

EMAKHAZENI LOCAL MUNICIPALITY



LEAVE MANAGEMENT POLICY

APPROVED BY COUNCIL ON:

IMPLEMENTATION DATE:

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1 Introduction

1. Introduction

Emakhazeni Local Municipality strive to manage the types and duration of leave that its employees apply for . This is done to comply with the Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC) . Management of leave shall yield a good service delivery as employees shall honor their working days. It will also assist the employer to intervene into cases of employees who continuously absent themselves, through the EAP programme so as to address the problem according to its scope of attention.

2. Definitions

or the purpose of this policy the following definition(s) apply:

"Annual Leave Cycle" : means the period of twelve (12) month's employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle;

"Collective Agreement" : means the SALGBC Main Collective Agreement

"Basic Conditions of Employment Act ": means the Basic Conditions of Employment Act, Act No 75 of 1997

" Bona Fide": means genuine or real

" Contract of Employment" : means appointment contract/letter

" Day " : means working days, i.e. Mondays to Fridays excluding Public Holidays unless indicated otherwise by the context.

" EAP" : means the Employee Assistance Programme

" Employee" : shall include a permanent employee or a contract employee as defined but excludes an independent contractor or its employees.

" Employer" : refers to employer/municipality within the registered scope of the South African Local Government Association (SALGA)

" Exigencies" : means an urgent need or demand

"Head of Department ": Any official appointed in terms of section 56 of the Municipal Systems Act, as amended (Act NO. 32 of 2000) as a Manager directly accountable to the Municipal Manager or his/her designate.

" HPCSA" : means the Health Professions Council of South Africa

"Municipality": means the Emakhazeni Local Municipality

" Policy " : means the basic principles by which a municipality is guided.

" Registered Medical Practitioner" : means an individual accredited, licensed, and/or registered with the HPCSA as a health professional upon meeting the specified requirements

"SALGBC" : means the South African Local Government Bargaining Council

“ Three Year Leave Cycle” : means the period of thirty six (36) month’s employment with the same employer immediately following an employee’s commencement of employment or following the completion of that employee’s existing leave cycle;

“ Thesis” : means written work involving personal research, written as part of a University Degree

“treatise” means written work dealing with a subject
For the purpose of this policy the following definition(s) apply:

3. Purpose

- This Policy seeks to enforce compliance on the application of leave as per the Collective Agreement.
- This Policy seeks to avert the misuse of leave by employees in the expense of service delivery.
- This will promote the fair and equal treatment of employees when taking leave.
- This is to ascertain the rights of the employees to types and duration of leave they are entitled to take.

4. Scope of Application

This policy shall apply to all employees of the municipality, unless stated otherwise in the contract of employment.

5. Legal Framework

5.1 SALGBC Main Collective Agreement

Basic Conditions of Employment Act, Act no. 75 of 1997

6. Policy Provisions

6. LEAVE OF ABSENCE

6.1 ANNUAL LEAVE

Employees are entitled to a period of paid annual leave and Head of Departments should encourage their staff to utilize their full entitlement within the leave cycle.

6.1.1 Procedures for Application for Leave

- 6.1.1.1 Employees shall be notified of their annual leave entitlement in the contracts of employment.
- 6.1.1.2 An employee is required to complete a leave application form in full, stating the number of days to be taken, date of commencement of leave and the day of returning to work.
- 6.1.1.3 The HR Section will verify the balance of leave days as on the leave register.
- 6.1.1.4 Managers are to ensure that attendance registers are updated to record the days taken for leave purposes.
- 6.1.1.5 The relevant Line Manager is responsible for recommending the approval of leave to the Head of Department.
- 6.1.1.6 The Head of Department is responsible for final approval of leave.

