



## LEAVE MANAGEMENT POLICY

### JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

<b>Council Resolution: 6.3.29/06/2020</b>	<b>Approved Date: 29 June 2020</b>
<b>Effective Date: 01 July 2020</b>	<b>Review Date: Annually</b>

**MUNICIPAL MANAGER**

**SPEAKER**

**Ms P Q Mogatle**

**Speaker**



# **JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY**



## **LEAVE MANAGEMENT POLICY 2020/2021**

**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 75 of 1997

Local Government: Municipal Systems Act 32 of 2000.

Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers 2006.

Collective Agreement on Condition of Service for the Northern Cape Division of the 1<sup>st</sup> March 2017 until 30<sup>th</sup> June 2021.

## 3. DEFINITION

**3.1. Annual leave cycle:** 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:** the period of 36 months (80 sick leave days), or as stipulated in the conditions of employment for non-section 57 employees.

**3.2.1 Sick leave cycle:** the period of 36 months (36 sick leave days), or as stipulated in the conditions of employment for section 57 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.

**3.4 Non-statutory Leave:** refers to special Leave and council resolution leave.

## 4. GUIDING PRINCIPLES

Fairness

Equity

Ms P Q Mogatle

Speaker

## 5. ANNUAL LEAVE

### Speaker

- 5.1 All employees excluding section 56, are entitled to an annual leave of 24 leave days for a 5 day worker and 27 leave days for a (6) days worker with full pay every calendar year.
- 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 annual and council resolution leave days will be accrued.
- 5.4 A five (5) day worker shall be required to take a minimum of 16 working days in a leave cycle.
- 5.5 A 6-day worker shall be required to take a minimum of 19 working days in a leave cycle.
- 5.6 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.
- 5.7 All minimum leave days shall be taken within six months after the end of the annual leave cycle.
- 5.8 Annual and council resolution days will be capped at 48 leave days when accrued.
- 5.9 All employees are expected to apply for their minimum leaves days as stipulated in 5.7 before the end of the leave cycle.
- 5.10 The HOD shall make written submission to the MM on the reason for failure to exercise the rights in paragraph 5.5, 5.6 & 5.7 within 6 months of the end of the individual's leave cycle. In case of MM's office, submission shall be forwarded to the Corporate Services Department.
- 5.11 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 both statutory and non-statutory leave days upon appointment date.

## 6. COUNCIL RESOLUTION LEAVE

Council Resolution leave applies only to all permanent (including shift workers) and fixed-term employees (Section 56's & political support staff).

**Table 6.1.**

POST LEVEL	COUNCIL RESOLUTION LEAVE DAYS ALLOCATED
Municipal Manager & Directors	12 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 15 Incumbents	2 Days per annum

## 7. MATERNITY LEAVE

- 7.1. To qualify for paid (3) three months maternity leave, an employee must have one (1) year's continuous service with the employer.
- 7.2. 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.
- 7.3. 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.
- 7.4. In an event of a miscarriage or still born all female employees are entitled to six week's maternity leave.
- 7.5. An employee adopting a child under three (3) months shall be entitled to receive three months paid maternity adoption leave with no limit to the number of confinements or adoptions.

## 8. PATERNITY LEAVE

Ms P Q Mogalle

Speaker

8.1 All male employees are entitled to a paid two (2) weeks or ten (10) paternity leave days.

8.2 A male employee is entitled to ten (10) consecutive days' when legally adopting a child under three (3) months.

## 9. FAMILY RESPONSIBILITY LEAVE

9.1 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:-

9.1.1 When the employee's child is born;

9.1.2 When the employee's child, spouse or life partner is sick;

9.1.3 In the event of death: -

9.1.3.1 the employee's child, adopted child, spouse or life partner;

parents, adoptive parents, parents-in-law, grandparents, grand-child or siblings.

9.1.4 In an event where an employee has exhausted the family responsibility leave days the employee may use the annual leave with evidence.

## 10. SICK LEAVE

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

10.2. Municipal Manager and Seniors Managers i.e. Managers directly accountable to the Municipal Managers are entitled to a thirty six (36) working days sick.

