



**GREATER TAUNG LOCAL MUNICIPALITY:**

**EMPLOYEE LEAVE POLICY**

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**1. PREAMBLE**

To provide guidelines and regulate leave matters of employees of Greater Taung Local Municipality effectively and efficiently.

**2. OBJECTIVES OF THE POLICY**

To ensure that employees know their entitlement with regard to the allocation of leave, the responsibility to apply for leave in the prescribed manner (s) and for good governance of leave in the Municipality.

**3. SCOPE OF THE POLICY**

This Policy applies to all employees and interns of the Municipality regulated under the South African Local Government Bargaining Council.

Leave for the Municipal Manager and Managers reporting directly to the Municipal Manager as contemplated in terms of Section 56 and 57 of the Local Government: Municipal Systems Act 2000 shall be regulated by Government Gazette No. 37245 – Regulations on appointment and conditions of employment of Senior Managers.

**4. DEFINITIONS**

Annual leave cycle	Means a 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.
BCEA	Basic Conditions of Employment Act 75 of 1997 as amended from time to time
Employee	Any person who works for Greater Taung Local Municipality and who receives any remuneration and any other person who in any manner assists in carrying on or conducting the business of the employer

	excluding independent contractor.
Employer	Refers to Greater Taung Local Municipality
Employee	Any person, who works for Greater Taung Local Municipality, who receives any remuneration and any other person who in any manner assists in carrying on or conducting the business of the employer excluding independent contractor.
Annual leave cycle	Means a period of (12) months employment with the same Employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle
Medical Practitioner	Means a medical practitioner, dentist or traditional healer registered in terms of legislation.
Medical certificate	Means a certificate issued by a Medical practitioner, Dentist or Traditional Healer registered in terms of legislation.
Special leave	Means leave in addition to normal leave.
SALGBC	Refers to South African Local Government Bargaining Council
Long Service bonus	Means remuneration and/ or leave in respect of years of service.

## 5. LEGAL FRAMEWORK

- 5.1 Labour Relations Act 66 of 1995
- 5.2 Basic Conditions of Employment Act 75 of 1997
- 5.3 Municipal Systems Act 32 of 2000
- 5.4 Main Collective Agreement concluded in South African Local Bargaining Council
- 5.5 Collective Agreement on conditions of Service for North West Division of SALGBC

## **6. GENERAL PRINCIPLES**

- 6.1 Employee is entitled to a leave of absence subject to the approval in terms of this Policy.
- 6.2 An employee shall not go off duty or absent him/herself from duty without prior permission unless he/she is prevailed by sudden illness or owing to other circumstances acceptable or justifiable to the Municipality.

## **7. TYPES OF LEAVE COVERED BY THE LEAVE POLICY**

### **7.1 Annual leave**

- 7.1.1 An employer shall grant an employee twenty-four (24) working days for a five- day worker.
- 7.1.2 An employer must grant annual leave not later than six months after the end of the annual leave cycle.
- 7.1.3 An employee is required to take a minimum annual leave of sixteen (16) working days leave.
- 7.1.4 Leave may be taken as consecutive days or as separate days.
- 7.1.5 An employee must take leave not later than six (6) months after the end of annual leave cycle.
- 7.1.6 Annual leave shall only be accumulated to a maximum of forty-eight (48) working days.
- 7.1.7 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 because the employer refused to grant him such leave, as a result of the employer's operational requirements. If, 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. Within six months of the end of leave cycle, an employee may not have more than 48 days annual leave to his credit.
- 7.1.8 In the event of termination of service, an employee shall be paid his leave entitlement in terms of this agreement, calculated in terms of the relevant provisions of the BCEA.

## **7.2 Sick leave**

- 7.2.1 With effect from the new sick leave cycle, an employer shall grant an employee eighty (80) days sick leave 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.
- 7.2.2 Sick leave on full pay shall not be granted to an employee in respect of absence during the first twenty (20) days service unless the Municipality determines otherwise after consideration of the case and provided that sick leave shall be unreasonably be withheld.
- 7.2.3 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, if more than two (2) days are taken as sick leave, provided that the employer may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.
- 7.2.4 The employer is 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.
- 7.2.5 Where the Municipal Manager or his/her immediate delegates suspects that an employee may be abusing the sick leave system, she/he may, with due warning, request that employees to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's illness even where only one day sick leave has been taken.