6.1.2 Annual Leave Entitlement

- 6.1.2.1 Provision on leave entitlement, accruals, encashment and payment of leave on termination of services is determined by the South African Local Government Bargaining Council Agreements.
- 6.1.2.2 Annual leave is calculated according to the number of working days, excluding Saturdays and public holidays. Leave cycle means the period of twelve (12) employment months with the same employer immediately following an employee's commencement of employment or following the completion of that existing leave cycle. Employees shall be entitled to the following annual leave in a leave cycle:
 - 6.1.2.3 Twenty four (24) days for a five (5) day worker of which a minimum of sixteen (16) days are compulsory leave days to be taken in each leave cycle.
 - 6.1.2.4 Twenty seven (27) days for a six (6) day worker of which a minimum of nineteen (19) days are compulsory leave days to be taken in each leave cycle.
 - 6.1.2.5 Annual Leave shall only be accumulated to a maximum of forty- eight (48) working days.
 - 6.1.2.6 An employee must take annual leave not later than six (6) months after the end of the annual leave cycle. Within six months of the end of a leave cycle, an employee may not have more than 48 days annual leave to his credit.
 - 6.1.2.6 An employee is entitled to retain a maximum of forty-eight (48) days referred to above.
 - 6.1.2.7 Any leave in excess of forty-eight (48) 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 employer's 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/her during this period, such remaining leave shall fall away.
 - 6.1.2.9 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 75 of 1997, provided that the municipality shall not be obliged to encash more than 48 days annual leave upon the termination of that employee's contract of employment.
 - 6.1.2.10 Applications for annual leave must be submitted in advance, e.g. at least one (1) day before one (1) day leave is taken, two (2) days for two (2) days leave, one (1) week for leave required for one (1) week or one (1) month for leave required for one (1) month and so on.
 - 6.1.2.11 It is the responsibility of the employee to make sure that his/her application for annual leave is approved before taking leave. Annual leave taken by an employee prior to approval or authorization will be regarded as unpaid leave.
 - 6.1.2.12 Applications for leave submitted on a shorter period than the period referred to above or after leave has been taken will only be allowed for emergencies or prior approval which must be confirmed by the relevant Head of Department.
 - 6.1.2.13A Senior Manager is entitled to not more than two working days leave on full remuneration for every month which a Senior Manager worked in any annual leave cycle. Annual leave cycle of a Senior Manager is calculated from 1 January to 31 December
 - 6.1.2.14 A senior Manager who commences work after 1 January is entitled to paid annual leave on a pro-rata basis.
 - 6.1.2.15 A Senior Manager does not accrue leave during any period of unpaid leave or if the Senior Manager is absent from work without permission, the accrual of leave will be reduced on a pro-rata basis in accordance with the number of unpaid leave days or days on which the Senior Manager was absent without permission
 - 6.1.2.16A Senior Manager must take at least 10 working days annual leave in each annual leave cycle provided that the remaining days must be taken before the end of the following annual leave cycle, failing which, they are forfeited.
 - 6.1.2.17 A Senior Manager whose annual leave application is not approved as a result of the operational requirements must be informed in writing of the refusal, reasons for the disapproval and the future arrangements for rescheduling the annual leave. A Senior

Manager who is recalled from leave due to operational requirements must be credited with the number of leave days forsaken.

6.2 SICK LEAVE

6.2.1 Sick Leave with full Pay

6.2.1.1 Employees are entitled to eighty (80) days sick leave over a three (3) year cycle, commencing from the date of employment provided that in respect of new appointments an employee may not take more than 30 days sick leave in the first year of employment. Unused sick leave will expire at the end of the three (3) year cycle and cannot be encashed or accrued.

6.2.1.2 A Senior Manager is entitled to 36 working days paid leave during each leave cycle. A Senior Manager whose sick leave is depleted within a sick leave cycle may take annual leave in lieu of sick leave for recovery. If the sick leave and annual leave are depleted, a Senior Manager may at the discretion of the municipality and to a maximum of 30 days , be granted unpaid leave

6.2.1.3 If an employee is unable to report for duty due to sudden illness, they must immediately notify their Supervisor of their inability to report for duty. 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, if more than two (2) days are taken as sick leave, provided that an employer may request a sick leave for everyday of sick leave where there is evidence of abuse of sick leave

6.2.1.4 The municipality is not required to pay employees who are absent from work for more than two (2) consecutive days or on more than two (2) occasions during an eight (8) week period and who, on request to produce a medical certificate fails to do so. However, sick leave forms must be completed for sick leave days that are less than two (2) consecutive days or occasions.

