

1. LEAVE POLICY

OBJECTIVE

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 such leave. Policy provisions apply to all employees, that is, permanent employees.

POLICY

The following leave policy procedures will apply:

- (1) All employees are entitled to twenty four (24) working days annual paid leave (excluding weekends), Municipal Manager and Head of Departments are entitled to thirty (30) working annual leave paid leave.
- (2) For the purposes of calculating leave, the statutory paid public holidays will not be regarded as working days;
- (3) In the event of an illness or other unforeseeable circumstances, it is the responsibility of the employee to notify their supervisor before 09h00 on the date of absence or, where possible, before then;
- (4) Absence from work without approval and/or without a valid reason shall be regarded as Absence Without Official Leave (AWOL) and therefore a misconduct to be dealt with in terms of the disciplinary procedure;
- (5) Leave will be calculated from the date of engagement;
- (6) Employees will not accrue full annual leave benefits whilst absent from work on sick leave, maternity leave or paternity leave which extends beyond the normal maximum of such leave, except in the case of extended absence due to injury during the course of their duties;
- (7) The Municipality encourages employees to take all leave that is due to them. The Municipality allows employees to carry over a maximum of five (5) days of leave per year. Employees need to be aware that when they leave the Municipality, leave not taken up to a maximum of five (5) days accrued per year will be paid out;

1.1 ANNUAL LEAVE

Annual leave is intended to provide the opportunity for a period of rest and recreation, so employees are expected to take leave within the leave year, when leave is due. Leave may be taken at any time convenient both to the employee and the Municipality. Business needs and personal needs should be carefully balanced.

ACCUMULATION

Leave can be accumulated during three-year leave cycle (from anniversary date) to a maximum of five (5) days per year. (Ceiling of twenty five (25) days per cycle).

TIMING

- (1) The Municipality will grant annual leave not later than six (6) months after the end of the annual leave cycle;
- (2) Application for leave must be made in reasonably good time to allow for planning during an employee's absence. It is recommended that annual leave for all employees be scheduled in advance as follows:
 - a) For Occasional Leave - At least 5 working days' prior notice
 - b) For Compulsory Leave - At least 10 working days' prior notice

Any variation from the fore-stated schedule will be at the approval of the Head of Department.

- (3) It will remain the responsibility of the Head of Department to timeously plan for leave allocations.
- (4) It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave;
- (5) If an employee applies for leave and the leave days include a weekend, the weekend does not form part of the days counted as due. Weekends are thus not part of the fifteen days (24) leave days applied for; and
- (6) An employee must apply for leave of absence on the prescribed form
- (7) The Head of Department in the instance of an employee must approve an application for leave of absence, and an application by the Head of a Department by the Municipal Manager and the Municipal Manager takes leave in consultation with the Mayor of the Executive Committee (EXCO).
- (8) The Head of Department shall be responsible for ensuring that leave application forms are submitted to Human Resources so that accurate records are maintained. The HR department shall keep record of leave days due to all employees and keep the managers informed on a regular basis.

- (9) All leave of absence due, granted and taken, shall be recorded in a leave register entrusted to the HR Manager, and an employee shall have access to their leave record at all reasonable times during office hours.
- (10) Leave of absence granted to an employee, with the exception of sick leave, may be cancelled, postponed or interrupted at any time by the HR Manager on the recommendation of the Head of Department concerned should this be deemed necessary in the interests of the Municipality. The Municipality shall compensate the employee for irrecoverable expenses or obligations entered into by the employee, before the employee was notified of postponement, cancellation or interruption.

HOLIDAY ARRANGEMENTS FOR NEW EMPLOYEES

Where the Municipality has agreed to honour holiday arrangements made by a new employee prior to joining the Municipality, any paid leave already accrued will be supplemented by the necessary amount of unpaid leave. The Municipal Manager needs to approve such a holiday arrangement.

1.2 FAMILY RESPONSIBILITY LEAVE

Family responsibility leave applies to employees who:

- Have been in the employ of Sisonke District Municipality for longer than four (4) months; and
- Work for at least four days a week for the Sisonke District Municipality.

At the request of the employee, the municipality will grant an employee up to five (5) working days' paid leave per annual leave cycle. An employee is entitled to family responsibility leave when:

- a) An employee's child is born;
- b) An employee's child is sick;
- c) An employee's spouse or life partner dies;
- d) An employee's parent, adoptive parent, grand parent, adopted child, grand child or sibling dies.

An employee may take family responsibility leave in respect of the whole or part of a day and will be paid in accordance with section 27 (3) of the Basic Conditions of Employment Act, 1997. The municipality may require reasonable proof of the reasons for which the family responsibility leave is required. An employee's unused entitlement to family responsibility leave will lapse at the end of the annual leave cycle in which it accrues.

1.3 MATERNITY LEAVE

- (1) An employee is entitled to at least three consecutive months' maternity leave.
- (2) An employee may commence maternity leave—
 - a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or
 - b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.
- (3) No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- (4) 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 stillbirth.
- (5) An employee must notify the municipality in writing, unless the employee is unable to do so, of the date on which the employee intends to commence maternity leave; and return to work after maternity leave. Such notification must be given at least four weeks before the employee intends to commence maternity leave; or if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- (6) The payment of maternity benefits will be according to those determined by the Minister subject to the provisions of the Unemployment Insurance Act, 1966 (Act No. 30 of 1966)
- (7) To qualify for paid maternity leave, an employee must have one year service with the Municipality.
- (8) In addition, the employee will be required to work back the period of maternity leave, failing which the Municipality shall be entitled to recover the amount of remuneration paid to the employee during the relevant period of maternity leave.

