



LEAVE POLICY

Date Approved:	
Effective Date:	

1. PURPOSE

The purpose of this policy is to regulate an employee's absence from duty within the framework and measures as set out in this policy within Ingwe Local Municipality.

2. SCOPE OF APPLICABILITY

The policy is applicable to all officials of the Ingwe Municipality who are appointed in terms of the Municipal Systems Act and who fall within the scope of Local Government Bargaining Council and those appointed on the fixed term contract (Section 54 & 56 employees).

3. DEFINITIONS:

In this policy, unless the context otherwise indicates:

"Basic Conditions of Employment Act" means the Basic Conditions of Employment Act, 1997;

"Basic salary" means the net salary of an employee excluding allowances and other benefits;

"Calendar Month" means a period extending from a day in one month to the day preceding the day corresponding numerically to that day in the following month; both days inclusive;

"Cash value of leave" means the cash value of leave that shall be calculated on the basis of the employee's basic rate of pay prevailing on the date of termination, excluding any allowance;

"Sick Leave Cycle" means a period of three years recorded from the date of an appointment of an employee, and each succeeding period of three years;

"Leave Cycle" means a period of twelve consecutive months;

"Day of rest" means'

- A Saturday, Sunday or Public Holiday in the case of an employee who normally does not work on such a day;
- Such other day as he/she is normally relieved from duty in leau thereof in the case of an employee who is expected to work on a Saturday, Sunday or a public Holiday.

"Employee" means a permanent employee of the municipality and a fixed contract employee whose agreement of employment makes specific reference to this policy.

"Head of Department" means an employee who has been appointed as the head of a department of the municipality

"Head of Office" means the head of an office, division or place of work;

"Municipal Manager" means the person appointed by council as the head of administration and the accounting officer of the municipality;

"Maternity Leave" means leave given to a female employee to assist her with a birth of her child or adoption of a child;

"Month" means a period extending from the first to the last day, both days inclusive, of any of the twelve months of the year;

"Salary" means the salary inclusive of any allowance and the cash value of any privileges supplied in kind, provided such allowances and privileges have been declared pensionable;

"Service" means any continuous full-time service in the employ of the municipality;

"Year" means the year commencing on the date on which an employee enters or entered the municipality's employ and every anniversary of such date.

"The masculine" shall include the female and vice versa.

"One Gender" shall refer to another

4. APPLICABILITY OF LEAVE POLICY

- This policy and any administrative guidelines issued by the Municipal Manager, shall apply to all employees on the fixed establishment of the municipality, but also applies to those on fixed term contract (section 54 &56). Employees in so far as their contracts of employment make reference

to specific clauses of this policy, and any failure to comply with its provisions shall constitute a contravention of this policy.

5. LEAVE SUBJECT TO REQUIREMENTS OF SERVICE

- Leave of absence other than sick leave shall be granted with due regard to the exigencies of the municipality's service.

6. GRANTING AND CANCELLATION OF LEAVE OF ABSENCE AND LEAVE APPLICATION FORMS

- Leave of absence shall be subject to the Municipal Manager's approval, but he may delegate another employee(s) to approve leave on his behalf.
- An employee shall apply for leave of absence on a form approved by the Municipal Manager.
- Application for leave of absence shall be made by an employee to the head of his department, and by a head of department to the Municipal Manager.
- The Municipal Manager or his/her representative whose decision shall be final, may at any time cancel, postpone, or interrupt leave of absence, other than sick leave, which was granted to an employee, if it is deemed necessary in the municipality's interest to do so and such employee shall be compensated by the municipality for irrecoverable expenses or commitments incurred by him before he was notified of the cancellation, postponement or interruption.
- If an employee whose leave of absence is interrupted travels in order to resume duty he shall be paid his expense for the return journey and he shall be regarded as being on duty while traveling.
- Cancellation, postponement, or interruption of leave of absence granted shall be confirmed in writing.
- If the Municipal Manger or his/her representative, whose decisions shall be final, cancels, postpones or interrupts an employee's application for leave of absence, the reasons therefore shall be noted in the leave register and he shall be credited with the leave that has been refused, cancelled, postponed or interrupted and permitted to take it within twelve months after refusal, cancellation, postponement or interruption.
- Except where an employee is prevented by his sudden illness or owing to other circumstances acceptable to the Municipal Manager, from remaining on duty or reporting for duty, he shall not leave his duties or absent himself from them without prior permission.
- Except in the case of sick leave the period from the date on which an application for leave is received until the date on which the leave begins shall not be shorter than the period of leave applied for, provided that a shorter period may be allowed under exceptional circumstances in the discretion of the Municipal Manager or his/her designate.
- Leave or any portion of leave granted to an employee may at any time be withdrawn at his request by the authority that granted it and he shall be credited in the leave register with the unused leave.

