

WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY



LEAVE POLICY

Approved by the COUNCIL on:

13 May 2022

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1. PREAMBLE

- 1.1 Whereas, that Council adhere to the types of leave, number of days and conditions when applicable and due as set out and amended from time to time in the Basic Conditions of Employment Act, Bargaining Council Agreements as well as locally negotiated agreements.

2. DEFINITIONS

- 2.1 **The Municipality:** means Winnie Madikizela Mandela Local Municipality.
- 2.2 **Employee:** means a person employed by the Municipality either permanently or on a fixed term basis.
- 2.3 **Departmental Head:** means the Senior Managers of each of the Municipality's departments.
- 2.4 **Municipal Manager:** means the Municipality's accounting officer appointed in terms of the Municipal Systems Act 32 of 2000

3. LEGAL FRAMEWORK

- 3.1 The legislative frame works guiding the development of this policy are as follows:
- 3.1.1 Basic Conditions of Employment Act
- 3.1.2 Consolidated Collective Agreement

4. OBJECTIVE OF THE POLICY

- 4.1 The objective of this policy is to achieve the following:
- 4.1.1 To regulate all forms of leave that are accrued and due to employees as a benefit.
- 4.1.2 To outline procedures to be followed for the granting and taking of such leaves.
- 4.1.3 To promote the culture of standardised and procedural process in line with prescribed regulations.
- 4.1.4 4.1.4 To provide clarification for Managers and supervisors in managing the leave entitlements of their staff, and ensure that employees are encouraged to take leave to which they are entitled in a timely manner and in a way which supports the Municipality's approach to a healthy work/life balance.

5. SCOPE OF THE POLICY

- 5.1 This Leave Policy will apply to all permanent and contract employees of Winne Madikizela Mandela Local Municipality, excluding Councillors, Council Support Assistants, Casual workers, Traditional Leaders and EPWP.

6. LEAVE REGISTER

- 6.1 All leave of absence due, granted and taken shall be recorded in a leave register (electronic format and manual) and noted on daily attendance register. Such leave register shall be under the control of the Manager: Human Resources.
- 6.2 An employee's leave record shall be available for inspection by the employee and/or his/her superiors at all reasonable times during office hours.
- 6.3 Leave shall be granted with due consideration to the requirements of the Municipality's services.

7. GRANTING AND CANCELLATION OF LEAVE OF ABSENCE

- 7.1 Leave of absence shall be subject to the Municipality's approval in terms of its system of delegation.
- 7.2 Application for leave of absence shall be made by an employee in a form and/or manner as prescribed by the Municipal Manager or his/her delegate
- 7.3 The Municipality may at any time cancel, postpone or interrupt leave of absence, other than sick, study, family responsibility and special Leave which has been granted to an employee should it be deemed necessary in the Municipality's interest to do so, and such an employee shall be compensated by the Municipality for irrevocable expenses or commitments incurred by him/her before he/she had been notified of the cancellation, postponement or interruption and of cause with an agreement between the two parties.
- 7.4 Should an employee whose leave of absence is interrupted travel in order to resume duty, the Municipality shall pay his/her expenses for the forward and return journey and he/she shall be regarded as being on duty while travelling.
- 7.5 Cancellation, postponement or interruption of leave of absence shall be confirmed in writing.
- 7.6 Should the Municipality refuse an employee's application for leave of absence, or cancel, postpone or interrupt such leave, the reasons for such action shall be noted in the leave register and the employee shall be credited with such leave over and above the maximum determined in terms of the provisions of any law, SALGBC agreement or policy of the Municipality and be permitted to take it within 12 (Twelve) months after refusal, cancellation, postponement or interruption.
- 7.7 An employee shall not go off duty or absent him-/herself from duty without prior permission unless he/she is prevailed by sudden illness or owing to other circumstances acceptable to the Municipality from remaining on duty or reporting for duty.
- 7.8 Except in the case of sick leave, the period from the date on which an application for leave is received until the date on which the leave begins shall not be shorter than the period of leave applied for,

provided that a shorter period may under exceptional circumstances be allowed by the Municipal Manager or relevant Director/Manager.

