

“ The City of Heritage ”



ULUNDI LOCAL MUNICIPALITY

(“The Municipality”)

LEAVE POLICY

1. PURPOSE OF POLICY

The purpose of this policy is to regulate the taking of leave by employees of the Municipality, having regard to the relevant statutory provisions regarding leave and the relevant collective agreement in so far as it relates to leave.

2. APPLICATION OF POLICY

2.1 This policy applies to all employees of the Municipality.

2.2 This policy applies to the following types of leave:

2.2.1 Annual leave.

2.2.2 Sick leave.

2.2.3 Maternity leave.

2.2.4 Family responsibility leave

2.2.5 Study leave.

2.2.6 Special leave.

2.2.7 Leave without pay.

3. INCORPORATION OF COLLECTIVE AGREEMENT

3.1 A “Main Collective Agreement” relating to conditions of service (“the Collective Agreement”) was entered into between the South African Local Government Association, The Independent Municipal and Allied Trade Union, and the South African Municipal Workers’ Union on 2015-2020.

3.2 The Municipality is bound by the provisions of the Collective Agreement.

3.3 The Collective Agreement regulates, inter alia, the granting of leave of the kind referred to in 8.1, 8.2, 8.3 and 8.4 above in clauses 8 thereof, and this policy is intended to give effect to the provisions of the Collective Agreement insofar as it relates to leave.

3.4 If there is any conflict between the provisions of this policy and the provisions of the Collective Agreement insofar as they relate to leave, then the provisions of the Collective Agreement shall prevail.

3.5 If the Collective Agreement is superseded by another collective agreement dealing with leave which is binding upon the Municipality, or if any provision of the Collective Agreement relating to leave is amended, then this policy shall be amended to give effect to the relevant provisions of such other collective agreement or such amendment.

4. ANNUAL LEAVE

4.1 For the purposes of this section, "leave cycle" shall mean a period of 12 months immediately following an employee's commencement of employment with the municipality and each successive period of 12 months thereafter.

4.2 In accordance with clause 8.1 of Part B the Collective Agreement, the Municipality shall grant leave in each leave cycle to its employees as follows:

- Twenty-four days per leave cycle in the case of a 5-day worker.
- Twenty-seven days per leave cycle in the case of a 6-day worker.

4.3 Such leave shall accrue:

- at the rate of 2 days per calendar month in the case of a 5-day worker.
- at the rate of 2.25 days per calendar month in the case of a 6-day worker, provided that if employment commences after the first day of a month, then leave shall, in the first calendar month of employment, accrue pro-rata.

4.4 In accordance with clause 8.1.3 of Part B of the Collective Agreement, an employee is required to take leave within each leave cycle as follows:

- A 5-day worker shall take a minimum of 16 days leave.
- 4.4.2 A 6-day worker shall take a minimum of 19 days leave.

4.5 In accordance with clause 8.1.6 of Part B of the Collective Agreement, any leave in excess of 48 days may be encashed should the employee be unable to take such leave as a result of operational requirements. If, despite being afforded and opportunity to take leave, an employee fails, refuses or neglects to take leave due to him or her, such remaining leave shall fall away and be forfeited by the employee.

4.6 If leave is encashed pursuant to 8.1.8 the value thereof shall be determined at the employee's rate of pay as at the date of encashment.

4.7 In accordance with clause 8.1.5 of Part B of the Collective Agreement, an employee may not have more than 48 days annual leave to his credit.

4.8 In accordance with the provisions of clause 8.1.8 of Part B of the Collective Agreement, in the event of the termination of service, an employee shall be paid his or her leave entitlement in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997.

5. SICK LEAVE

5.1 In accordance with the provisions of clauses 8.2.1, 8.2.2 and 8.3.3 of Part B the Collective agreement:

5.1.1 The municipality shall grant an employee 80-day sick leave in a 3 –year leave 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.

5.1.2 The municipality may require a medical certificate from a medical practitioner if more than 2 consecutive days are taken as sick leave.

5.1.3 The Municipality is not required to pay an employee if such employee is absent on more than 2 occasions during an 8 – week period, and on request by the Municipality, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee’s absence on account of sickness or injury.

5.2 For the purposes of this paragraph, “3-year cycle” shall mean a period of 3 years calculated from the date of commencement of employment of the employee by the Municipality.

5.3 ADDITIONAL PAID SICK LEAVE

If an employee has only taken 20 days of sick leave in a 3-year cycle, then the employee will receive an additional 15-day sick leave subject to maximum of sick leave of 120 per sick leave cycle. If the maximum period of sick leave to which an employee is entitled has been granted to him/her, owing to reasons of ill health and he is not able to resume duty, the municipal manager shall grant such employee an additional 60 working days sick leave in respect of chronic illness and or illness requiring hospitalization which shall be made up as follows.

- 15 days working days in full pay.
- 15 days working days on half pay.

The following conditions shall apply.

- The employee shall be required to submit a medical certificate from a registered medical 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.
- If an employee has exhausted all the sick leave to which he is entitled, the municipality will appoint a medical practitioner to evaluate the employee and will submit a report as to whether the medical condition has resulted in permanent or temporary incapacity.
- If the employee is found to be permanently incapacitated, the municipality may convene an incapacity hearing in terms of Schedule 8 of the Labour Relations Act. If it is determined that the incapacity is of a temporary nature, the municipality may grant additional sick leave on application by any party for exemption to the Divisional Bargaining Council in terms of the exemption's provisions in the Conditions of Service Collective Agreement.

MEASURES TO MANAGE THE TAKING AND ACCRUAL (CONVERSION) OF SICK LEAVE

- The conversion of annual leave to sick leave when an employee is hospitalized; if an employee to whom annual leave has been granted is hospitalized and certified sick by a registered medical practitioner after his annual leave commenced, that part of the annual leave during which he was thus certified sick shall be converted into sick leave on submission of the prescribed medical certificate. A number of annual leave days equal to the number of sick days shall be credited in respect of the sick leave taken.
- If an employee reports for duty and goes off within first three hours of the working day, he must apply sick leave at that point.
- An employee who is off sick must notify the employer in terms of the acceptable means of notification and as agreed at the municipality within 3 hours of the normal workday/shift commencing.
- A medical certificate can only be issued by medical practitioner/traditional healer as registered in terms of the Medical and Dental Council as per the provisions of the BCEA.

6. MATERNITY LEAVE

In accordance with clauses 8.3.1, 8.3.2 and 8.3.3 of Part B of the Collective agreement:

6.1 An employee shall be entitled to receive 3 months paid maternity leave per confinement, with no limit to the number of confinements; this provision shall apply even if a child is still-born.

6.2 In order to qualify for paid maternity leave, however, an employee must have 1 year's service with the Municipality.

7. FAMILY RESPONSIBILITY LEAVE

In accordance with clause 8.4 of Part B of the Collective Agreement:

7.1 The Municipality shall grant an employee during each annual leave cycle (as defined in 8.4.1) at the request of an employee a total of 5 working days paid leave which the employee is entitled to take:

- When the employee's child is born.
- When the employee's child is sick.
- When the employee's spouse or life partner is sick.
- in the event of the death of:
 - a) The employee's spouse or life partner; or
 - b) The employee's parent, adoptive parent, parents-in-law, grandparent, child, adopted child, grandchild, or sibling.

7.2 Family responsibility leave applies to an employee who has been employed by the municipality for longer than 4 months.

7.3 In accordance with clause 3.8.2 of Section 27 of the Basic Conditions of Employment, an employer must require a reasonable proof.

8. STUDY LEAVE

An employee may be granted leave for studying and examination purposes as follows, if in the opinion of the Municipal Manager the course of study better equips the employee to fulfil his or her functions as an employee or is likely to be of benefit to the Municipality:

8.1 To allow the employee to prepare for examinations, 2 days leave per subject may be granted, one day up to a maximum of 10 days per semester.

8.2 To enable the employee to sit for examinations, 1 days leave per examination may be granted, up to a maximum of 6 days per semester.

8.3 An employer must require a timetable for a study leave.

9.2 SPECIAL LEAVE

- a) This leave refers to leave not covered in the Conditions of Service collective agreement in the SALGBC or at Divisional level.
- b) Application for such leave shall be made to the Municipal Manager or his nominee for consideration and approval.
- c) This leave may only be granted for the following:
 - Court appearances by employee as a witness
 - National and provincial sport representation.
 - The application for this leave must be accompanied by documentation that supports the application.
 - The leave is limited to a maximum of 10 days per annum and cannot accumulate.

9.2 SPECIAL LEAVE

INJURY ON DUTY (IOD) OR OCCUPATIONAL DISEASES LEAVE

If an employee suffers an injury on duty or contracts an occupational disease arising out of or in course of his/her official duties such as to entitle the employee to compensation in terms of Compensation for Occupational Injuries and Diseases Act 1993, shall be granted paid special leave for period of incapacitation or total disablement, as provided in the OSH Act.

The municipality shall grant the employee who was injured on duty or suffers from an occupational disease, special leave at the salary value of 100% of his normal pay during the period of incapacitation or total.

This clause shall not distract from the employer's right to terminate the employment contract, so fair reasons and having followed the correct procedures.

10. LEAVE WITHOUT PAY

10.1 If an employee applies for unpaid leave:

- 10.1.1 for a total period of 10 days or less in any calendar year, and the Municipal Manager is of the opinion that the circumstances of the case justify the granting of leave, the Municipal Manager may grant such leave;

10.1.2 for a period of more than 10 days in any calendar year, and the Municipal Manager is of the opinion that the circumstances of the case justify the granting of leave, he may refer the matter to the Executive Committee of the Municipality which may in its discretion grant such leave.

10.2 Unpaid leave as contemplated above may be granted only in exceptional cases and then only if the applicant supports the application with all such information and documentation as may be required by the Municipality.

10.3 If, however, an employee is absent from work due to:

- Arrest, imprisonment, or appearance on a criminal charge, which leads to his or her conviction; or
- A criminal sentence,

Then, if such person remains in the employ of the Municipality, he or she shall be required to take unpaid leave during such absence.

11. WHEN APPLICATION FOR LEAVE NOT REQUIRED

An employee is not regarded as being absent from duty and therefore is not required to apply for or utilise leave in the following circumstances:

11.1 When the employee is required to appear as a witness:

- in a court case.
- at an inquest.
- before an official commission of inquiry.
- before a committee of any legislature.

11.2 When the employee is required to appear as a defendant or co-defendant in a civil court case arising from his or her official duties.

11.3 When the employee attends a training course with the permission of the municipality.

11.4 When the employer as an office bearer or shop steward is involved in labour relations activities deemed to be in the interests of the municipality, such as dissemination of information, briefings, and training.

12. EMPLOYEES MAY NOT ABSENT THEMSELVES WITHOUT LEAVE

Except in exceptional circumstances, an employee may not absent himself or herself from such employee's place of duty unless an application for leave of

absence has been lodged in writing and he or she has been informed that the application has been approved.

13. APPLICATIONS AND RECORDS

13.1 All applications for leave must be made on the Employee Self Service System (ESS).

13.2 Heads of Department must ensure that leave applications are captured on the system and approved for all absences from duty.

13.3 The Human Resources Manager must ensure that a leave file is maintained, and accurate records kept of all leave taken for each employee.

13.4 The form and content of the file and record contemplated in 13.3 shall be determined by the Municipal Manager.

14. ADMINISTRATION OF POLICY

The Municipal Manager shall be responsible for the administration of this policy, including consideration of all leave applications; provided that the Municipal Manager may delegate all or any of his responsibilities and functions hereunder to such manager or managers of the Municipality as he or she deems appropriate.

15. REVIEW OF POLICY

This policy shall be reviewed annually.