- An employer shall request a medical certificate if an employee absent him/her on Mondays and Fridays.

7. CLASSIFICATION OF LEAVE OF ABSENCE

Leave of absence shall be classified as:-

- Vacation;
- Sick;
- Special leave with full pay;
- Special leave with half pay;
- Special leave without pay;
- Sick leave with full pay;
- Sick leave without pay;
- Maternity leave;
- Family responsibility leave;

8. UNAUTHORISED ABSENCE FROM DUTY

- Unauthorized absence from duty shall be deemed to be, regardless of disciplinary measures against an employee, leave without payment, unless the Municipal Manager resolves otherwise.

9. GROUPING OF EMPLOYEES FOR LEAVE PURPOSES AND ACCRUAL OF LEAVE

For leave purposes employees shall be grouped as follows and leave shall accrue as indicated opposite each group:

9.1 Vacation Leave

- Bargaining Council Employees = 24 leave days per leave cycle on full pay;
- Non-bargaining Council Employees= in terms of their contract, and shall be on full pay.

9.2 Sick Leave

- Bargaining Council Employees = 80 sick leave days per leave cycle on full pay.
- Non-Bargaining Council Employees= In terms of their employment contracts

9.3 Family Responsibility Leave

- Bargaining Council Employees= 5 leave days per leave cycle on full pay subject to submission of proof.
- Non-Bargaining Council Employees= In terms of their employment contracts.

9.4 Long Service Leave

Bargaining Council Employees

10 years' service = 10 days
15 years' service = 20 days
20 years' service = 30 days
25 years' service = 30 days
30 years' service = 30 days
35 years' service = 30 days
40 years' service = 30 days

Qualification and accrual is immediately after the completion of 10 years uninterrupted service with the municipality.

10. TERMINATION OF PERMANENT SERVICE AND RE-EMPLOYMENT

- If a permanent employee whose service is terminated for any reason whatsoever, is re-employed, such re-employment shall for leave purposes be regarded as a new appointment.

11. LEAVE OF ABSENCE GRANTED IN EXCESS

- When more paid leave of absence than is due has been permitted to an employee in error or in good faith, and taken by him, the leave granted in excess may be deducted from leave that may accrue to him later, or the value thereof may be claimed from him, as the employee may elect.

12. VACATION LEAVE IN TERMS OF PROVISIONS THAT HAVE BEEN REVOKED

- On the date on which this policy come into operation, each employee shall be credited with the number of working days vacation leave due to him/her in terms of any leave provision applicable to him immediately prior to such date. Such leave shall be dealt with in terms of the applicable SALGBC Collective Agreement. All new employees shall immediately be credited with leave in terms of this policy.

12.1 GENERAL PROVISIONS: VACATION LEAVE

- Vacation leave shall be accrued in respect of each completed month of service at the rate of two (2) days per month.
- All Bargaining Council employees must, in respect of each completed year of service and before the end of that year of service,(for 5 day worker) take 16 successive working days' vacation leave on full pay; and (for 6 day worker) take 19 successive working days' vacation leave on full pay.

- All remaining leave shall accumulate up to a maximum of 48 days, after which no vacation leave may be accumulated.
- Vacation leave accumulated may also be taken in occasional periods during any year of service, on approval by the Municipal Manager or his/her representative.
- The vacation leave standing to an employee's credit on 1st January of each year shall be recorded in the leave register.
- With approval of the Municipal Manager and on request of the employee vacation leave to his credit may be paid out to the employee up to a maximum of 10 leave days. The payment of such an amount is limited to once a calendar year. For an employee to qualify to encash he/she must have accumulated a minimum credit of 24 leave days.

12.2 VACATION LEAVE WITHOUT PAY

- If valid reasons exist therefore, the Municipal Manager may grant an employee who has no vacation leave with pay due to him, vacation leave without pay for not more than 10 working days in any period of twelve months; provided that the Executive Authority may in exceptional cases cancel the restrictions herein contained.

13 GENERAL PROVISIONS: SICK LEAVE

- All employees shall be entitled to sick leave in accordance with clause 7.1.2
- In the event of an employee in any cycle not being granted sick leave or being granted a period or periods of sick leave totaling less than the period or days set out in clause the balance shall not be accrued or carried to the next leave cycle.
- Vacation leave without pay shall not be converted into sick leave.

