

# GREAT KEI LOCAL MUNICIPALITY



## LEAVE POLICY

**2023 / 2024**

## **CONTENTS**

## **PAGE**

1. POLICY STATEMENT AND PURPOSE .....	62
2. SCOPE OF APPLICATION .....	62
3. POLICY PROVISIONS .....	62
3.1 ANNUAL LEAVE.....	62
4. SICK LEAVE.....	63
5. ADDITIONAL PAID SICK LEAVE .....	63
6. MEASURES TO MANAGE SICK LEAVE .....	64
7. MATERNITY LEAVE .....	64
8. FAMILY RESPONSIBILITY LEAVE.....	65
9. SPECIAL LEAVE .....	66
9.1 STUDY LEAVE .....	66
9.2 WORKSHOP/TRAINING/SEMINAR/CONFERENCES.....	66
10. ACCUMULATION AND RETENSION OF LEAVE .....	67
11. ENCASHMENT OF LEAVE .....	67
12. UNPAID LEAVE.....	68
13. TIME OFF FOR UNIONS .....	68
14. LEAVE LESS THAN EIGHT (8) HOURS A DAY .....	68
15. ROLES AND RESPONSIBILITIES .....	68
15.1 HEADS OF DEPARTMENTS .....	68
15.2 EMPLOYEES.....	69
15.3 HUMAN RESOURCE MANAGEMENT SECTION.....	69
16. DISPUTE RESOLUTION PROCEDURES.....	69
17. POLICY WAIVING AND IMPLEMENTATION PROVISIONS .....	69
18. CONCLUSION.....	70

## **1. POLICY STATEMENT AND PURPOSE**

This policy seeks to give effect to the South African Local Government Bargaining Council (SALGBC) Collective Agreement on Conditions of Services which came into effect on 1 January 2004 and the SALGBC Eastern Cape Division Collective Agreement on Conditions of Services which came into effect from the 01 April 2011;

It also seeks to regulate the taking, usage, accumulation and management of leave by employees; and

It promotes common and uniform leave for employees within the Municipality and replaces or supersedes all existing leave policies.

These sections of this policy emanated and/or are regulated by the South African Local Government Bargaining Council Collective Agreement on Conditions of Services, therefore cannot be changed, namely:

- ✓ annual leave;
- ✓ sick leave and Additional paid sick leave;
- ✓ Maternity leave; and
- ✓ Family responsibility leave.

## **2. SCOPE OF APPLICATION**

This policy is applicable to all employees, except employees employed under section 57 of the Local Government: Municipal Systems Act (Act 32 of 2000) as amended.

## **3. POLICY PROVISIONS**

### **3.1 Annual Leave**

- 3.1. Council shall grant an employee the following annual working days leave in a leave cycle (associated to the date of employment of the employee):
  - 3.1.1 Twenty-four (24) days for a five- (5) day worker; and
  - 3.1.2 Twenty-seven (27) days for a six- (6) day worker.
- 3.2 An employee is required to take leave within each leave cycle as follows:
  - 3.2.1 A five- (5) day worker shall take a minimum of sixteen (16) days leave; and
  - 3.2.2 A six- (6) day worker shall take a minimum of nineteen (19) days leave.
- 3.3 Leave may be accumulated to a maximum of forty-eight (48) days.
- 3.5 Employees are therefore encouraged to take their leave periodically when their leave accumulates to 48 days.
- 3.6 When employee's leave days are close to 48 days the Departmental Heads and the employees affected shall be notified by the Human Resource Section.
- 3.7 Departmental Heads are responsible for the approval of forfeited leave.

- d) On written application by an employee, who has exhausted his/her full paid sick leave and additional full paid sick leave, annual leave which he/she has to his/her credit must be granted to supplement sick leave on half pay or no pay at the discretion of the employee concerned.

## **6. MEASURES TO MANAGE SICK LEAVE**

- 6.1 If an employee to whom annual leave has been granted is certified sick by a registered medical or dental practitioner after his/her annual leave has commenced, that part of his annual leave during which he/she was thus certified sick shall be converted into sick leave on submission of the prescribed certificate by such medical or dental practitioner or a Traditional Healer registered with a recognized professional council in terms of legislation.
- 6.2 If, due to illness, an employee is unable to take annual leave already deducted, he/she shall be credited with an equal number of annual leave days.
- 6.3 An employee may not during any period of sick leave approved in terms of these conditions, resume service without the approval of a registered medical practitioner.
- 6.4 An employee who is absent from service because of illness must take all reasonable steps to notify his/her immediate supervisor (nominee) as soon as possible.
- 6.5 An employee to whom the maximum period of full paid sick leave has been granted, may be granted sick leave without pay for not more than 250 working days in any cycle, if the Municipality is satisfied that such an employee is not permanently incapacitated to resume his duties, provided that the sick leave without pay exceeds 40 consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality. The cost of such examination shall be paid by the Municipality.
- 6.6 The Municipality may, prior to granting additional paid sick leave, require an employee to submit himself/herself to an examination by a registered medical or dental practitioner appointed by the Municipality and the cost of such examination shall be paid by the Municipality.