7.9 Sick leave shall not be granted to employees whose ill health has been caused by illegal activities.

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8.1 ANNUAL LEAVE

- 8.1.1. The Municipality must grant at least 16 consecutive working days annual leave within six months after it became valid to an employee.
- 8.1.2. The annual cycle is 12 months from commencement of employment. Employer shall grant employee the following leave in leave cycle:
- i. 24 days for a 5 days employee;
 - ii. 24 days for a 6 day employee
 - iii. Maximum of 24 days for Senior Managers at any given time
- 8.1.3. The Municipality may not permit or require an employee to take annual leave during-
- i. any other period of leave to which the employee is entitled; or
 - ii. Any period of notice of termination of employment.
- 8.1.4. The Municipal Manager and departmental heads must ensure that employees comply with the provisions of paragraph 8.1.3.
- 8.1.5. Should an employee be unable to take her/his compulsory annual leave before the validity thereof expires as a result of sickness or injury, she/he may apply to the Municipal Manager for the validity period to be extended by not more than six months.
- 8.1.6. An employee's application for annual leave must be submitted to her/his departmental head not later than the number of days for which is applied before the leave commences.
- 8.1.7. A maximum of 48 days accumulated in previous year will be carried over to another year.
- 8.1.8. Casual workers are granted leave in terms of the Basic Condition of Employment Act. A Casual employee is entitled to 1 day's leave for every 17 days worked. A Casual employee may only take leave once he/she has accumulated the required number of days.
- 8.1.9. Payment of leave days is calculated using the following formula:

$$\begin{aligned} & \text{Total Remuneration/12 months} \\ & = \text{Rate per month/21.67 days} \\ & = \text{Rate per day} \times \text{No of leave days balance} \end{aligned}$$

- 8.1.10. Municipal Manager/ Senior Managers and Contract Employees : For the purpose of calculating leave, the following formula applies:

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=Rate per month/21.67 day

=Rate per day X No of leave day's balance

8.1.11. EXCEEDING PERIOD OF LEAVE

- i. When leave with or without pay is granted to an employee and she/he stays away from work for longer than the approved period, she/he is deemed absent without leave for the period after her/his leave expired until she/he returns to work. If the period of unauthorised absence exceeds six consecutive working days, the employee is deemed to have deserted from the Municipality's employment.
- ii. An employee who stays away from work for a longer period than the period of leave granted the Municipality may take disciplinary action against the employee.

8.2 SICK LEAVE

- 8.2.1. Permanent employees qualify for 80 working days sick leave with full pay over a 3 year cycle.
- 8.2.2. Senior Managers qualify for 36 sick days per 3 year cycle.
- 8.2.3. Unused sick leave credits lapses at the end of a 3 year cycle.
- 8.2.4. During the first 6 months of employment an employee is entitled to one day sick leave with full pay for every 10 days worked.
- 8.2.5. Sick leave is granted only for absence from work as a result of illness or injury.
- 8.2.6. An application for sick leave must be supported by a medical certificate stating that the employee was unable to work for the duration of her/his absence on account of sickness or injury –for a period of more than two consecutive days; or if the employee was absent from work due to alleged illness or injury on a Friday or a Monday or a workday immediately before or after a public holiday or immediately after holiday leave was taken.
- 8.2.7. In the case of uncertified sick leave, the employee must indicate on the leave application form what the nature of the indisposition was and whether a physician was consulted or not.

- 8.2.8. An application for sick leave on a third or further occasion during any eight-week period must, regardless of the period of absence, be supported by 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.
- 8.2.9. Any absence for alleged illness or injury in terms of sub-paragraph 8.2.7 that is not supported by a medical certificate is leave without pay.
- 8.2.10. Should it become apparent to the Municipal Manager, a departmental head or the Senior Manager: Corporate Services that an employee is abusing sick leave, she/he may, notwithstanding any other action that may be taken in terms of this policy and after consultation with a representative of the employee, grant unpaid leave for the period of absence concerned.
- 8.2.11. Absence from duty as a result of illness or injury must be reported within 3 hours after commencement of the employee's workday to the relevant departmental head. The employee must submit a leave application form on the first working day after she/he returned to work.
- 8.2.12. Despite any other action that may be taken in terms of this policy, any absence due to alleged illness or injury that had not been reported is treated as unpaid leave unless the employee had a good reason for the failure to report.
- 8.2.13. An employee must submit an application for sick leave, accompanied by a medical certificate, if required, before or on the third day after her/his absence from duty has started to her/his departmental head or on the first day after she/he returns to work after any period of illness shorter than 3 days. If an employee fails to submit an application in terms of sick leave any absence due to alleged illness or injury must be treated as unpaid leave.
- 8.2.14. An application for sick-leave supported by a medical certificate submitted prior to the commencement of any period of approved annual leave may be granted. The departmental head concerned may reconsider the approved annual leave at the request of the employee concerned.
- 8.2.15. An employee may use annual leave with full pay to cover any period of sick leave for which a medical certificate has been issued if her/his sick leave had been exhausted.
- 8.2.16. An additional leave may be granted to an employee who has exhausted their sick leave as per the Consolidated Collective Agreement.