10.3. All employees who are absent from work on account of sickness for **more than two (2) consecutive days** will be required to submit a valid medical certificate from a:

10.3.1 Registered medical practitioner;

10.3.2 Registered Traditional healer.

10.4. 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

Mrs P Q Mogatle

Speaker

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.

- 10.5 An employee may be on sick leave on more than 2 occasions or twice and not submit a sick note within eight (8) weeks cycle.
- 10.6 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 10h00 a.m. on his first day of absence.

## 11. ADDITIONAL PAID SICK LEAVE

- 11.1 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 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;
- 11.2 If the maximum period of sick leave to which an employee is entitled as per clause; above has been granted to him and, owing to reasons of ill health, he is not able to resume duty, the Municipality may grant such employee an additional 60 working days sick leave in respect of chronic illnesses, injury, surgery or illnesses requiring hospitalization which shall be made up as follows:
- 30 working days on full pay;
  - 30 working days on half pay
  - The calculation of such pay will only be done by the finance department

Ms P Q Mogatle

Speaker

The following conditions shall apply:

- 11.2.1 The employee shall submit a satisfactory certificate from a registered medical, dental practitioner or any other person who is certified to diagnose and treat patients and who is registered with a profession's council established by an act of parliament.



11.2.2 Employer and employee shall comply with the provisions of any applicable risk benefit insurance relating to disability.

11.2.3 Such additional sick leave may be granted in respect of separate periods of absence and in respect of indispositions of different kinds.

On written application by an employee, who has exhausted his full paid sick leave and additional paid sick leave, annual vacation leave which he has to his credit may be granted to supplement sick leave on half pay or unpaid sick leave, provided that arrangements are made to maintain risk benefits applicable.

11.3 An employee to whom the maximum period of full and half paid sick leave has been granted, may be granted unpaid sick leave for not more than 250 working days in any cycle, provided that employer and employee comply with the provisions of applicable risk benefit policies relating to disability and provided further that where unpaid sick leave exceeds 40 consecutive days the employee must be examined by a medical practitioner appointed by the employer. The costs of such examination shall be borne by the employer.

## **12. STUDY LEAVE**

12.1 Study leave shall be granted in line with Collective Agreement on Conditions of Services for the Northern Cape Division of the SALGBC.

12.2 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.

12.3 The said leave for examination in terms of clause 12.1 must be approved in advance by the Municipal Manager or his assignee.

12.4 Leave of absence for obligatory course/study requirements.

12.4.1 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.

12.4.2 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) day's

**Ms P Q Mogatle**

**Speaker.**

paid special leave and thereafter one day's paid special leave for every day's leave taken by the employee.

12.4.3 Leave referred to in clauses 12.1 and 12.4 shall be granted for a maximum of two times per subject/module.

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

### **13. SPECIAL LEAVE**

13.1 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.

13.2 Supporting documents, where required, must be provided with the application.

13.3 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 2017 —30 June 2021).

13.4 All special leave may be granted under the following circumstance:

13.4.1 Court attendance as a state witness;

13.4.2 Participation under National sports and cultural activities;

13.4.3 Term of service in the institution:-

#### **13.4.4. OVERTIME**

13.4.4.1 Overtime hours worked (i.e. attending to fire fields, natural disasters) to be converted into leave days and an official be rewarded with equal leave days.

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

13.4.4.3 Only accrual leave days earmarked for overtime can be encashed or taken.

Ms P Q Mogatle

13.4.4.4 Where hours for overtime exceed the leave days at a specific post level (elaborated as table 6.1), the HOD may approach the Municipal Manager on remuneration for additional hours. Such overtime must be strictly recorded.

