
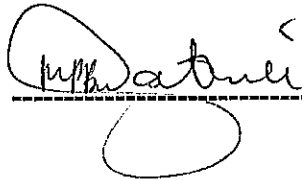




Leave Policy for the John Taolo Gaetsewe District Municipality

POLICY NUMBER: 6.11.29.05. 2015	Approved Date: 29 May 2015
Effective Date: 1 July 2015	Review Date: Annually or when required

Speaker:  _____

Municipal Manager:  _____

JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY



LEAVE POLICY

Reviewed 2014/2015





LEAVE POLICY

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1. Purpose

The objective of this policy is to regulate all forms of leave that are accrued and due to employees as a benefit, and to outline procedures to be followed for the granting and taking of such leave.

2. Legal Framework

- Basic conditions of Employment Act, 2000 (Act No 75 of 1997)
- Local Government: Municipal Systems Act 2000 (Act 32 of 2002) and amended in 2011
- Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers 2006
- Collective Agreement on Conditions of Service for the Northern Cape Division of the South African Local Government Bargaining Council 1 March 2011 – 31 August 2013

3. DEFINITION

3.1 Annual leave cycle: means the period of **12 months employment with the same employer** immediately following an employee's commencement of employment the completion of that employee's prior leave cycle.

3.2 Sick leave cycle: means the period of **36 months, or as stipulated in the conditions of employment for both section 57 and non-section 57 employees.**

3.3 Statutory Leave - Leave that is legislated and it includes annual, maternity and family responsibility leave. Leave that is not covered by this definition will be classified as non-statutory leave.

4. GUIDING PRINCIPLES

- Fairness
- Equity

5. ANNUAL LEAVE

5.1 All employees excluding section 57 , are entitled to an annual leave of 24 leave days for a 5 day worker and 27 leave days for a (6) days worker.

5.2 Municipal Manager and Managers directly accountable to the Municipal Manager are entitled to twenty four (24) working days annual leave with full pay every calendar year.

5.3 Only statutory leave will be accrued.

5.4 All leave that falls outside paragraph 3.3 shall be regarded as *non-statutory leave*.

5.5A 5 day worker shall be required to take a minimum of 16 working days in a leave cycle.

5.6A 6 day worker shall be required to take a minimum of 19 working days in a leave cycle.

5.7 Municipal Manager and Managers Directly Accountable to Municipal Managers shall be required to take a minimum of 10 working days in a leave cycle.

5.8 All minimum leave days must be taken within six months after the end of the annual leave cycle failing which will be forfeited.

5.9 The employee, the Head of Department and Municipal Manager shall make written submission on the reason for failure to exercise the rights in paragraph 5.5, 5.6 and 5.7 within six months of the end of the individual's leave cycle.

6. MATERNITY LEAVE

6.1 All non-section 57 female employees are entitled to a paid 3 months **paid** maternity leave.

6.2 All female employees, who want to return to work before 6 weeks following the birth of the child, had to submit a fitness certificate from a medical practitioner or midwife.

6.3 Section 57 female employees are entitled to four (4) consecutive calendar months paid maternity leave, to commence at any time from four (4) weeks before the expected date of confinement or on a date from which the attending medical practitioner certifies that is necessary for the employee's health or that of the unborn child.

6.4 In an event of a miscarriage or still born all female employees are entitled to six weeks maternity leave.

7. FAMILY RESPONSIBILITY LEAVE

7.1 All employees **including section 57 employees** are entitled to a paid 5 days family responsibility leave which will be granted under the following conditions:

- When the employee's child is born
- When the employee's child or spouse or life partner is sick.
- In the event of the death of employee's: parents, adoptive parent, grand parent, child, adopted child, grand child, spouse, life partner or siblings.
- An employee may take family responsibility leave in respect of the whole or a part of the day.
- Family responsibility leave will be extended to children up to 25 years who are still under custodian of their parents.