### **7.3 Additional paid sick leave- applies:**

- 7.3.1 If the maximum period of sick leave to which an employee is entitled has been granted to him, and owing to reasons of health, he is not able to resume duty, the Employer may on submission of a satisfactory certificate from a registered medical practitioner or Dental or a Traditional Healer registered with a recognized professional Council in terms

of Legislations and if it is satisfied that the employee is at that moment not permanently incapacitated to resume his/ her normal duties and

- 7.3.2 If the employee has no annual leave to his credit, grant to such employee further sick leave on half pay for not more than sixty-six (66) working days in any cycle. Such grant may be in respect of separate periods of absence and in respect of indispositions of different kinds.
- 7.3.3 On written application by an employee, who has exhausted his full paid sick leave, vacation leave which he has to his credit may be granted to him instead of sick leave on half pay or no pay. If annual leave is converted to sick leave, it can be utilized to supplement half paid sick leave.
- 7.3.4 Measures to manage the taking and accrual of sick leave.
- 7.3.4.1 if an employee to whom annual leave has been granted is certified sick by a registered Medical or Dental Practitioner or a Traditional Healer registered with a recognized professional Council in terms of relevant Legislation after his annual leave has commenced, that part of his annual leave during which he was thus certified sick shall be converted into sick leave on submission of the prescribed certificate.
- 7.3.4.2 If, due to illness, an employee is unable to take annual leave already deducted, he shall be credited with an equal number of annual leave days.
- 7.3.4.3 An employee may not during any period of sick leave approved in terms of these conditions, resume service without the approval of a registered Medical Practitioner.
- 7.3.4.4 An employee who is absent from service because of illness must take all reasonable steps to notify his immediate Supervisor or his assignee on or before 10h00 on the day of absence.

#### **7.4 Maternity, Adoption and Surrogacy Leave**

- 7.4.1 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.
- 7.4.2 Maternity leave may commence four (4) weeks before confinement.
- 7.4.3 Once maternity leave has commenced an employee may not return back to work within or before the expected date of delivery and six weeks after the date of delivery, unless the employee so applies in writing and her application is supported by a Doctor who certifies that she is in good health and may return to work.
- 7.5 Employees are encouraged to come to a mutually acceptable arrangements, within the parameters of this policy, with their Line Managers regarding maternity leave. Such arrangements may include, but are limited to:
- 7.5.1 Flexi-time work for a defined period after the birth of the child.
- 7.5.2 Reduction of ordinary working hours for a defined period after returning to work.
- 7.5.3 In case of Surrogacy a partner that, as per the Surrogacy Agreement has been assigned to perform the role of the birthmother (receiving parent) shall be entitled to paid maternity leave of three (3) months.
- 7.5.4 An employee, who has a miscarriage during the third trimester of pregnancy or bears a stillborn child, will be entitled to maternity leave of six (6) weeks after the miscarriage or stillborn, irrespective of whether or not the employee had already commenced maternity leave at the time of the miscarriage or stillbirth.
- 7.5.5 A pregnant employee or an employee who is nursing her child shall not be permitted to perform work that is hazardous to her health of her child.
- 7.5.6 During an employee's pregnancy and for a period of six months after the birth of child, the employer shall offer her suitable alternative employment on terms and conditions that are no less favorable than her ordinary terms and conditions of employment.
- 7.5.7 To qualify for paid maternity maternity/adoption or surrogacy leave, an employee must have one (1) year's continuous service with the employer.

7.5.8 An employee who does not qualify for paid maternity leave must apply for unpaid maternity leave and then claim benefits (Unemployment Insurance Fund) from the Department of Employment and Labour.

## **7.6 Family Responsibility Leave**

7.6.1 Family responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months.

7.6.2 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:

7.6.2.1 the employee's child is born.

7.6.2.2 the employee's child is sick.

7.6.2.3 the employee's spouse or life partner or the employee's parent, adoptive parent, parents in law, grandparent, child, adopted child, grandchild or sibling.

## **7.7 Paternity leave**

7.7.1 This leave shall be applied in line with Clause 7.5

## **7.8 Special leave**

7.7.1 The following leaves shall be dealt with in Municipal Training Policy:

- Study leave
- Leave of absence for obligatory training course
- Leave for Research

7.7.2 Application for Special leave

7.7.2.1 Operational requirements must be taken into consideration.

7.7.2.2 Supporting documents must be provided with the application.

7.7.2.3 Application for special leave, must be approved by the Municipal Manager or his delegate and shall be considered in a bona fide manner and shall not be unreasonably withheld.

7.7.2.4 Accumulative special leave shall not exceed twenty (20) working days in an annual leave cycle- this limitation does not apply to Clauses 7.7.3, 7.7.5, 7.7.6

**7.7.3 To attend a court or tribunals.**

7.7.3.1 On receipt of a written subpoena, notice of set down or any similar notice, an employee who is subpoenaed/ called to attend a Court of Law or a tribunal or any other similar forum as a witness shall be granted paid special leave for the day/s as required by the Courts, tribunal or legal forum. It is the employee's responsibility to inform their line Managers a day before they leave their workstations.

