

GREATER LETABA MUNICIPALITY



GLM LEAVE MANAGEMENT POLICY

1 PREAMBLE

- 1.1. The Municipality abides by legislation and collective agreements to grant leave to all employees and subject to the requirements of each type of leave.
- 1.2. The policy shall enable the Municipality to apply proper implementation and management of leave in an equitable, accurate, consistent, transparent and timeous manner.
- 1.3. The policy shall give effect to the provisions of the Collective Agreement relating to leave.
- 1.4. Leave shall be granted to employees within the provisions of the Basic Conditions of Employment Act and/or as agreed by the Collective Agreements.

2 PURPOSE

- 2.1. The purpose of this policy is to provide all employees with the requirements for application for various types of leave available to them, and the management thereof.
- 2.1. To provide guidelines for management of leave.
- 2.2. To ensure that employees know their entitlement with regard to the allocation of leave.
- 2.3. To ensure that leave management policy respond effectively to emergency situations with regards to the provision of essential services to the community.
- 2.4. To eliminate the abuse of leave.

3 SCOPE OF APPLICATION

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

4 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.

5 PROBLEM STATEMENT

The municipality should provide all employees with the requirements for application for various types of leave available to them.

6 POLICY PROVISIONS

6.1. Annual Leave

6.1.1. Calculation of Annual Leave

- a) The Municipality shall grant a staff member the following annual leave in a leave cycle:
- b) Twenty-four (24) working days for a five (5) day worker, provided that the leave for an employee 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.
- iii) An employee shall take leave not later than six (6) months after the end of the annual leave cycle.
- iv) An employee is required to take leave within each leave cycle as follows:
 - v) A five (5) day worker shall take a minimum of sixteen (16) working days leave.
 - vi) A six (6) day worker shall take a minimum of nineteen (19) working days leave.
 - vii) Annual leave shall only be accumulated to a maximum of forty-eight (48) working days.
 - viii) 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.
 - ix) 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.
 - x) Within six (6) months of the end of a leave cycle, an employee may not have more than forty-eight (48) days annual leave to his / her credit.
 - xi) 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. CLASSIFICATION OF LEAVES.

7.1. Leave of absence shall be classified as:

- a) Vacation Leave
- b) Sick Leave
- c) Special Leave

7.2. Special leave shall include Study, Family Responsibility, Paternity and Maternity leaves.

7.3. Leave benefits shall be granted as indicated below based on Government gazette and the Conditions of Services agreement:

Table 1: Leave types and entitlements

TYPE OF LEAVE	ENTITLEMENT
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VACATION LEAVE	<p>24 days for 5 days work week employee per annum.</p> <p>27 days for 6 days work week employee per annum.</p> <p>1 day for every 17 days worked by temporary employees.</p>
SICK LEAVE	
Ordinary Sick Leave	<p>80 days of full pay and 80 days on half pay over a 3 year cycle for all post levels.</p> <p>One day sick leave to temporary employees per month.</p>
SPECIAL LEAVE	
Study Leave	<p>Three (3) working days per exam paper shall be granted to employees for preparations (2) and writing examination (1).</p> <p>Special leave for dissertation or thesis shall be granted with full pay to a maximum of five (5) working days per qualification.</p>
Attending classes during working hours	<ul style="list-style-type: none"> • An employee who studies part time or by means of correspondence, will be granted a vacation and special leave on a 50:50 basis for the time of study. • If the employee doesn't have leave credit, unpaid vacation leave shall be granted.
Family Responsibility Leave	<p>In the event of death of employee immediate family member or when the employee's child is born or sick, 5 days per annum shall be granted to the employee.</p>
Maternity Leave	<ul style="list-style-type: none"> • 4 months or 6 weeks of third trimester for miscarriage. • No provision for temporary employees and employees on probation.
Adoption leave	<ul style="list-style-type: none"> • 10 consecutive weeks paid leave.
Commissioning Parental Leave	<ul style="list-style-type: none"> • 10 consecutive weeks paid leave

