LEAVE MANAGEMENT POLICY

JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

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MUNICIPAL MANAGER

SPEAKER

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
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2022/2023

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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 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.

Main Collective Agreement 2015 – 2020, extended to 30th June 2023.

3. DEFINITION

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

3.2. Sick leave cycle: the period of 36 months employment with the same employer immediately following an employee's commencement of or employment the completion of that employee's prior leave cycle.

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.

3.5 Special Leave: means any leave excluding statutory leave.

3.6 Life-Partner: an individual who lives with someone else in a romantic relationship, either heterosexual or homosexual, as if they are spouses but without being legally married.

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3.7 Fixed-Term Contract: refers to an official appointed as a Section 57 manager or in the Municipal Manager's Department serving at the Executive Mayor and Speaker's Office.

4. GUIDING PRINCIPLES

Fairness

Equity

5. NON-SECTION 56 EMPLOYEES/GENERAL STAFF MEMBERS

5.1 Annual Leave

5.1 An employer shall grant an employee the following annual leave:

5.1.1 Twenty-four (24) working days for a five (5) day worker.

5.1.2 Twenty-seven (27) working days for a six-day worker.

5.1.3 An employee is required to take leave as follows:

5.1.3.1 A five (5) day worker shall be required to take a minimum of 16 working days in a leave cycle.

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

5.1.4 An employee must take annual leave not later than six months after the end of the annual leave cycle.

5.1.5 All employees are expected to apply for their minimum leaves days as stipulated in 5.1.3 before the end of the leave cycle.

5.1.6 The HOD shall make written submission to the MM on the reason for failure to exercise the rights in paragraph 5.1.3, & 5.1.4 within 6 months of the end of the individual's leave cycle.

5.1.7 Annual Leave shall only be accumulated to a maximum of forty-eight (48) working days.

5.1.8 All 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

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employer refused to grant him/her such leave, as a result of the employer's operational requirements. If despite being afforded an opportunity to take leave an employee fails, reuses or neglects to take the remaining leave due to him/her during this period, such remaining leave shall fall away.

5.1.9 Within six months of the end of a leave cycle, an employee may not have more that 48 days (annual leave and council resolution days combined) to his credits.

5.1.10 In the event of the termination of service, any employee shall be paid his leave entitlement in terms of this agreement, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997.

5.1.11 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. SICK LEAVE

6.1 All employees are entitled to paid sick leave of 80 days in a three-year cycle, provided that in respect of new appointments an employee may not take more than 30 days sick leave in the first year of employment.

6.2 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:

6.2.1 Registered medical practitioner;

6.2.2 Registered Traditional healer.

6.3 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.

6.4 An employee may be on sick leave for two days and not submit a sick note within eight (8) weeks cycle.

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6.5 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 am on his first day of absence.

7. Maternity Leave

7.1 An employee adopting a child under three (3) months shall be entitled to receive four months paid maternity adoption leave with no limit to the number of confinements or adoptions.

To qualify for paid (4) four 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. In an event of a miscarriage or still born all female employees are entitled to six week's maternity leave.

8. PATERNITY LEAVE

8.1 All male employees are entitled to a paid ten (10) paternity leave days. The leave must be taken within 3 months after the child is born.

8.2 A male employee is entitled to ten (10) consecutive days' when legally adopting a child of 2 years or younger.

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; or

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9.1.3.2 The employee's child, adopted child, parents, adoptive parents, parents–in-law, grandparents, grand-child or siblings.

10. MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGER

10.1 Annual Leave

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. If the employee is appointed after the commencement of an annual leave cycle, he or she is entitled to annual vacation leave on a pro rata basis determined as a fraction of the entitlement.

10.2 Only annual and council resolution leave days will be accrued.

10.3 Senior Managers must take at least 10 (ten) consecutive working days leave within a twelve – months period. The remaining leave days, if any must be taken no later than the end of June of the year following the relevant leave cycle, where after unused leave credits shall be forfeited.

10.4 In the event of the termination of service, any employee shall be paid his leave entitlement in terms of this agreement, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997.

10.5 A senior manager who is recalled from leave due to operational requirements must be credited with the number of annual leave days forsaken.

10.6 The HOD shall make written submission to the MM on the reason for failure to exercise the rights in paragraph 5.2.5, within 6 months of the end of the individual's leave cycle. In case of MM's office, submission shall be forwarded to the Executive Mayor.

11. Sick Leave

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 years cycle.

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12. Maternity Leave

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.

