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LEAVE POLICY SENQU LOCAL MUNICIPALITY

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1. Purpose

The purpose of this policy is to facilitate that a sound management of leave prevails at the Municipality at all times, and to regulate leave of absence.

2. Scope

This policy and procedure are applicable to all Senqu Local Municipality employees, including employees on fixed-term contracts but excluding employees who work less than 24 hours a month for the municipality, and section 57 Managers.

3. Legislative Framework

- Labour Relations Act, 1995
- Consolidated Collective Agreement on Conditions of Service for the Eastern Cape Division February 2009
- Basic Conditions of Employment Act, 1997
- Compensation for Occupational Injuries and Diseases Act, 1993
- SALGA Executive Committee Meeting Minutes, 24 March 2003

4. Definitions

“Child” – means a person who is under the age of 18 years.

“Public holiday” – means any day that is a public holiday in terms of the Public Holidays Act, 1994.

“Sick leave” - A period of leave provided with or without pay due to an employee's inability to work owing to sickness or injury, provided that such absence shall not constitute a breach of contract.

5. Leave

Leave is granted in the different categories and subject to the conditions set out below:

5.1 Annual Leave

Employees are entitled to the following annual leave per annual leave cycle commencing on each anniversary date:

5.1.1 Leave on full pay accrues on an annual basis on each service anniversary date at a rate of 24 working days per completed year of service.

5.1.2 Of the 24 days per year of service, 16 working days shall be regarded as compulsory annual leave, which must be taken after anniversary date or within 6 months of anniversary date or to be forfeited. The 16 days should be reduced proportionally if an employee is in service for less than 12 months

5.1.3 During each year of employment annual leave accrues on a pro-rata basis of 2 calendar days for each month of completed service {Calculated as 24 divided by 12 months = 2 days per month}

5.1.4 Failure to take compulsory annual leave may result in forfeiture of all annual leave due. The accumulative leave to the maximum of 8 days and minimum of 3 days, may upon the employee's written request, accompanied by reasons for not taking such remaining leave, be paid at the end of the 12 months period, provided the employee will have 2 days remaining for unforeseen circumstances.

5.1.5 Accumulative annual leave consists of 8 days per annum, calculated as 8 divided by 12 = 0.67 days. Non-accumulative leave consists of 16 days calculated as 16 divided by 12 = 1.33 days.

5.1.6 Payment on termination of service will be calculated on the employee's current remuneration rate of pay in lieu of annual leave due. In the event of termination of service, including dismissal due to misconduct, the cash value in respect of unused annual leave credit, limited to a maximum of 48 working days for that specific annual leave cycle, as on the last day of service, shall be payable based on the employee's current rate of pay.

5.1.7 Annual leave (the annual 24 working days) shall be reduced by the number of annual leave days occasionally granted to the employee during the relevant leave cycle.

6. Sick Leave

Sick leave cycle means the period of 36 months employment with the same employer (municipality).

6.1 Sick leave on full pay amounts to 80 days paid sick leave for a period of 36 months.

6.2 During the first six months of employment, an employee is entitled to one day's paid sick leave for every 26 days worked.

6.3 Subject to incidents of incapacity, the employer must pay an employee for a day's sick leave;

- I. The wage the employee would ordinarily have received for work on that day.
- II. On the employee's usual pay day.

6.4 The municipality is not required to pay an employee in terms of section 6.1 if the employee does not produce a sick certificate which accounts for the employee's sickness or injury, if such employee has been absent from duty for more than 2 occasions or on more than 2 occasions in an eight week period. In the event of abuse of sick leave, the municipality may request that an employee must produce a sick certificate on each occasion of sick absence.

6.5 An employee who is absent from duty due to illness for more than 2 occasions in an 8 week period should produce a sick certificate for each occasion of sick absence in the subsequent 8 week period.

6.6 If the maximum period of sick leave to which an employee is entitled has been granted to him/her, and he/she is unable to resume duties due to reasons of continued chronic ill health or ill health requiring hospitalisation, the Municipality may grant the employee additional 60 working days sick leave days as follows:

- 30 working days on full pay,
- 30 working days on half pay,

Such additional leave shall be granted under the following conditions:

6.7.1 provided that the employee has provided a satisfactory sick certificate from a registered medical or dental practitioner, or a traditional healer who is registered with the registered medical council in terms of the Act of Parliament, and

6.7.2 The Municipality is satisfied that the employee is at the moment not permanently incapacitated to resume normal duties,

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

6.8 An employee who has exhausted all his/her paid sick leave and additional paid sick leave, annual leave which he/she has to his/her credit may be granted to supplement sick leave to half pay or no pay.