- 7.4. A 5 day week worker employee shall take vacation leave of at least 16 consecutive working days in respect of every completed year of service, and the 12 months period could be extended by six months if circumstances permit.
- 7.5. A 6 day week worker employee shall take vacation leave of at least 19 consecutive working days in respect of every completed year of service, and the 12 months period could be extended by six months if circumstances permit.
- 7.6. Every Directorate shall develop an annual leave plan within the first month of each financial year.
- 7.7. Any leave taken shall be approved by the Senior manager of the Directorate concerned.
- 7.8. An applications for vacation leave shall be tendered on a prescribed system and approved at least five (5) working days before the commencement of the leave, except for maternity leave.
- 7.9. The employee shall not return to work within six weeks after giving birth, or unless certified by medical practitioner.
- 7.10. An employee shall qualify for a paid maternity leave after she has completed at least one year service with the municipality.
- 7.11. Study leave shall be granted at a rate of three (3) working days per exam paper preparations (2) and writing examination (1).
- 7.12. An examination/academic timetable on the academic institution's letterhead shall be uploaded on the leave management system prior to any study leave being taken.
- 7.13. If an employee is absent from duty due to illness for continuous period of 2 days, sick leave shall be granted upon submission of a medical certificate issued by medical practitioner or traditional healer registered with health profession council in a prescribed format.
- 7.14. An employer is not required to pay an employee if the employee has been absent from work for more than 2 consecutive days or on more than two occasion 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 of injury.

- 7.15. The maximum number of days that may be accumulated to cash is 48 days upon termination of employment.
- 7.16. Any leave provision not covered by this policy shall be dealt with as provided by the Basic Conditions of employment Act or any agreement reached by way of a bargaining process.

8. Application for leave

- 8.1. Application for leave shall be made on the system and approved by the Senior Manager or delegate on the recommendation of the applicant's supervisor before the employee is granted leave.
- 8.2. 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.
- 8.3. Subject to consultation with the employee, the Municipality may change or withdraw annual leave already granted.
- 8.4. If an employee 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 medical certificate.

9. Unpaid Leave

- 9.1. The Municipality shall grant an employee unpaid leave to a maximum equivalent to the annual leave allocation subject to the following:
- 9.2. Application shall be made in advance equal to the period of leave without salary.
- 9.3. Subject to consultation with the employee, the Municipality may change unpaid leave already granted.
- 9.4. Leave without pay as approved by the Accounting Officer or his delegate, which approval shall not be unreasonably withheld, shall be subject to the following conditions:
- 9.5. Leave without pay shall be granted when all available vacation and/or sick leave has been exhausted.
- 9.6. Leave without pay shall also be granted if an employee took leave without his/her Senior Manager's approval even if the employee has accumulated leave days available.
- 9.7. For the period of leave without pay the Employer shall continue to make Employer's contribution only to the employee's Group life insurance scheme, pension and medical aid fund provided that the employee shall be liable for his own contributions to the said funds, as well as payments in terms of a Collective Agreement.
- 9.8. An employee may apply for unpaid leave on the same format that other types of leave are applied for; the reasons for the unpaid leave must be provided on the application.
- 9.9. Unpaid leave more than 20 working days in a leave cycle extends the allocation date for new leave accruals.

9.10. Unpaid leave must be captured on an employee's leave record and must also be informed to the payroll to ensure that the necessary adjustments to salary payment(s) are made.

10. Sick Leave

10.1. Determination of Sick leave

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

10.1.2. If more than two (2) consecutive days are taken as sick leave, 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. 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.

10.1.3. The Municipality is not required to pay the employee 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 employee was unable to work for the duration of the employee absence on account of sickness or injury.

10.1.4. Additional sick leave

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

10.1.4.1. Sick leave without pay.

10.1.4.1.1. 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 Municipality is satisfied that such an employee is not permanently incapacitated to resume his / her duties, provided where sick leave without pay exceeds forty (40) consecutive days, the employee 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.

10.1.4.1.2. An employee to whom the maximum period of full and half pay sick leave, and leave in terms of above clause has been exhausted, and the employee has applied for medical boarding, the Municipality shall grant such an employee additional forty (40) sick leave days without pay, and the employee 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.

10.1.4.2. Special sick leave for injury on duty cases and occupational diseases

10.1.4.2.1. 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 during which he / she is unfit to perform his / her duties.