6.2.1.5 The Municipality will only recognize medical certificates issued by a registered Medical Practitioners registered with the Health Professions Council of South Africa (HPCSA).

6.2.2 Additional Sick Leave

6.2.2.1 An employee is entitled to a further eighty (80) working days on half pay per sick leave cycle commencing on appointment date.

6.2.3 Sick Leave without Pay

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

6.2.4 Sick leave granted to alcohol and chemically dependent employees

6.2.4.1 Sick leave shall be granted to an employee who is certified by a registered medical practitioner as an alcoholic or chemically dependent person (drug addict) and who is prepared to receive treatment voluntarily, provided:

- a. That, the relevant employees shall subject themselves for hospitalized treatment for at least two (2) weeks and where that is not possible, subject themselves to outpatient treatment by a local practitioner in accordance with the directions of that institution;
- b. That, after being discharged from the institution, the relevant employee shall report daily to the institution for outpatient treatment for one (1) month or as determined by the registered medical practitioner;
- c. That, the relevant employees attend therapy at a relevant medical practitioner/institution for a further period of one (1) month;
- d. That, the relevant employee submits written proof from the medical practitioner/institution that he/ she has complied with all the requirements.

6.3 MATERNITY LEAVE

6.3.1 The Municipality shall grant employees paid maternity leave for a period not exceeding three (3) months to an employee, who have been in the employ of the municipality for at least one (1) year with no limit to the number of confinements and adoption. This leave provision shall also apply to an employee whose child is still-born.

6.3.2 When an employee returns to work at the end of the maternity period, the following conditions will apply:

- a. The employee will be guaranteed her job at the same rate of pay;
- b. If a restructuring exercise has taken place in her absence, a similar job at the same rate of pay will be provided at the same terms and conditions.

6.3.3 An employee shall be required to submit written proof from a registered Medical Practitioner prior to approval of this leave.

6.3.4 This leave provision applies to all female employees, excluding casual employees.

6.4 FAMILY RESPONSIBILITY LEAVE

6.4.1 In recognition of the fact that employees have individual and family responsibilities, the municipality shall grant an employee a maximum of five (5) working days per leave cycle, paid family responsibility leave.

6.4.2 This leave provision applies only to employees who have been in employment with the municipality for longer than four (4) months.

6.4.3 Family responsibility leave will be granted in the following circumstances:

- a. When the employee's child is born;
- b. When the employee's child is sick;
- c. When the employee's spouse or life partner is sick;
- d. In the event of death of the employee's spouse or life partner;
- e. In the event of death of the employee's parent, adoptive parent, parents in law, grandparent, child, adopted child, grandchild or sibling.

- 6.4.4 An employee shall be required to submit written proof for this leave (e.g. Death Certificate, medical certificate.), failure which the leave shall be converted to vacation leave or unpaid leave.

6.5 SPECIAL LEAVE

6.5.1 Special Leave-General

6.5.1.1 Special leave on full pay shall be granted to an employee subject to submission of supporting documents if the employee:

- a. Sits for an examination prescribed or approved by the employer.
- b. Is to remain in quarantine on the instructions of a registered medical practitioner or registered traditional healer.
- c. Is attending a meeting or conference approved by the employer;
- d. Gives evidence in a court case after a subpoena and or summon has been served on him/her.
- e. Prepares for an examination prescribed or approved by the employer, provided that the number of working days of leave granted for study purposes shall not exceed the number of examinations for which the employee is actually sitting. If the official results of the examination are not submitted to the Manager Human Resources or Human Resource Department within six months of the examination, the special leave will be converted to vacation leave or leave without pay.
- f. Takes part in a bona fide sports event representing South Africa as a selected member or official.
- g. Has been arrested or has to appear in court on a criminal charge and is later acquitted or has the charge withdrawn.

