



LEAVE POLICY FOR THE JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

Policy Resolution Number:6.4.29/05/2018	Approved Date:29 May 2018
Effective Date: July 2018	Review Date: As and when required

SIGNATURE OF THE MUNICIPAL MANAGER

SIGNATURE OF THE SPEAKER

Ms P Q Mogatle
Speaker.

LEAVE POLICY

2018/19

Ms P Q Mogatle
Speaker

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

4. GUIDING PRINCIPLES

Fairness

E q u i t y

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.

Ms P Q Mogatle
Speaker.

- 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*.
- 5.5 A 5 day worker shall be required to take a minimum of 16 working days in a leave cycle.
- 5.6 A 6 day worker shall be required to take a minimum of 19 working days in a leave cycle.
- 5.7 Municipal Manager and Manager Directly Accountable to the Municipal Manager shall be required to take a minimum of 10 working days in a leave cycle.
- 5.8 All minimum leave days shall 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.
- 5.10 All contract workers will forfeit all accrued statutory leave days in an event were by the employer decides to appoint the mentioned contract worker on a permanent basis. Therefore, the new appointed employee will then start to accrue all statutory leave days upon appointment date.

6. MATERNITY LEAVE

- 6.1. All non section 57 female employees are entitled to a paid (3) three months 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 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 week's maternity leave.
- 6.5. An employee adopting a child under 3 months shall be entitled to receive three months paid maternity adoption leave with no limit to the number of confinements or adoptions.

7. FAMILY RESPONSIBILITY LEAVE

- 1. All employees **including section 57 employees** are entitled to a paid 5 days annual family responsibility leave which will be granted under the following conditions:
 - a) When the employee's child is born
 - b) When the employee's child or spouse or life partner is sick.

Ms P Q Mogatie
Speaker.

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 Seniors Managers i.e. 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 practitioner and /a traditional healer, 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.
- 8.5. An employee may be on sick leave for two days and not submit a sick note within 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 An employee whose sick leave has been exhausted, maybe granted sick leave without pay for not more than 250, working days in any cycle if the Municipality is satisfied that such person is not incapacitated to resume duties, provided that where sick leave without pay exceeds 40 consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality.

10. STUDY LEAVE

- 10.1 Study leave shall be granted in line with Collective Agreement on Conditions of Services for the Northern Cape Division of the SALGBC
- 10.2 Study leave shall be granted on the basis of one day paid special leave for each day that an employee writes an examination plus an equivalent amount of days for preparation for the examination.
- 10.3 The said leave for examination in terms of clause 10.1 must be approved in advance by the Municipal Manager or his assignee.

MS P Q Mogatle
Speaker.

10.4 Leave of absence for obligatory course/study requirements

10.4.1 The fields of study must be relevant to the local government undertaking in accordance with the municipality's policy and must be in accordance with the requirements of the curriculum of the approved course.

10.4.2 An employee attending a work-related training or study course shall be deemed to be on duty.

10.4.3 An employee writing a test that contributes to the year mark, attending training, study course or contact sessions shall be granted up to ten (10) days' paid special leave and thereafter one day's paid special leave for every day's leave taken by the employee.

10.4.4 Leave referred to in clauses 10.1 and 10.4 shall be granted for a maximum of two times per subject/module.

10.4.5 Clause 10.4,2 does not apply to compulsory training initiated by the employer

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 15 years service; 10 accumulative leave, plus once off equal to 4% of the employee.

Ms P Q Mogatle
Speaker

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

11.4.4 OVERTIME.

11.4.4.1 Overtime hours worked to be converted into days and official be rewarded with equal leave day/s.

11.4.4.1 Employees will be entitled as per post level for overtime days on account of the nature and responsibilities of their job.

11.4.4.2 Only accrual leave days earmarked for overtime can be encash or taken

11.4.4.3 Where hours for overtime exceed the leave days at a specific post level, the HOD can approach the MM on remuneration for additional hours. Such overtime must be strictly recorded.

11.4.4.4 Employees working shifts (Radio operators) will be remunerated in line with the BCEA.

11.4.4.6 The table below indicating the implementation of overtime per post level.

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 All leave days will be calculated as per appointment date.

Ms P Q Mogatle
Speaker.

- 12.2 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.
- 12.3 All non statutory leave are not encashable.
- 12.4 Calculation for the encashment of leave will be done, using the 250 working days.
- 12.5 All annual & CR leave days may only be encashed in a leave cycle in December.
- 12.6 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).
- 12.7 All leave encashment shall be authorized by the relevant Head of Department (Corporate services) and the Municipal Manager.
- 12.8 Upon encashment, provision must be made for the 16 days leave that have to be taken since appointment date.

13. Leave without pay

- 13.1 Leave without pay will be 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, council resolution & 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.

Ms P Q Mogatle
Speaker

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.

16. POLICY REVIEW

This policy will be reviewed annually.

Ms P Q Mogatle
Speaker