10.1.4.2.2. 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 employee.

10.1.4.2.3. 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.

10.2. Granting sick leave

10.2.2.1. Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, distress, or injury.

10.2.2.2. In the case of nervous disorders, insomnia, physical weakness or a similar less well- defined illness or distress, sick leave shall be granted only if the Municipality is reasonably satisfied that the employee's state of health:

10.2.2.2.1. renders him / her unfit for work; and

10.2.2.2.2. does not arise from failure to make use of vacation leave.

10.2.2.3. The Municipality may at any time require an employee to avail 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.

10.2.2.4. The Municipality may, on the recommendation of a registered health professional or traditional healer, compel an employee who, in the Municipality's opinion, is in distress that he / she cannot perform his / her duties properly, to take sick leave.

10.3. Maternity Leave

- 10.3.1. An employee, including an employee 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 an employee whose child is still-born.
- 10.3.2. To qualify for paid maternity leave, an employee shall have one (1) year of service with the Municipality.
- 10.3.3. Employee 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. An employee may commence maternity leave any time from four weeks before the expected date of birth, unless otherwise agreed. Alternatively, an employee may commence with maternity leave from a date which a medical doctor or midwife certifies it is necessary for the employee's health and/or that of her unborn baby.
- 10.3.4. 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.
- 10.3.5. Maternity leave is to be taken consecutively and may in normal circumstances not be split and taken on an *ad hoc* basis.
- 10.3.6. An employee 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 Accounting Officer and shall be dependent on the operational needs of the Municipality. No negative leave may be applied for to supplement maternity leave.
- 10.3.7. 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 Accounting Officer and shall be subject to the operational requirements of the Municipality. Any such unpaid leave may not exceed two (2) months.
- 10.3.8. It is expected that any employee who learns of her pregnancy or confirmation of adoption shall advise the Accounting Officer as soon as possible. The purpose of this is to facilitate planning, both for the period of absence as well as the employee's return to work.
- 10.3.9. Employee 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.
- 10.3.10. No employee shall work for six weeks after the birth of her child, unless a medical doctor or midwife certifies that she is fit to do so.
- 10.3.11. An employee who has a miscarriage during the third trimester of pregnancy, or bears a stillborn child, is entitled to maternity leave for six (6) weeks after the miscarriage or stillbirth, even if the employee has not yet proceeded on maternity leave.
- 10.3.12. All employee 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.
- 10.3.13. 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.

10.3.14. Any incentive payable at the discretion of the Municipality, for which an employee 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.

10.3.15. Employees on maternity leave shall remain eligible for increases and promotions in the normal course.

10.4. Parental leave

10.4.1. An employee who is a parent of a child is entitled to at least ten (10) consecutive days' parental leave.

10.4.2. An employee may commence parental leave on the day that the staff member's child is born, or the date that:

10.4.2.1. the adoption order is granted; or

10.4.2.2. a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalization of an adoption order in respect of that child.

10.4.3. An employee shall notify the Municipality in writing of the dates on which the employee intends to commence parental leave, and return to work, after parental leave.

10.4.4. Notification shall be given at least one month before the employee'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 finalization of an adoption order.

10.5. Adoption leave

10.5.1. An employee 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 39.6 above.

10.5.2. If there are two adoptive parents, one should choose adoption leave, and the other parental leave. An employee may commence adoption leave on the day that:

10.5.2.1. the adoption order is granted; or

10.5.2.2. 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.

10.5.3. An employee shall notify the Municipality in writing of the dates on which the employee 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.

10.6. Commissioning parental leave

10.6.1. An employee 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 39.6 above.

- 10.6.2. If there are two commissioning parents, one should choose commissioning parental leave, and the other parental leave.
- 10.6.3. An employee may commence parental leave on the day that the employee's child is born as a result of the surrogate motherhood agreement.
- 10.6.4. An employee shall notify the Municipality in writing of the dates on which the employee intends to commence commissioning parental leave, and return to work, after commissioning parental leave.
- 10.6.5. Notification shall be given at least one month before the employee's child is expected to be born as a result of surrogate motherhood agreement.