## **7. MATERNITY LEAVE**

Maternity leave for confinement purposes may be granted to an employee subject to the following qualification requirements and restrictions:

- 7.1 The employee must be employed with the Municipality and have completed a qualifying period of service of 12 calendar months (one year's service) continuous service at the Municipality before any provision in this policy may be utilized by such employee;
- 7.2 An employee shall provide the employer with four weeks' notice of the intention to take maternity leave prior to the commencement date of employee's maternity leave i.e. at least four weeks before and six weeks after the confinement as provisions of the Basic Conditions of Employment Act 1997;
- 7.3 An employee shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements;
- 7.4 An employee shall retain her normal benefits and normal incremental date for a period of absence due to maternity leave;
- 7.5 An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth,

8.5 An employee's unused entitlement to leave in terms of this section lapses at the end of the annual leave cycle in which it accrues.

## **9. SPECIAL LEAVE**

### **9.1 Study Leave**

- 9.1.1 There will be no study leave granted for employees writing class tests, failed or supplementary examinations and attending contact sessions during working hours. Employees are encouraged to use their annual or unpaid leave to cover such working days.
- 9.1.2 Employees who are studying will qualify for two working days leave for study leave days.
- 9.1.3 Accordingly study leave applications and proposals should be discussed by staff with their managers as part of their annual work plan or programme.
- 9.1.4 Leave applications should be submitted on the Great Kei Local Municipality's normal approved application form where the Manager / Supervisor recommend and the Head of Department approves.
- 9.1.5 The main aim of the policy in relation to combining work and study commitments is that managers and employees negotiate clear, workable, and affordable arrangements from which both the Municipality and its employees will benefit.
- 9.1.6 All Special leave applications for examinations must be accompanied by an authentic examination time table from the relevant institution.
- 9.1.7 All employees will be entitled to two (2) working days Special Study leave of which one working day prior to examinations and the examination date for each subject.
- 9.1.8 No Special leave applications will be approved for employees who failed an examination.
- 9.1.9 The Municipal Manager may, after favorable consideration, assist the employee by granting study leave for writing of supplementary examinations or class tests and attending block classes during the year.
- 9.1.10 If an employee is writing for two or more consecutive working days, such employee will qualify for one working day leave prior the commencement of examination and the days of writing examinations.

### **9.2 Workshop/Training/Seminar/Conferences**

9.2.1 Leave for attendance of workshops / training / seminars / conferences is delegated to the Council in support of the provisions of policy on attendance of workshops.

### **9.3 Special leave - Municipal Shut Down**

- Special leave - maximum of 7 days to be granted on Christmas shutdown except for employees performing essential services.
- Essential and emergency employees must be allowed to benefit from special leave by taking those number of days that were granted to employees on the Christmas shutdown between January - June of that financial year and that must be forfeited after June of that financial year.

## **12. UNPAID LEAVE**

- 12.1 Any leave taken by the employee without approval automatically becomes unpaid leave after the necessary disciplinary procedure has been followed.
- 12.2 Participation in an illegal or legal industrial action constitutes unpaid
- 12.3 Failure of the employee to provide the employer with a medical certificate on request after having absent from work on more than two (2) consecutive working days constitutes unpaid leave.
- 12.4 Failure of the employee to provide the employer with a medical certificate on request after having been absent from work on more than two (2) occasions in an eight week period constitutes unpaid leave.
- 12.5 Failure of the employee to provide the employer on request with supporting documents (death, birth certificates etc.) in relation to family responsibility constitutes unpaid leave.

## **13. TIME OFF FOR UNIONS**

- 13.1 Shop stewards shall be entitled to 15 (fifteen) days per year with full pay during working hours for trade union activities and training.
- 13.2 Six (6) days of each shop steward's annual entitlement of time off shall be pooled and re-allocated at the trade union's discretion to the shop stewards at the employer concerned, provided that no single shop steward may take more than 21 (twenty-one) days off per year and that the total days in the pool are not exceeded.
- 13.3 Further request for time off for shop stewards shall not be unreasonably refused.
- 13.4 Trade unions shall give notice to the employer in advance of the intention to take time off.

## **14. LEAVE LESS THAN EIGHT (8) HOURS A DAY**

- 14.1 If an employee worked less than 4 hours in a working day and take leave for the remaining hours, such employee shall be required to submit a leave form to make use of available leave days and such day will be regarded as if an employee was on leave for entire working day.
- 14.2 If an employee works 4 hours and/or more in a working day and takes leave for the remaining hours, such day will regarded as if an employee has worked the entire working day.
- 14.3 If an employee fails to advise or contact or inform the immediate supervisor of his/her absence to work within one (1) hour from the commencement of the normal shift or working hours, such employee shall be regarded as absent without leave therefore shall be regarded as an unpaid leave.

## **15. ROLES AND RESPONSIBILITIES**

### **15.1 HEADS OF DEPARTMENTS**

Heads of Departments shall be responsible to ensure effective management of leave through the following:

**18. CONCLUSION**

The correct implementation of this policy within the Municipality will have great benefits for both employers and staff members. It will assist in proper regulation of leave by Municipality and also give effect to the implementation of SALGBC Collective Agreement on uniform conditions of service.

Signature of the Municipal Manager..... *falle*

Date *29 June 2023*

Signature of the Mayor..... *[Signature]*

Date *29 June 2023*

11