7.7.3.2 Any employee who is arrested and appears in court as a result of charges laid by his Employer and who is later acquitted shall be granted paid leave for the period of incarceration.

**7.7.4 Sports, arts and culture events**

7.7.4.1 This type of leave shall be granted in accordance with Clause 6.5 of the North West Division of SALGBC Collective Agreement.

**7.7.5 Quarantine and isolation under medical instructions**

7.7.5.1 A special leave shall be granted to an employee who has been placed an employee under quarantine/ in isolation provided the medical certificate from a medical Practitioner has been submitted.

**7.7.6 Leave in terms of the compensation for Occupational Injuries and Diseases Act (COIDA).**

7.7.6.1 An employee who is absent from duty due 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 considered to be on duty on full pay for the period during which he is unfit to perform his duties.

7.7.6.2 The period of absence granted in 7.7.5.1 above shall not be considered as and deducted from sick leave standing to the credit of an employee, unless the claim is rejected by the Compensation Commissioner as being a fraudulent claim.

## **8. LEAVE WITHOUT PAY**

8.1.1 Leave without pay as approved by Municipal Manager or his delegate, which approval shall not be unreasonably withheld, shall be subject to the following conditions:

8.1.1.1 This shall be granted only when all available annual and/ or sick leave has been exhausted.

8.1.1.2 For the period of leave without pay the Employer shall continue to make Employer's contributions only to the employee's pension and medial aid Fund, provided that the employee shall remain liable for his own contributions to the said funds, as well as any payment in terms of Collective Agreement.

## **9. PROCEDURE WHEN APPLYING FOR LEAVE OF ABSENCE.**

- 9.1 Employees are required to make an online application for leave of absence using Employee Self Service (ESS) system at least two days prior the commencement of leave of absence except in case of emergencies or sick leave.
- 9.2 In case of the online system being non-functional, employees are allowed to utilize manual application obtainable at Human Resource Management Office.
- 9.3 Responsible Managers are required to regularly log onto the system and approve leave applications.
- 9.4 The Municipal Manager or his/her immediate delegates may use their discretion to grant 'free' occasional leave to employees who are not paid overtime , in recognition of long hours or weekend work.
- 9.5 The Municipal Manager and/or his /her immediate delegates are entitled to set a cutoff date for employees to submit leave applications during the Easter and Christmas Holidays. This is to ensure that decision regarding leave is fair and taking into account the day-to-day operations.

- 10. CANCELLATION, POSTPONEMENT OR INTERRUPTION OF LEAVE OF ABSENCE**
- 10.1 Notwithstanding the provisions of any law, SALGBC Agreements or Policy of the Municipality upon agreement with the line Manager, Director or Municipal Manager, leave of absence except sick leave may be postponed, interrupted or cancelled should it be deemed necessary due to operational requirements.
- 10.2 Such leave shall then be credited to the employee and new arrangement can be made.
- 11. UNAUTHORIZED ABSENCE FROM DUTY**
- 10.1 Unauthorized absence from duty shall without prejudice to the rights of the employer with regard to disciplinary measures against an employee, be deemed to be absence without leave (AWOL) and the “no work, no pay rule” shall apply.
- 12. PUBLIC HOLIDAYS**
- 12.1 All public holidays as promulgated in the Government Gazette are recognized by the Great Taung Local Municipality.
- 12.2 Public holidays are not taken into account in calculating leave of absence.
- 13. LONG SERVICE BONUS**
- 13.1 In addition to normal vacation leave, an employee shall qualify for the following additional leave as recognition for continuous service at the completion of the following:
- |          |                   |
|----------|-------------------|
| 5 years  | : 5 working days  |
| 10 years | : 10 working days |
| 15 years | : 20 working days |
| 20 years | : 30 working days |
| 25 years | : 30 working days |
| 30 years | : 30 working days |
| 35 years | : 30 working days |
| 40 years | : 30 working days |

45 years : 30 working days

- 13.2 The long service leave must be taken within twelve months of receiving such leave or may encash the leave within twelve (12) months.
- 13.3 Leave days due to the employee shall on monthly basis, be shown on the payslip.
- 13.4 It is the employee's responsibility to make a request in writing on whether he/she is taking leave days or encashment of the long service bonus.
- 13.5 Long service recognition will be pro-rated for employees on termination of service.

**14. DISPUTE RESOLUTION**

14.1 Any grievance/complaint arising from this policy must be dealt with in accordance with Clause 13 of the Main Collective Agreement.

**15. POLICY REVIEW**

13.1 This policy shall be reviewed as and when necessary, in compliance with the relevant legal framework.