8. SICK LEAVE

8.1 All employees excluding section 57 **employees** are entitled to paid sick leave of 80 days in a three-year cycle.

8.2 Municipal Manager and Managers directly accountable to the Municipal Managers are entitled to a thirty six (36) working days sick leave with full pay in a three year cycle.

8.3 All employees who are absent from work on account of sickness for more than 3 (three) consecutive days will be required to submit a valid medical certificate from a :

- Registered medical practitioner.
- Registered Traditional healer.

8.4 If an employee to whom annual leave has been granted is certified sick by a registered medical, traditional or dental practitioner after his annual leave has commenced, that part of his/her annual leave during which he/she was thus certified sick shall be converted into sick leave on submission of the prescribed certificate.

8.5 **An employee may be on sick leave for two days and not submit a sicknote within the 8 week cycle.**

8.6 An employee who is absent from service because of illness must take all reasonable steps to notify his immediate supervisor as soon as possible but not later than 10 am on his first day of absence.

9. ADDITIONAL PAID SICK LEAVE

9.1 Employees who have a balance of at least 60 working days unused sick leave at the end of a three year cycle, shall receive an additional 20 working days paid sick leave to which he/she will be entitled in the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than 100 working days sick leave on full pay.

9.2 If the maximum period of sick leave to which an employee is entitled has been granted to him/her and, owing to reasons of ill health; he/she is not able to resume duty, the Municipality may grant such an employee an additional working days sick leave in respect of chronic illnesses and or illnesses requiring hospitalization, which shall be made up as follows:

- 30 working days on full pay;
- 30 working days on half pay.

10. STUDY LEAVE

- 10.1 All employees are entitled to a **maximum of 2 day per subject** leave for examination preparation in one calendar year.
- 10.2 All employees are further entitled to 2 days leave for every examination paper.
- 10.3 All employees are also entitled to leave of absence for obligatory study purposes in accordance with the requirements of the curriculum.
- 10.4 All leave as referred to paragraphs: 10.1, 10.2, and 10.3 shall be subject to operational requirements and shall be granted twice only in respect of each subject/module, and they shall not be granted for subjects that are being repeated.
- 10.5 An employee who writes exam out of town (100 kilometre or more) and who finishes at 16:00 or later, shall be granted one (1) day additional study/examination leave for traveling back to Kuruman.
- 10.6 Leave for examination will be approved in advance by the HOD or Municipal Manager or his assignee.
- 10.7 All employees are entitled to a 2 working days for graduation ceremony in the event where the ceremony is not on the weekend.

11. SPECIAL LEAVE

- 11.1 All special leave shall be granted at the discretion of the Municipal Manager or his /her assignee and shall be considered in a bona fide manner, and shall not be unreasonably refused. This benefit applies to all employees
- 11.2 *Supporting documents, where required, must be provided with the application*
- 11.3 *Special leave shall not exceed 20 days in an annual leave cycle, but this limitation is not applicable to clauses 6.4, 6.6, 6.7 but shall include clauses 6.1, 6.2, 6.3 and 6.5 in the collective agreement on conditions of service for the Northern Cape division of the SALGBC (1 March 2011 – 31 August 2013)*
- 11.4 All special leave may be granted under the following circumstance:
- 11.4.1 Court attendance as a state witness
- 11.4.2 Participation under National sports and cultural activities
- 11.4.3 In addition to the normal vacation leave an employee shall qualify for the following additional leave as a recognition for the long uninterrupted services for the municipality which shall be credited once only on the date on which the continuous services have been completed. The long service leave must be taken within 1 (one) year of receiving such leave or may be wholly or partially encashed.