6.9 Where an employee has used all the sick leave and is still incapacitated, the employee has to use the available annual leave to recuperate. If the employee is still unfit for duty after using such leave (same incident of sick absence), an extended sick leave application is required, and may be granted if;

- I. supported by a medical practitioner registered with the professional council established by an Act of Parliament.
- II. the additional sick leave required is in excess of three consecutive days,
- III. supported by a medical certificate

6.10 Where an employee has used all allotted sick leave in the 36 months sick leave cycle and the annual leave is also depleted, and future/subsequent employee's sick absence shall be regarded as unpaid leave. Such extended sick leave absence may be granted only where the municipality is satisfied that the employee is at the moment not permanently incapacitated to resume normal duties.

6.11 An employee who is absent from duty due to illness shall notify the Head of Department or his supervisor, or the person next in authority before 8h30. No employee should be away from home or be working elsewhere while on sick leave.

6.12 The Departmental Director may require an employee to be examined by a registered medical practitioner of Municipal choice to determine the extent of the employee's sickness.

6.13 All medical certificates shall be issued, signed and dated by a registered medical practitioner or any other person who is certified to diagnose and treat patients and is registered with a professional council established by an Act of Parliament.

7. Additional Paid Sick Leave

(See sec13 of Collective Agreement 2009)

8. Accident leave

8.1 Occupational Accidents

8.1.1 Where an employee, who falls under the Compensation for Occupational Injuries and disease Act; 130 of 1993 gets injured in the course of their official duty, the employee shall be granted accident leave on full pay for such periods as supported by medical certificates, for a maximum period of 12 months.

8.1.2 Accident leave shall not be deducted from the sick leave standing to the credit of an employee.

8.1.3 Where an employee is still incapacitated after a period of twelve (12) months, accumulated sick, annual and service leave must then be utilised in this order.

8.1.4 Where an employee requires additional accident leave due to still being incapacitated and the sick, annual and service leave has been exhausted, an application may be made to the Council.

8.1.5 Where an employee is compensated under the Workman's Compensation for Occupational Injuries and Disease Act, the Municipality may pay the employee an amount not exceeding;

- a) the difference between the normal pay the employee receives from the municipality and the periodical payments in lieu of loss of pay received from the compensation fund.

8.1.6 The Municipality shall be obliged to take reasonable steps to assist an employee to claim compensation accordingly.

8.2 Non-Occupational Accidents

8.2.1 Time lost due to non-occupational accidents shall be debited against the employee's available sick leave, not exceeding 30 calendar days.

8.2.2 If the employee does not have enough sick leave, the shortfall shall be made up by any annual or service leave, and thereafter the employee shall be on unpaid leave.

9. Special Leave

9.1 Special leave on full pay of up to ten working (10) days or leave without pay for a limited period may be granted to an employee where all stipulated leave provisions have been exhausted, in the following circumstances only;

- a) In order to sit for examinations approved by the Council;
 - I. One working day special leave per subject (if the preceding day is a working day) with full pay prior to the examination for preparation purposes and one working day for the examination to a maximum of 16 working days per annum, including ordinary school subjects up to matric or equivalent;

- II. For post graduate examinations two days study leave per subject (if the preceding day is a working day) for preparation purposes and one working day for the examination, to a maximum of 18 working days per annum.
 - III. This concession will only be for writing of subjects on first attempt and not for re-writing of supplementary or special examinations;
 - IV. The latest available timetables or relevant documents must accompany leave forms. Subsequent changes should be reflected on an amended leave form;
 - V. The employee must submit her or his examination results to the leave section as soon as it is available and failure to do will result in the leave granted to be deducted for the annual leave.
- b) In order to attend court to give evidence upon being subpoenaed as a witness.
 - c) As a result of being placed under quarantine or isolation in terms of the Act of Parliament while he is not suffering from illness, indisposition, or injury of which sick leave may be granted. A medical certificate indicating the period and the reason for such isolation or quarantine is required.
 - d) If the employee is selected to represent South Africa in an international sports event or represent the Eastern Cape province in a National Sports event as a member or official, or in a Provincial or National cultural or arts event.

10. Service Leave and Service Bonus

10.1 Service leave shall be granted to permanent and fixed-term contract employees under the following conditions:

10.1.1 5 year's service: 5 days accumulative leave plus a once off payment equal to 2% of annual the employee's salary.

10.1.2 10 year's service: 10 days accumulative leave plus a once off payment equal to 4% of the employee's annual salary.

10.1.3 15 year's service: 15 days accumulative leave plus a once off payment equal to 4% of the employee's annual salary.

10.1.4 20 year's service: 15 days accumulative leave plus a once off payment equal to 5% of the employee's annual salary.

10.1.5 25 year's service: 15 days accumulative leave plus a once off payment equal to 6% of the employee's annual salary.

10.1.6 30 year's service: 15 days accumulative leave plus a once off payment equal to 6% of the employee's annual salary.

10.2 Service leave can only be accumulated to a maximum of 63 calendar days.

10.3 After the completion of five (5) years continuous service, service leave may be taken or encashed subject to the conditions of the encashment policy/procedure.

10.4 Payment on termination of service will be calculated on the employee's current basic rate of pay in lieu of all accumulated service leave. A minimum of 20 days or maximum of 48 days may be encashed per year.

10.5 Where there are conflicting provisions between this policy and the Consolidated Collective Agreement on Conditions of Service, the latter with prevail.

11. Maternity Leave

11.1 An employee is entitled to at least four (4) months maternity leave for the birth of her child to a maximum of 150 days (5 months).

11.2 A maximum of 120 calendar days (four months) shall be at the employee's total remuneration.

11.3 The next 30 calendar days, following the first 120 calendar days of maternity leave, shall be paid at 30% of the employee's basic rate of pay.

11.4 An employee shall submit a certificate from a medical practitioner of expected due date to before commencing maternity leave. An employee is entitled to commence maternity leave 30 days before the birth of the child.

11.5 No employee may work for six weeks after the birth of the child, unless a medical practitioner or midwife certifies that she is fit to resume her duties.

11.6 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.

11.7 An employee returning from maternity leave will be re-instated in her former position or in a similar position on the same level at her former salary provided that any structural increases which were granted during her absence shall be applicable to her.

11.8 No employee shall be dismissed from service due to pregnancy except where she made a false statement at commencement of duty.

11.9 No employee shall be retrenched during her absence on maternity leave.

11.10 No employee will be required to perform work that is hazardous to her or the health of the child while she is pregnant, unless;

- I. the employee can be offered a suitable alternative employment on terms and conditions that are no less favourable than her ordinary terms and conditions of employment.
- II. It is practicable for the municipality to do so.

11.11 Maternity leave shall be deemed to be continuous service for pension and other purposes.

11.12 During the employee's absence on maternity leave the municipality shall pay for a period not exceeding 150 consecutive calendar days the normal municipal contributions in respect of the Pension Fund, Medical Aid and the Unemployment Insurance Fund, including the payment of the bond subsidy where applicable for the full duration of the maternity leave.

11.13 An employee shall notify the manager, at least four weeks in advance, of the date on which the employee intends to commence maternity leave, and return to work after maternity leave.

11.14 If an employee has utilized all her maternity leave and wishes to extend the leave as a result of medical complications suffered by herself, the maternity leave may be extended upon application by:

- I. the granting of sick leave as a result of a medical complication;
- II. the granting of annual leave;
- III. the granting of up to 60 calendar days of unpaid leave.

11.15 An employee may not embark on maternity leave within the first 12 months of her employment.

12. Adoption/Surrogacy Leave

12.1 A maximum period of 60 consecutive calendar days adoption leave at total remuneration is granted to an employee on the occasion of the adoption of a child in terms of an adoption order issued by the children's court.

12.2 Thereafter the employee may apply for an extension of the adoption leave by a further 30 consecutive calendar days which shall be paid at 30% of the employee's basic rate of pay.

12.3 Adoption leave is granted only in respect of adoption of children up to the age of 2 years.

12.4 A copy of the order issued by the children's court and the child's birth certificate shall be provided to the municipality.

12.5 In the event that both adoptive parents work for the municipality. Only one parent may utilise the leave days provided in section 11.1 above.

12.6 The granting of leave in terms of section 10.1 above shall only be granted on one occasion within a leave cycle.

12.7 An employee returning from adoption leave will be re-instated in the former position or in a similar position on the same level at her former salary provided that any structural increases which were granted during her absence shall be applicable to her.

12.8 No employee shall be retrenched during her absence on adoption leave.

12.9 Adoption leave to a maximum of 60 calendar days per leave cycle shall be deemed to be continuous service for pension and all other purposes.

12.10 During the employee's absence on adoption leave the municipality shall pay for a period not exceeding 60 consecutive calendar days the normal municipal

contributions in respect of the Pension Fund, Medical Aid and the Unemployment Insurance Fund, including the payment of the bond subsidy where applicable for the full duration of the adoption leave.

12.11 The provisions of this section are not applicable to foster parents.

13. Family Responsibility Leave

13.1 Family responsibility leave applies only to an employee who:

- I. has been in employment with the municipality for longer than four (4) months.
- II. Works on at least four days a week for the municipality.

13.2 The employee is entitled, during each annual leave cycle and at the request of the employee, to five (5) days paid leave only under the following circumstances:

- I. When the employee's child is born,
- II. When the employee's child is sick,
- III. In the event of death or sickness of employee's spouse, or life partner,
- IV. In the event of death or sickness of the employee's parent, adoptive parent, grand parent, child, adopted child, grand child, or sibling.

13.3 The employee is entitled to the wage the employee would ordinarily have received on that day.

13.4 The municipality shall require reasonable proof of an event contemplated in sub-section 11.2 for which leave is required, before paying the employee in terms of sub-section 11.3 above.

13.5 An employee's entitlement to family responsibility leave lapses at the end of the annual leave cycle in which it accrues.

13.6 Leave contemplated in this section shall not be accumulated or sold.

14. Termination of Service During Leave

14.1 Subject to the manager's discretion, a period of notice of termination of an employee's service may not run concurrently with, nor may notice be given by an employee when an employee is on leave in any category, except sick leave.

14.2 Subject to the manager's discretion, no leave is to be granted after the employee or the municipality has given notice of termination of service.

15. General Leave Conditions

15.1 Leave is granted subject to municipal service requirements. Leave already approved may be withdrawn or postponed should the municipality's service requirements so demand, except for compulsory annual leave to be taken within the last month of the 18 months leave cycle.

15.2 All leave shall exclude intervening Saturday and Sundays and exclude any of the intervening public holidays mentioned in the first schedule of the Public Holidays Act, 1994.

15.3 Leave shall be approved by the Director of the department only, or by a person authorised by the Director.

15.4 If leave in excess of what is due to an employee is granted erroneously, the excess leave is to be deducted from leave which subsequently accrues to the employee. Should the employee's service with the municipality be terminated before sufficient leave has accrued, the equivalent amount is to be paid/deducted from the monies due to the employee, except Pension Fund money.

15.5 An employee who is certified sick while on annual/service leave may have that portion of leave converted to sick leave, provided that a sick certificate is submitted and the necessary sick leave is available in terms of section 5 above. This conversion shall be completed only on submission of a prescribed certificate by a registered medical or dental, or a traditional healer registered with a recognised professional council in terms of the legislation.

15.6 Any loss or damage to the municipality as a result of the employee's misconduct or conviction of an offence relating to municipal duties, may be deducted from the value of all annual/service leave due to the employee. The Municipality must be given written permission to the effect, and where such permission is not granted by the employee, civil action may be instituted against the employee.

15.7 In the event of the death of the employee, all payments in lieu of leave shall be made to the estate, or if nominated by the employee in writing, to:

- I. A beneficiary/beneficiaries, or
- II. To a person or organisation on behalf of beneficiaries who are minors.

15.8 On termination of service, an employee shall be paid his/her leave entitlement, including service leave, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997.

15.9 If, due to illness, an employee is unable to take annual leave already deducted, such leave will be accredited with an equal number of annual leave days.

15.10 An employee may not during any period of sick leave approved in terms of this policy, resume service without the approval of a registered medical practitioner.

15.11 It is the duty of an employee to take reasonable steps to inform the employer of any absence from work due to illness.

15.12 Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition or injury. In the case of nervous disorder, insomnia, debility or a similar less well-known illness or disposition, sick leave shall be granted only if the municipality is satisfied that the employee's state of health renders him or her unfit for duty.

15.13 The Municipality, prior to granting any additional paid 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 borne by the municipality.

16. Application For Leave

16.1 In respect of annual and service leave the prescribed leave application form must be completed by the employee and approved by the manager before the employee's departure on such leave.

16.2 All leave applied for and approved, shall be deducted from the relevant leave due to the employee. Leave due and taken shall be recorded on a register by a designated employee, under the control of the Corporate Services manager.

16.3 The municipality shall reimburse an employee for all expenses incurred due to the cancellation or postponement of the employee's leave due to the municipal operational demands. All claims for such re-imbursement shall be supported by the documentary proof acceptable to the manager.

16.4 An employee who has proceeded on an authorised leave shall not report back for duty until the full period of such leave has expired unless permission has been obtained from the manager. Compulsory annual leave is excluded from this exception.

16.5 In the event that an employee, in an emergency, cannot come to work, the employee must contact the relevant Director to inform him/her of the need to take annual leave for such absence. Such leave must be recorded in the register by the designated employee within one day of resumption of duty.

Date of Draft Completion/submission: C.S. Manager:	Date approved: Municipal Council	Date approved: Municipal Manager	Date for review:
Name	Name of Councilor	Name	
Signature	Signature	Signature	