13. Family Responsibility

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: -

13.1 When the employee's child is born;

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

13.3 In the event of death: -

13.3.1 The employee's child, adopted child, spouse or life partner; or

13.3.2 The employee's child, adopted child, parents, adoptive parents, parents–in-law, grandparents, grand-child or siblings.

14. ADDITIONAL PAID SICK LEAVE

14.1 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;

14.2 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.

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The following conditions shall apply:

14.2.1 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.

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

14.2.3 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.

14.3 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.

15. QUARANTINE AND ISOLATION UNDER MEDICAL INSTRUCTION

Where a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professions council established by an act of parliament has placed an employee under quarantine/isolation in terms of the National Health Act, 2003 (Act No. 61 of 2003) or any regulation in force there under, such an employee shall be granted paid special leave, provided that the medical certificate issued details the period of absence and the reason thereof.

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16. TIME-OFF

16.1 Overtime hours worked to be converted into days and official be rewarded with equal day/s for time-off.

16.2 Time-off to be recorded separately from the leave books and leave system.

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

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

16.4 Where hours for overtime exceed the leave days at a specific post level, the HOD can approach the Municipal Manager on remuneration for additional hours, such overtime must be strictly recorded.

16.5 Employees working shifts (Radio operators) will be remunerated in line with the Basic Conditions of Employment Act.

In addition to the annual leave the following employees qualify for a special leave according to their post level on account of the nature and responsibilities of their post as per council resolutions: HR05. 20/06/2007 and HR03. 05/09/2008.

Table below indicating the implementation of overtime per post level

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

17. STUDY LEAVE

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

17.2 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 number of days for preparation for the examination.

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17.3 The said leave for examination in terms of clause 17.2 must be approved in advance by the Municipal Manager or his assignee.

17.4 Leave of absence for obligatory course/study requirements.

17.4.1 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.

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

17.4.3 Leave referred to in clauses 17.2 shall be granted for a maximum of two times per subject/module.

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

18. SPECIAL LEAVE

18.1 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.

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

18.3 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 2023).

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

18.4.1 Court attendance as a state witness;

18.4.2 Participation under National sports and cultural activities.

18.4.3 Term of service in the institution: -

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19. LONG SERVICE

Employees shall qualify for the following additional leave together with monetary award as recognition of continuous service at the completion as follows;

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

20. LEAVE ACCRUAL AND ENCASHMENT

20.1 All leave days will be calculated as per appointment date, upon confirmation of probation, for permanent employees.

20.2 All leave days will be accrued as per leave cycle (1 January to 31 December) for section 57 employees

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

20.4 Only permanent employees and fixed-term employees are entitled to encashment.

20.5 Calculation for the encashment of leave will be done, using the 250 working days and is solely the responsibility of the finance department.

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20.6 Annual & council resolution leave days may be encashed bi-annually, based on the availability of funds.

20.7 Long service leave days may be encashed after been rewarded, provided that it has been budgeted for.20.7 Upon encashment, provision must be made for the leaves days that have to be taken in the calendar year, the 16 days for general staff and the 10 days for section 57 staff.

20.8 It will clearly be indicated on the system which leave days were used by the employee for encashment.

20.9 All leave encashment shall be authorized by the relevant Head of Department (Corporate services) and the Municipal Manager.

21. LEAVE WITHOUT PAY

21.1 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:

21.2 Leave without pay shall be granted only when all available vacation, council resolution & sick leave has been exhausted.

21.3 All unauthorised leave applications shall be deemed unpaid.

21.4 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.

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

22.1 All deviations from the policy must be recorded and the reasons for any deviation from this policy must be reported to the next council.

22.2 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.

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23. DELEGATION AND SUB-DELEGATION

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

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

24. LEAVE APPLICATION PROCEDURE

24.1 All leave applications must be recommended first by the supervisor to the Head of Department who will then recommend to the municipal manager who will then grant the approval.

24.2 All personnel to submit the annual leave plans by the 28th February and the revised leave plans by the 1st July to the Corporate Service Department.

24.3 Annual leave applications shall be made at least two weeks prior to the actual leave.

24.4 Normal leave applications of less than three days shall be made a week in advance.

24.5 Emergency leave applications shall be granted at the discretion of the Head of Department/ Municipal Manager or his/her assignee.

24.6 All leave applications except annual leave shall be accompanied by relevant supporting documents.

25. COMMENCEMENT

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

26. POLICY REVIEW

This policy will be reviewed annually.

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