1.4 RELIGIOUS AND PUBLIC HOLIDAYS

Employees are not required to work on a public holiday except in accordance with an agreement. If a public holiday falls on a day on which an employee would ordinarily work, the municipality will pay the employee according to section 18 of the Basic Conditions of Employment Act, 1997. Employees that require leave for religious holidays that are not covered by the Public Holidays Act, 1994, should apply for special leave at least one month in advance.

1.5 SICK LEAVE

- (1) Employees will be entitled to eighty (80) days paid sick leave calculated from date of commencement of employment with the Municipality, per three year cycle;
- (2) During the first six (6) months of employment, new employees will accumulate sick leave at a rate of 1 day for every 26 days worked.
- (3) Where sick leave days have been used up, and an employee has not been granted additional leave, any absence from office will be treated as unpaid leave;
- (4) Sick leave application forms, with medical practitioner's certificates attached, must be submitted to Human Resources immediately upon return to work; and
- (5) A medical certificate will be required from a medical practitioner or any other person who is certified to diagnose and treat patients, and is registered with a professional body, within three (3) days of returning to work. In the event that treatment was received from non-registered health practitioners (e.g. some traditional healers, homeopaths, etc), an affidavit needs to be presented to the Municipality within three (3) days of returning to work as proof of having been for such treatment. Such proof will be required: -
 - For absences in excess of two (2) consecutive working days;
 - For absences where an employee takes sick leave on a Friday or a Monday, or a day immediately preceding or following a public holiday;
 - At the discretion of the direct supervisor (e.g. where an employee was reported to have been engaged in other than non-Municipality activities);
 - Repeat absences in any eight (8) week cycle;
 - As the Municipality so requests; and
 - As evidence of admission to a hospital or clinic during annual leave.
- (6) Should an employee become ill whilst on annual leave, such portion of their annual leave may, subject to the submission of the medical certificate or affidavit, be converted into sick leave.
- (7) Employees who are away from the office and who are being treated in an institution for the rehabilitation of alcoholism, or drug addiction may be granted sick leave for the period that they are away, provided that a sufficient number of days sick leave are available to the employee in the current sick leave cycle.
- (8) In the event of the municipality having a reasonable suspicion that an employee is abusing sick leave, that particular employee will be obliged to produce a medical certificate for all days of absence for a maximum period of six (6) months. The employee who is allegedly abusing sick leave will be informed by the Head of Department in writing.

1.6 SPECIAL LEAVE

An employee may be granted up to two (2) days special leave per year. Special leave may not be accumulated. Line managers are to control and keep record of all special leave granted to their subordinates. The following situations may warrant granting of special leave:

- (1) To enable the employee or a family member to undergo medical examinations or medical treatment in large centres.
- (2) Employees who are away from the office for traditional ceremonies (e.g. attendance at initiation school, qualifying as a traditional healer “ukuthwasa”, etc) may be granted special leave for the period that they are away provided that an affidavit is produced within three (2) days of their return to the office.
- (3) Relocation as a result of transfer.
- (4) Religious ceremonies not catered for under the Public Holidays Act, 1994.
- (5) An employee who has been subpoenaed as a state witness.

1.7 STUDY AND EXAMINATION LEAVE

- (1) Employees undertaking courses of study privately and on a part time basis, which in the opinion of the Municipality will be of benefit to the Municipality and to the employee, may, subject to the convenience of the Municipality be granted paid study leave to attend such courses. The number of leave days will not normally exceed ten (10) working days per annum;
- (2) Paid leave for purposes of writing examinations for approved courses will be granted on the basis of the day of the examination and a working day preceding it. Proof of registration and an examination timetable need to accompany the application for leave. The number of such days will not normally exceed ten (10) working days per annum;
- (3) Where the day of the examination immediately follows a weekend (i.e. falls on a Monday) or a paid public holiday, only the day of the examination will be granted; and
- (4) Leave must be applied for at least three (3) weeks in advance on the prescribed form and a copy of the examination timetable attached.

1.8 UNPAID LEAVE

- Leave without pay may be granted on good cause, only to those employees who have used their full leave entitlement. This will be assessed by the relevant manager or any person delegated by them, who will approve or deny such a request; and

- In all cases of unpaid leave, provision is to be made for deductions from the employee's salary to maintain contributions to Provident/Pension and Medical Aid funds.

PAYMENT IN LIEU OF LEAVE DUE

Employees are entitled to a leave pay at least equivalent to the remuneration that they would have received for working for a period equal to the period of annual leave, calculated:

- (a) at the employee's rate of remuneration immediately before the beginning of the period of annual leave; and
- (b) in accordance with section 35 of the Basic Conditions of Employment Act, 1997.

Such payment must be made to employees before the beginning of the leave period or by agreement on the employee's usual pay day.

APPLICATION FOR LEAVE

All forms of leave are to be applied for on the prescribed Leave Application Form obtainable from the Human Resources and submitted to the direct supervisor of the employee for approval and sent to Human Resources for capturing.