6.5.1.2 Granting of the above leave shall include any time actually and necessarily taken up by travelling for the purpose for which the leave is granted.

6.5.1.3 The above provisions may be applied once only in respect of a re-examination, which an employee failed, and which has to be repeated.

6.5.2 Special Leave for Study Purposes

6.5.2.1 Leave for examination purposes:

- a. 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.
- b. 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.
- c. The above provisions may be applied once only in respect of a re-examination, which an employee failed, and which has to be repeated.

6.5.2.2 Additional leave for Post Graduate Studies:

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

6.5.2.3 Attending classes during office hours:

- a. An employee who is not a bursar and 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
- b. If he/she does not have leave to his/her credit, unpaid vacation leave will be granted.

6.6 ADOPTION LEAVE

- 6.6.1 When a child from **0 to 6 years is adopted**, adoption leave will be granted to an adopting employee. An employee is entitled to receive three (3) months paid leave after the legal adoption procedure.
- 6.6.2 When a child of 6 years and older is adopted, adoption leave will be granted to an adopting employee. An employee is entitled to receive three (3) weeks paid adoption leave after the legal adoption procedure.
- 6.6.3 In both the events referred above the child's birth certificate and adoption order must be submitted to the employer.

6.7 LONG SERVICE

- 6.7.1 In addition to normal leave, an employee shall qualify for the following additional leave as recognition for service at the same employer, which shall be paid out respectively once only, on the date on which the various periods of continued service have been completed, as follows:
 - a. After 5 years services – 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
 - i. After 45 years service – 30 working days
- 6.7.2 An employee may choose to either utilize the leave for holiday purposes or encash such leave within twelve (12) months.

7. Roles and Responsibilities

The Role of the Corporate Services Department

The role of the Corporate Services Department is to:

- a) Oversee the administration and management of issues of conditions of services including leave;
- b) Monitor and evaluate allocation of leave within the Municipality;
- c) Amend and implement any changes to the provisions of this policy.

The Role of the Human Resources

The Human Resource Manager is responsible for ensuring that annual leave records are maintained by;

- a) Advising top management on the implementation of conditions of service issues including leave;
- b) Managing leave and implementing policy provisions accordingly;
- c) Ensuring that leave is managed and administered appropriately;
- d) Keep updated records of leave for reporting and audit purposes; and

The Role of the Line Manager

- a) Managers must ensure that leave application forms are submitted to the Human Resource Unit.
- b) In respect of sick leave and other leave taken as a result of an emergency, Managers must ensure that relevant employees complete leave forms when they come back from leave and ensure that such is submitted to the Human Resources Unit.
- c) Annual leave must be authorized by the relevant Departmental Manager in advance taking into account operational constraints.
- d) Managers are responsible for ensuring that their staff members are aware of the provisions of this policy and that correct procedures are adhered to.
- e) Managers must ensure that all female employees are informed of their entitlement to statutory maternity right and ensure that those rights are understood by all employees

The Role of the Employee

- a) Ensure that leave applications are submitted on time and approved before leave is taken.
- b) In respect of sick leave and other leave taken as a result of an emergency, employee must ensure that relevant employees complete leave forms when they come back from leave and ensure that such is submitted to the Human Resources Unit.
- c) Adhere to the prescribed legislations, regulatory frameworks and provisions as outlined in this policy.

8. Monitoring, Evaluation and Reporting

The Corporate Services Manager reports to the Municipal Manager and Council on a quarterly basis on the conditions of service including leave management, and on specific cases, when required to do so. If and when this policy or provision thereof is amended, the amended policy or provision thereof will supersede the previous one.

9. Annexures

- 9.1 Leave application Form for Leave
- 9.2 Leave application form for payment of leave days
- 9.3 Leave application form for Senior Managers

10. Implementation

The Leave Management Policy will be adopted and implemented at the start of the financial year after Council approval.

Approved on:

Council Resolution nr: