

# GREAT KEI LOCAL MUNICIPALITY



## LEAVE POLICY

2016/17

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## **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.

- 3.8 In the event of the termination of service, an employee shall be paid his leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997.

#### **4. SICK LEAVE**

- 4.1 Council shall grant an employee eighty (80) days sick leave in a three (3) year cycle.
- 4.2 Council shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave, and if an employee is absent for more than two (2) occasions during an eight week period.
- 4.3 Council shall be in a position to consult the employees' Doctor(s) for information verification and enquiries in the event that there are serious anomalies regarding the sick leave taken.
- 4.4 Council is further not required to pay an employee if an employee does not produce a medical certificate on the occasions specified in 4.2 above.
- 4.5 In terms of SALGBC Collective Agreement on Conditions of Services which came into effect on 01 January 2004, The Divisions of Council at SALGBC shall be responsible for concluding agreements on additional paid sick leave and other measures to manage the taking, accrual and/or conversion of sick leave and administrative arrangements for the taking of sick leave (See the following section 5 & 6).

#### **5. ADDITIONAL PAID SICK LEAVE**

- 5.1 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 back leave to which he/she will be entitled to 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.
- 5.2 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 must grant such employee an additional 60 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

The following conditions shall apply:

- a) Provided that the employee has submitted a satisfactory certificate from a registered medical or dental practitioner, or a Traditional Healer registered with a recognized professional council in terms of legislation; and
- b) If the employer is satisfied that the employee is at that moment not permanently incapacitated to resume his/her normal duties
- c) Such additional sick leave must be granted in respect of separate periods of absence and in respect of illnesses of different kinds.
- 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, whether or not the employee had commenced maternity leave at the time of the miscarriage or still birth.

- 7.6 Should an employee not qualify for the benefit in terms of the conditions in Clause 7.1, she may exercise a choice in respect of the utilization of available vacation leave with full payment or vacation leave without payment.
- 7.7 An employee will be required to work back the period of paid maternity leave actually taken.
- 7.8 An employee without broken service but also has undergone a natural movement (recruitment, promotion, termination, transfer etc) within the service of the same employer and meets the requirements of clause 7.1 shall be entitled to paid maternity leave as per provisions of clause 7.2 and/or 7.5 above.
- 7.9 Should an employee be willing to work until it is closer to the confinement date, such an employee must submit a Doctor's documentation which confirms the safety/fitness for work during these days.
- 7.10 The Doctor who books the above employee fit for work during the confinement period should be the same Doctor to book this employee off for sick leave on pregnancy related illnesses.

## 8. FAMILY RESPONSIBILITY LEAVE

This section applies to all employees who has been in employment with an employer for longer than four [4] months;

- 8.1 An employer must grant an employee, during each annual leave cycle, at the request of the employee, five days' paid leave, which the employee is entitled to take-
- [a] when the employee's child is born;
  - [b] when the employee's child is sick; or
  - [c] the employee's spouse or life partner is sick
  - [d] in the event of the death of-
    - [i] the employee's spouse or life partner; or
    - [ii] the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling (a child in relation to another or others of the same parent; a brother or sister).
- 8.2 Subject to subsection [6.4], an employer must pay an employee family responsibility leaves as follows:-
- [a] the wage the employee would ordinarily have received for work on that day; and
  - [b] on the employee's usual pay day.
- 8.3 An employee may take family responsibility leave in respect of the whole or a part of a day.
- 8.4 Before paying an employee for leave in terms of this section, an employer may require reasonable proof of an event contemplated in subsection [6.1] for which the leave was required.
- 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.

#### **9.4 Municipal Sport Tournament**

- Special leave must be granted when there is inter - municipal tournament taking place during working hours.

#### **9.5 Municipal Disciplinary Hearing**

- Special leave be granted to Employee required to appear as witness in a municipal disciplinary hearing on the other side of the municipality provided that the proof is submitted.

### **10. ACCUMULATION AND RETENTION OF LEAVE**

- 10.1 A five (5) day worker shall accumulate a maximum of twenty- four (24) working days per cycle.
- 10.2 A six (6) day worker shall accumulate a maximum of twenty- seven (27) working days per cycle.
- 10.3 All employees shall retain up to a maximum of forty-eight (48) working days in a leave cycle.