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

## 14. LONG SERVICE

**Table 14.1**

<b>YEARS OF SERVICE</b>	<b>LEAVE SERVICE CREDITS</b>
<b>5 Years</b>	<b>5 days accumulative leave, plus a once off payment equal to 2% of the employees' remuneration</b>
<b>10 Years</b>	<b>10 days accumulative leave, plus a once off payment equal to 3% of the employees' remuneration.</b>
<b>15 Years</b>	<b>10 days accumulative leave, plus a once off payment equal to 3% of employees' remuneration</b>
<b>20 Years</b>	<b>15 days accumulative leave, plus a once off payment equal to 4% of the employees' remuneration</b>
<b>25 Years</b>	<b>15 days accumulative leave, plus a once off payment equal to 5% of employees' remuneration</b>
<b>30 Years</b>	<b>15 days accumulative leave plus a once off payment equal to 6% of the employee</b>
<b>35 Years</b>	<b>15 days accumulative leave plus a once off payment equal to 6% of the employee</b>
<b>40 Years</b>	<b>15 days accumulative leave plus a once off payment equal to 6% of the employee</b>
<b>45 Years</b>	<b>15 days accumulative leave plus a once off payment equal to 6% of the employee</b>

## 15. LEAVE ACCRUAL AND ENCASHMENT

15.1 All leave days will be accrued as per appointment date.

15.2 In the event of termination of services and resignation, accumulated leave days will be paid to the employee.

15.3 Only permanent employees and fixed-term employees (i.e. section 57's and Political Support/Office staff) are entitled to encashment.

**Ms P Q Mogatle**

**Speaker,**

- 15.4 Calculation for the encashment of leave will be done, using the 250 working days and is solely the responsibility of the finance department.
- 15.5 Annual & council resolution leave days may be encashed biannually, based on the availability of funds.
- 15.6 Upon encashment, provision must be made for the 16 days leave that have to be taken in the calendar year.
- 15.7 It will clearly be indicated on the system which leave days were used by the employee for encashment.
- 15.8 All leave encashment shall be authorized by the relevant Head of Department (Corporate services) and the Municipal Manager.

## **16. LEAVE WITHOUT PAY**

- 16.1 Leave without pay will be approved by Municipal Manager or his/her assignee, and the approval shall not be unreasonably withheld, shall be subject to the following conditions:
  - 16.1.1 Leave without pay shall be granted only when all available vacation, council resolution & sick leave has been exhausted.
  - 16.1.2 All unauthorised leave applications shall be deemed unpaid.
  - 16.1.3 For the period of leave without pay the employer shall continue to make employers 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.

## **17. DEVIATION FROM, AND RATIFICATION OF MINOR BREACHES OF THE LEAVE POLICY**

- 17.1 All deviations from the policy must be recorded and the reasons for any deviation from this policy must be reported to the next council.
- 17.2 The policy also allows the accounting officer to rectify any minor breaches of the policy as an official acting in terms of delegated powers or duties which are purely of a technical nature.

## **18. DELEGATION AND SUB-DELEGATION**

- 18.1 All leave forms shall be authorized by the employee's supervisor, Head of Department and the Municipal Manager or his/her assignee.
- 18.2 Only the Municipal Manager and the Heads of Department may sub-delegate their leave authority.

## **19. LEAVE APPLICATION PROCEDURE**

- 19.1 When an employee applies for leave, he or she must first consult with HR officials for the availability of leave days, who will then advise accordingly.
- 19.2 The employee will then fill the leave application form and leave the leave book in the HR office.
- 19.3 The HR officials will then circulate the book to the relevant supervisors for authorisation. This process must unfold before the employee goes on leave.
- 19.4 In the event where an employee is sick or has an emergency matter to attend, such employee must ensure that the leave application is completed immediately on arrival at work.
- 19.5 The HR officials must ensure that all leave applications are captured within two weeks of receipt.
- 19.6 All leave applications must be recommended first by the supervisor to the Head of Department for approval.
- 19.7 Annual leave applications shall be made at least two weeks prior to the actual leave.
- 19.8 Normal leave applications of less than three days shall be made a week in advance.
- 19.9 Emergency leave applications shall be granted at the discretion of the Head of Department/ Municipal Manager or his/her assignee.
- 19.10 All leave applications except annual leave shall be accompanied by relevant supporting documents.

## **20. COMMENCEMENT**

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

**Ms P Q Mogatle**

**Speaker,**

## 21. POLICY REVIEW

This policy will be reviewed annually or as when need arise.

Ms P Q Mogatle

Speaker,