13.1 SICK LEAVE WITHOUT PAY

- An employee to whom all the sick leave to which he is entitled has been granted, may be granted sick leave without pay for not more than 30 working days in any cycle if the Municipal Manager is satisfied that the employee is not permanently incapacitated to resume his duties.

13.2 GRANTING OF SICK LEAVE

- Sick leave shall be granted only in connection with an employee's absence from duty owing to sickness, indisposition or injury that is not the result of his misconduct or lack of proper precautions.

- In the case of nervous affections, insomnia, debility or a similar less well-defined sickness or indisposition, sick leave shall be granted only if the Municipal Manager is satisfied that the employee's state of health renders him unfit for his work; and does not arise from his failure to make use of vacation leave.
- The Municipal Manager or his/her representative may at any time require an employee to submit himself to an examination by a registered medical practitioner or dentist appointed by the Municipality the cost of such examination shall be borne by Council.
- If an employee is absent from duty due to illness for longer than two consecutive working days or on a Monday or Friday, or a day before a public holiday, sick leave may be granted to him only if he submits a certificate of indisposition issued by a registered medical practitioner or dentist.
- The Municipal Manager or his/her representative may require a certificate referred to in clause 34 to be submitted in respect of a period of two working days or less.
- The Municipality 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 Municipal Manager or his/her representative 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 indisposition.
- The Municipal Manager may, on the recommendation of a registered medical practitioner or dentist, compel an employee who in the Municipal Manager's opinion is so indisposed that he cannot performed his duties properly, to take sick leave.

13.3 SICK LEAVE GRANTED TO EMPLOYEES WITH ALCOHOLIC AND DRUG PROBLEMS

- Sick leave may be granted to an employee who is certified by a registered medical practitioner to be an alcoholic or drug addict and who is prepared to receive treatment voluntarily; provided that he shall subject himself for treatment at an approved institution for a period prescribed by that institution.
- After the periods stated above, the employee shall submit to the Municipal Manager written proof by the head of the institution or the registered medical practitioner as the case may be, that they complied with all the requirements as set out in the treatment programme; sick leave as mentioned above shall not be granted to an employee on more than one occasion.

13.4 SICK LEAVE IN RESPECT OF INJURY SUSTAINED OR ILLNESS CONTRACTED AT WORK

- An employee who is absent from duty owing to an injury arising from his duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his duties, shall be granted sick leave on full pay for the period during which he is incapacitated to perform his usual duties and, if the case falls within the ambit of the Workmen's Compensation Act, the amount payable to him in terms of that Act by means of periodical payments of his monthly earnings shall be paid over to the Council. Such leave shall not be deducted from an employee's saved credits.
- Sick leave shall not be granted if the Municipal Manager or his/her representative is of the opinion that the injury or illness is due to gross and willful misconduct of the employee.

14. SPECIAL LEAVE

Special leave on full pay shall be granted to an employee when he:

- a) Sits for an examination for the recognized institution provided that proof, acceptable to the Municipal Manager, of the writing of such is submitted. Two days ordinary leave shall apply; a day prior to the day for the examination and a day for the actual examination;
- b) Is to remain in quarantine under instructions of a registered medical practitioner;
- c) Has been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn;
- d) Is attending a meeting or conference approved by the Municipal Manager;
- e) For the purpose of attending a Court of Law to give evidence in any criminal or civil proceedings when subpoenaed;
- f) Has to attend any other official business of the Municipality.
- g) Any Special Leave is limited to a maximum of 10 days per annum and cannot accumulate.

15. LONG SERVICE LEAVE

Within the confines of its budget the Municipality shall grant its employees long service leave as follows:

- 10 years' service = 10 days
- 15 years' service = 20 days
- 20 years' service = 30 days
- 25 years' service = 30 days
- 30 years' service = 30 days
- 35 years' service = 30 days
- 40 years' service = 30 days

- An employee with 10 (ten) or more year's of service with the Municipality and who reaches pensionable age, who is medically boarded or retrenched will be paid pro-rata long service leave days pay out for any uncompleted period stipulated above in (43) above.

16. LEAVE REGISTER

- All leave of absence granted and taken shall be recorded in a leave register under the control of a person appointment by the Municipal Manager, and an employee's leave record shall be open to his inspection at all reasonable times during office hours.

17. ACCUMULATED LEAVE ON TERMINATION OF SERVICE

- Upon termination of an employee's service with the municipality for any reason, as the case may be, shall, in addition to other amounts that may be due to him, be paid the cash value of any accumulated leave already standing to his credit.
- If a person referred to in clause 44 is re-appointed, with or without a break in service in a permanent or temporary capacity, such re-appointment shall be regarded as a new appointment for all purposes of this policy, his previous service shall not count as service for leave purposes, and accumulated leave which has been paid out in terms of clause 44 shall not be reinstated.

18. MATERNITY LEAVE

- A female employee is entitled to at least three consecutive months' maternity leave with no limit on the number of confinement or adoptions. This leave provision shall also apply to an employee whose child is still born.
- For the employee to qualify for paid maternity leave she must have one (1) year's service with the Municipality.

a. An employee may commence maternity:

- At any time from four weeks before the expected date of birth, unless otherwise agreed; or on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.
- An employee must, on her leave application, notify the head of department of the date on which she intends to commence maternity leave; and return to work after maternity leave.

b. The notification referred to in clause must be given:

- at least four weeks before the employee intends to commence maternity leave;
- or if it is not reasonably practicable to do so, as soon as reasonably practicable.

19. PROTECTION OF EMPLOYEES BEFORE AND AFTER BIRTH OF A CHILD

- It may not be required of a pregnant employee or an employee who is nursing her child to perform work that is hazardous to her health or that of her child.
- During an employee's pregnancy, and for a period of four months after the birth of her child, she must be offered suitable, alternative employment on terms and conditions that are no less favorable than her ordinary terms and conditions of employment,
 - if:
 - the employee is required to perform night work or her work poses a danger to her health or safety or that of her child; and if it is practicable.

20. FAMILY RESPONSIBILITY LEAVE

- This section applies to an employee; who has been in employment for longer than four months.
- An employee must be granted, during each annual leave cycle, at his request, five (5) days' paid leave, which the employee is entitled to take:
 - > when the employee's child is born;
 - > when the employee's child is sick; or
 - > in the event of death of:
 - the employee's spouse or life partner; or
 - the employee's parent, adoptive parent, grandparent, child, adopted child or sibling.
- An employee may take family responsibility in respect of the whole or a part of a day.
- An employee who requests leave under this section must present reasonable proof of an event contemplated in clause 54 to the head of his department.
- An employee's unused entitlement to leave in terms of this section lapses at the end of the annual leave cycle in which accrues.

21. UNPAID LEAVE

At the sole discretion of the Municipal Manager unpaid leave may be granted where exceptional circumstances exist, and must be authorized by the Head of the Department, subject to the following conditions:

- Unpaid leave will only be granted once all accumulated annual leave has been taken.
 - In the case of protracted illness, unpaid leave will only be considered once:
 - the sick leave entitlement has been exhausted.
 - all accumulated annual leave has been taken.
- Factors to be taken in to account when considering whether to grant unpaid leave are:
 - the reason for the request;
 - length of service;
 - work performance; and
 - attendance history;
- The employer's contributions to the Retirement / Pension Fund and Medical Aid Scheme will be maintained provided that the employee will pay over his or her contribution to Financial Services on or before the last working day of the month.
- Requests for unpaid leave must be in writing on the Municipality's Leave Application form which should be authorized by the Municipal Manager or Head of Department.

22. EXCEPTIONAL CASES

In the event of circumstances arising which justify a departure from the provision of this policy, the Municipal Manager may grant leave to an employee on such conditions as the Executive Authority may determine.

23. LEAVE OF THE MUNICIPAL MANAGER AND OTHER FIXED CONTRACT EMPLOYEES

The leave and sick leave of the Municipal Manager and other fixed term contract employees shall be governed by their contracts of employment, but:

- i. This policy shall be relevant in so far as the contracts of employment refer to them.
- ii. The leave of the Municipal Manager shall be approved by the Mayor or a Councilor nominated by him/her.
- iii. The leave of the fixed term contract employees (Section 54 &56 employees be approved by the Municipal Manager.

24. STEPS TO BE TAKEN BY THE MUNICIPAL MANAGER

- a. The Municipal Manager may:

- i. Prescribe rules for the administration and control of leave;
- ii. Delegate any functions/duties to a subordinate.

25. COUNCIL APPROVAL AND EFFECTIVE DATE

Approval of Policy by Council and Effective date: -----

MUNICIPAL MANAGER

DATE

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