### **11. ENCASHMENT OF LEAVE**

- 11.1 An employee shall first comply with both the requirements of clause 3.2.1 and 3.2.2 in that an employee must have taken 16 and/or 19 working days continuous leave in a leave cycle;
- 11.2 Having complied with 11.1 above an employee shall be entitled to encash not more than eight (8) days of his/her accrued annual leave as long as an application on the prescribed form is submitted a financial year in advance in order to make provision for on the budget for the next financial year.
- 11.3 In order for the leave mentioned in 11.2 to be encashed, an employee shall prove that it is impossible to take leave other than leave referred to in both clause 3.2.1 and 3.2.2 due to operational reasons and the employer must be satisfied with such proof.
- 11.4 Should an employee refuse or fail to take such leave having been provided with a fair opportunity to take leave, such leave days shall be forfeited and/or fall away.

### **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 be 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:

- Monitoring, with the assistance of the Human resource Management Section, the taking of leave within the department to ensure that no abuse thereof occurs.
- Ensuring that the procedure manual in relation to leave management is adhered to at all times.
- Ensuring that all employees have a leave plan for their leave cycle and adhere to it.
- Ensuring that leave taken is in accordance with the leave plan.
- Reconciling attendance registers with the leave registers and leave forms in their respective departments on a monthly basis before submission to the Human Resource Management Department.

## 15.2 EMPLOYEES

Employees shall be responsible to ensure that they take their leave within the prescripts of the Conditions of Service and the Leave Policy and commit to no abuse of their leave whatsoever.

Employees shall further be responsible for completing an attendance register on a daily basis as required by Management.

## 15.3 HUMAN RESOURCE MANAGEMENT SECTION

Responsibilities of the Human Resource Management Section in leave management shall include but not limited to the following:

- Consult regularly with managers and supervisors responsible for managing employee leave.
- Provide guidance and technical assistance before administrative action procedures are initiated to ensure the proposed action is appropriate and timely.
- Ensure managers and supervisors have up-to-date information concerning disposition of leave related administrative action.
- Monitor and analyze site performance: Sick Leave and Leave Without Pay (LWOP) usage, as well as unscheduled absence occurrences regularly, on a pay period basis at a minimum.
- Identify "hot" spots (e.g. excessive unscheduled occurrences) and advise Management or corrective action to be taken.

## 16. DISPUTE RESOLUTION PROCEDURES

16.1 Any dispute relating to both the interpretation of the provisions of this policy as well as the Municipal decision on any specifics in leave case(s) shall be dealt with in accordance with the dispute resolution mechanism provided for in the applicable SALGBC Collective Agreement and/or Labour Relations legislation.

## 17. POLICY WAIVING AND IMPLEMENTATION PROVISIONS

17.1 This policy may be partly or wholly waived by the Municipality in consultation with the Trade Unions.

17.2 This policy shall be superseded by a Bargaining Council Resolution, legislation and enforceable legal order.

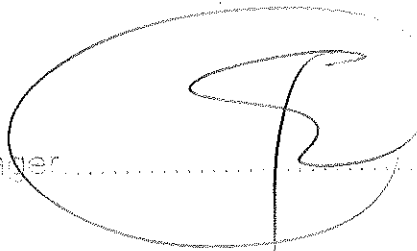
17.3 This policy takes precedence over all other leave provisions that exist.

17.4 This policy shall be reviewed annually in accordance with Great Kei Local Municipality's Organizational Developmental changes and the Collective Agreement amendments.

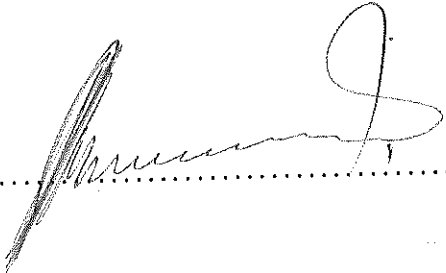
## 18. CONCLUSION

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.....



Signature of the Mayor .....

A handwritten signature in black ink, written over a dotted line. The signature is cursive and appears to be "M. J. ...".

*[Faint, illegible text]*