month preceding the maternity leave, subject to a maximum of 6 (six) days, for the purpose of attending a pre-natal clinic, provided that authorization for such leave be obtained at least 2 (two) days before the intended absence and that proof of the attendance at the per-natal clinic is provided on the employee's return to work .
- 6.4.8 On commencement of the maternity leave, employees contributing to the Unemployment Insurance Fund will be provided with documentation necessary to permit them to claim benefits as defined under the provisions of the UIF.
- 6.4.9 Any salary increases and \ or improvements in the conditions of employment that may be implemented for employees of the Municipality apply to any employee who is away on maternity leave .
- 6.4.10 The Municipality's approval of maternity leave will automatically carry with it a guarantee or re-employment in the same job category. The guarantee will be valid for a period of 4 (four) months after the expiry of maternity leave, provided that written authorization for the extended absence is obtained from the Head of Department.
- 6.4.11 The validity of any disciplinary action in force at the commencement of maternity leave will be suspended and recommence on the date of return from maternity leave .

6.4.12 Extension of Leave:

Employees may apply to have their maternity leave extended by a period of not more than two (2) months. The approach to approved extended maternity leave is the same as that of unpaid leave. This means that :

- 6.4.12.1 The extended maternity period will be unpaid.
- 6.4.12.2 No leave will accrue to the employee's leave credit.
- 6.4.12.3 The employee may remain a member of the medical aid scheme , if applicable but will be responsible 100% of the medical aid contributions. The Municipality will not make any contributions for the period.
- 6.4.13 As per the general rules of the recognized Retirement Fund and Medical Aid Scheme, the employee will be responsible for the payment of the full contribution. The Municipality will not

contribute any amount towards the medical or retirement fund during extended maternity leave

6.4.14 Illness \ Injury during Maternity Leave

In general, should the employee fall ill (whether due to pregnancy complications or illness not connected with pregnancy) during maternity leave, the illness shall be regarded as forming part of maternity leave and shall not be extended, no sick leave can be taken in this period .

6.5 STUDY LEAVE

6.5.1 Each qualifying employee shall be entitled to study leave as follows:

6.5.1.1 Two days per subject for examination purposes only with one day being for preparation purposes and the other day shall be for the actual sitting of the examination.

6.5.1.2 For compulsory block release courses, a maximum of six weeks study leave per annum shall be allocated for this purpose, if it exceeds six weeks, an employee will use his/her vacation leave and/or the principle of unpaid leave shall apply, unless the Municipal Manager decides otherwise.

6.5.2 The following conditions shall apply to employees who wish to qualify for study leave:

6.5.2.1 The employee shall inform Human Resources at the commencement of each period of study, also submitting registration proof, the intended course of study, the institution as well as the duration of study.

6.5.2.2 Examination results in respect of the period for which study leave was granted shall be submitted to Human Resources not later than two (2) weeks after they become available.

6.5.2.3 An employee who fails any subject(s) in respect of which leave was granted shall forfeit such leave in respect of the particular subjects failed.

6.5.2.4 Leave forfeited in terms of 6.5.2.3 above shall be converted into annual leave and deducted from the employee's annual leave credit.

6.6 SPECIAL LEAVE

6.6.1 An employee may be granted special leave under the following circumstances;

- 6.6.1.1 Where an employee has been served with a subpoena for the purpose of giving evidence in a court of law;
- 6.6.1.2 Where an employee is a shop steward in which case the time off in terms of the Organisational Rights Agreement will be applicable. In terms of the Organisational Rights Agreement an elected Shop Steward is entitled to fifteen (15) days per year with full pay for trade union activities.
- 6.6.1.3 The notice from the Union is to be submitted to the HR Department who will advise the relevant Supervisor/Manager who will approve such leave prior to the employee embarking on such leave. The employer may not unreasonably deny an elected Shop Steward to attend an official Union meeting. The notice from the Union must be attached to the leave application and submitted to the HR Department for records purposes;
- 6.6.1.4 Where an employee is invited to partake in a national or provincial activity as a member of a recognized team in sports or other events.

6.6.2 Where such leave is requested, a letter from the team or body confirming an employee's membership and participation in the specific event must accompany his/her application for leave.

6.7 UNPAID LEAVE

6.7.1 In the event of insufficient annual leave being available and should an employee have to take leave because of exceptional circumstances, the Municipal Manager or delegated official may grant unpaid leave, subject to the following conditions ;

- 6.7.1.1 Unpaid leave will only be granted once all accumulated annual leave has been taken.
- 6.7.1.2 In the case of protracted illness, unpaid will only be considered once:
 - The sick leave entitlement has been exhausted
 - All accumulated annual leave has been taken.
- 6.7.1.3 No annual leave credits shall be earned during a period of unpaid leave.

6.7.1.4 If unpaid leave is taken for a period of 15 consecutive days or longer, the employee will also be liable for payment of the Municipality's contributions towards his / her Pension / Provident Funds , Medical Aid Scheme ,vehicle and housing allowances etc, where applicable on a pro rata basis.

6.8 LONG SERVICE LEAVE

6.8.1 An employee after a period of continuous service within this Municipality shall be entitled to additional leave as recognition of long service rendered by that employee. Such recognition shall be on the basis of a single recognition upon completion of any of the under listed periods and shall be as follows:

YEARS OF SERVICE	NUMBER OF LEAVE DAYS OF RECOGNITION
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

6.8.2 The above leave may be converted to cash in full or partially on the date that the employee qualifies for the additional leave or at any stage thereafter. Such conversion of leave is however subject to the approval from Finance and the Municipal Manager.

6.9 OVERTIME LEAVE

A leave form is to be completed by an employee wishing to take time off in lieu of overtime worked. The leave form must reflect the period worked as overtime. Such leave must be taken within seven (7) days of the time worked. Should an employee be unable to take such time within 7 days then it must be taken within a reasonable period not exceeding 30 days.

7. PROCEDURE

- 7.1 The applicant must obtain a Leave Application Form from Human Resources.
- 7.2 The applicant must ensure that the form is completed by a Human Resources official in the relevant section before it is taken to the Supervisor or Manager.
- 7.3 The applicant must submit the form fully completed as described above to his/her Supervisor or Head of Department for approval.
- 7.4 The applicant must ensure that he / she is aware of the outcome of the application for leave before taking such leave.
- 7.5 A full completed leave application form indication whether leave requested has been approved or not must be returned to Human Resources.

8. ENCASHMENT OF LEAVE

- 8.1 Accumulated annual leave available may be converted into cash subject to the following conditions;
 - 8.1.1 Leave to be encashed must not be part of the leave that the employee was compelled to take in any particular leave cycle.
 - 8.1.2 Such conversion will be approved at the discretion of the Chief Finance Officer having regard to the financial position of the Municipality.

9. AMENDMENT

The Municipality reserves the right to amend the provisions of this policy, as may deem appropriate

10. COMPLIANCE

Should any provisions of this Policy be in conflict with existing or future legislation, the said legislation shall take precedence