10.7. Family responsibility leave

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

- 10.7.1. The employee's child is sick;
- 10.7.2. The employee's spouse or life partner is sick; and
- 10.7.3. In the event of death of the employee's spouse or life partner, the employee's parent, adoptive parent, parent-in law, grandparent, child, adopted child, grandchild or sibling.

10.8. Special leave for study and examination purposes

- 10.8.1. Leave for examination purposes.
 - 10.8.1.1. Special leave may be granted to an employee for the working day on which he / she sits for an examination.
 - 10.8.1.2. The examination should be prescribed by an educational institution in order to qualify for a formal qualification.
 - 10.8.1.3. Two (2) working days special leave for every paper / examination for which an employee sits for an examination shall be granted to enable him / her to prepare for the examination.
 - 10.8.1.4. The examination timetable shall be included with the submission of the study leave application.
 - 10.8.1.5. Results of the examination shall be submitted to the Accounting Officer as soon as they are available, and not later than three (3) months after the examination was written.
 - 10.8.1.6. 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.
 - 10.8.1.7. In case where the employee fails the examination and has to sit for a re-examination, the above provisions may apply again, once only.

10.9. 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.

10.9.1. Attending of classes during working hours

10.9.1.1. An employee 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 operational requirements of the department.

10.9.1.2. If no leave to his / her credit, unpaid vacation leave shall be granted.

10.10. Special leave for ad hoc instances

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

- 10.10.1.1. 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.
- 10.10.1.2. 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.
- 10.10.1.3. has been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn.
- 10.10.1.4. gives evidence in a court case after a summons were served on them.
- 10.10.1.5. participate in religious holy days in which case the special leave with full pay shall not exceed three (3) working days per annum.
- 10.10.1.6. attends a meeting or conference approved by the Municipality.
- 10.10.1.7. participate in trade union activities as a shop steward in terms of the Recognition Agreement.

10.11. Additional Leave Conditions

- 10.11.1. No employee shall take leave whilst serving a notice period following the tendering of a resignation.
- 10.11.2. Any such leave of absence shall be recovered as leave without pay from portion of pay due to the employee as a result of termination of service.
- 10.11.3. The Accounting Officer and Senior managers shall use their discretion to ensure that the Municipality remains operational during any mass leave period, by ensuring an equitable granting of leave during the most-preferred periods of the year.
- 10.11.4. In all cases, and especially in the most critical functional areas of the Municipality, application of leave by an employee 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.

10.12. Long service leave bonus

An

employee

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

10.12.1. An employee shall 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.

10.13. 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.

10.14. When an employee terminates services, long service recognition leave balance does not form part of the overhead maximum of 48 days leave that may be paid out as per the Main Collective Agreement.

10.15. Long Service recognition will be pro-rated for employees on termination of service.

11. ENCASHMENT OF LEAVE

11.1. Inclusive of its conditions as contained in the main collective agreement an employee shall be entitled to encash the ten(10) days leave per financial year.

11.2. "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, despite, 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.”

12. UNAUTHORISED ABSENCE FROM DUTY

12.1. 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 special leave without payment, unless the Municipality decides otherwise.

13. LEAVE OF ABSENCE GRANTED IN EXCESS

13.1. When more paid leave of absence that has been granted to an employee inadvertently but in good faith, and been taken by him / her, the leave granted in excess may be deducted from leave which may accrue to him / her or the value thereof may be claimed from him / her, whichever the employee may prefer.

14. LEAVE REGISTERS

14.1. Leave shall be a liability for Municipalities, and therefore proper management of leave shall ensure that any risks / liabilities for both the employer and employees are reduced to a minimum or prevented.

14.2. All leave granted, taken, encashed, forfeited and all actions around leave of an employee shall be recorded in the official electronic leave register (ESS) of the employer and such leave register shall be under the control of Corporate Services.

14.3. An employee shall be entitled to inspect his/her leave record at all reasonable times during office hours.

14.4. Roles and responsibilities

14.4.1. The Accounting Officer or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

14.4.2. The financial implications related to implementing this policy shall be qualified and quantified by Corporate Services in consultation with the Budget and treasury Office.

14.5. POLICY MONITORING AND EVALUATION

14.5.1. This policy shall be implemented and effective once

recommended by the Local Labour Forum and approved by Council.