11.4.4

Years of service	Leave Credit
5 Years	5 days accumulative leave, plus a once off payment equal to 2% of employees salary
10 Years	10 days accumulative leave, plus a once off payment equal to 3% of employees salary
15 Years	15 days accumulative leave, plus a once off payment equal to 4% of the employees salary
20 Years	15 days accumulative leave, plus a once off payment equal to 5% of employees annual salary
25 Years	15 days accumulative leave plus payment equal to 6% of the employees annual salary
30 Years	15 days accumulative leave plus payment equal to 6% of the employees annual salary
35 Years	15 days accumulative leave plus payment equal to 6% of the employees annual salary
40 Years	15 days accumulative leave plus payment equal to 6% of the employees annual salary
45 Years	15 days accumulative leave plus payment equal to 6% of the employees annual salary

11.4.4.1 In addition to their annual leave the following employees qualify for special leave according to their post level on account of the nature and responsibilities of their post.

POST LEVEL	DAYS SPECIAL LEAVE ALLOCATED
Municipal Manager & Post level 1 incumbents	12 days per annum
Post level 2 Incumbents	10 Days per annum
Post level 3 Incumbents	8 Days per annum
Post level 4-8 Incumbents	6 Days per annum
Post level 9-13 Incumbents	4 Days per annum
Post level 14-18 Incumbents	2 Days per annum

12. LEAVE ACCRUAL AND ENCASHMENT

12.1 An employee may accumulate a maximum of not more than 48 working days.

12.2 Any leave in excess of 48 days, being the maximum capping allowable going forward may be encashed.

12.3 In the event of termination of services and resignation, leave will be paid in accordance with the provision of the BCEA. Any leave in excess of the statutory leave allocation of 21 working days accrued will be paid at the rate of pay at the date of encashment. Any portion that is not taken at the time of termination that is below the statutory minimum of 21 working days will be paid in terms of the definition of remuneration as envisaged by the BCEA, at the date of encashment.

12.4 All non-statutory leave are not encashable.

12.5 All statutory and **Council resolution** leave may be encashed **once a year** in a leave cycle **and if twice a year only half-half must be encashed.**

12.6 Calculation for the encashment of leave will be done, using the 250 working days.

12.7 The formula for calculation is as follows:

- The basic salary of the incumbent will be divided by 250 and multiplied by the number of days the incumbent is encashing.

12.8 Upon encashment, provision must be made for the 16 days leave that have to be taken in the calendar year (to make provision for the BCEA).

12.9 All leave encashment shall be authorized by the relevant Head of Department and the Municipal Manager.

13 Leave without pay

13.1 Leave without pay will be recommend by HOD and approved by Municipal Manager or his/her assignee, which approval shall not be unreasonably withheld, shall be subject to the following conditions:

13.1.1 Leave without pay shall be granted only when all available vacation and or sick leave has been exhausted.

13.1.2 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 also makes his contributions to the said funds, as well as any payment in terms of a collective agreement.

14. DEVIATION FROM, AND RATIFICATION OF MINOR BREACHES OF THE LEAVE POLICY

14.1 The accounting officer must record the reasons for any deviation from this policy and report them to the next council meeting.

14.2 The policy also allows the accounting officer to ratify any minor breaches of the policy as an official acting in terms of delegated powers or duties which are purely of a technical nature.

15 DELEGATION AND SUB-DELEGATION

15.1 All leave forms shall be authorized by the employee's supervisor, Head of Department and the Municipal Manager or his/her assignee.

15.2 Only the Municipal Manager and the Heads of Department may sub-delegate their leave authority.

16 LEAVE APPLICATION PROCEDURE

- 16.1 All leave applications to be approved first by the supervisor and the Head of Department.
- 16.2 All personnel to submit the annual leave plan by the 28th February and the revised leave plan by the 1st July to the Corporate Service Department.
- 16.3 Annual leave applications shall be made at least two weeks prior to the actual leave.
- 16.4 Normal leave applications of less than three days shall be made a week in advance.
- 16.5 Emergency leave applications shall be granted at the discretion of the Head of Department and the Municipal Manager or his/her assignee.
- 16.6 All leave applications except annual leave shall be accompanied by relevant supporting documents.

17. COMMENCEMENT

- 17.1 The changes in this policy take effect after council has resolved to implement the policy.

18. POLICY REVIEW

This policy will be reviewed annually