8.3 MATERNITY LEAVE

- 8.3.1. An employee, including an employee adopting a child under three months of age, who has completed one year of continuous services with the Municipality, is entitled to four (4) consecutive month's maternity leave of which three months shall be paid leave. If one wishes to take the fourth

month an application for payment must be made through the Department of Labour and approval furnished to the Municipality prior to the commencement date of leave.

- 8.3.2. An employee may commence maternity leave at any time from four (4) weeks before the expected date of birth or 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.
- 8.3.3. No employee may return to work within six weeks after the birth of her child or a miscarriage or stillbirth unless a medical practitioner or midwife certifies that she is fit to do so.
- 8.3.4. An application for maternity leave, accompanied by a medical certificate indicating the expected date of delivery, must be submitted at least four weeks before the intended date of commencement of the maternity leave.
- 8.3.5. An employee who is on maternity leave retains her usual leave benefits and her normal incremental date.
- 8.3.6. An employee who takes maternity leave must remain in the employ of the Municipality for one day for every day of maternity leave she took after resuming work after her absence on maternity leave.
- 8.3.7. If an employee's employment with the Municipality is terminated for whatever reason before such working back obligation is discharged, she must repay the Municipality on a pro rata basis an amount equal to the value of the maternity leave paid out, the leave earned during such period of maternity leave and the employer's contributions on her behalf to the medical aid scheme (if any) and retirement fund.
- 8.3.8. Maternity leave must be granted in respect of absence from duty as a result of a miscarriage, a still birth or termination of pregnancy and should produce medical advice. Maternity leave is granted from the date of the miscarriage, stillbirth or termination of pregnancy on medical advice.

8.4 EXAMINATION AND STUDY LEAVE

- 8.4.1. Applications for special leave to sit for examinations must be accompanied by written notification by the institution concerned of the specific day or days on which the examination will take place.
- 8.4.2. Examination and study leave with full pay must be granted for the day before the exam date and the day on which an examination is written.
- 8.4.3. An application for study leave must be submitted simultaneously with the application for examination leave. Study leave with full pay is granted for an equal number of days on which examination is written, provided that no study leave may be granted if an examination takes place on a Monday or a day immediately following a public holiday.

8.4.4. After the examination an applicant must submit written proof of the result of the examination. If an applicant fails to do so, the number of days special leave granted to her/him in terms of this paragraph must be debited against her/his annual leave or be converted into special leave without pay where no annual leave is available or the available annual leave is insufficient to cover the days examination and study leave taken.

8.5 LEAVE FOR INJURY ON DUTY

8.5.1. The Municipal Manager must grant special leave with full pay to an employee who is unable to perform her/his duties owing to an accident to which the provisions of the Compensation for Occupational Injuries and Diseases Act (Act No. 130 of 1993) apply.

8.6 LEAVE FOR RESEARCH

8.6.1. An employee who is enrolled for post-graduate or higher diploma studies at a tertiary education institution may be granted 10 days special leave with full pay for research purposes with a view to complete a thesis, dissertation or publishable article in respect of such a course.

8.7 VISITS TO HEALTH CARE PROVIDERS

8.7.1. No employee may visit a health care provider, during working hours except with the express prior permission of her/his immediate supervisor.

8.8 FAMILY RESPONSIBILITY LEAVE

8.8.1. An employee who had been in the service of the Municipality for more than four months and who normally works more than four days a week, is entitled to five days family responsibility leave with full pay during every annual leave cycle of that employee –

- i. when her/his child is sick or born; or
- ii. when her/his spouse or life partner is sick;
- iii. in the event of the death of her/his spouse or life partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.

- 8.8.2. The employee must apply for family responsibility leave prior to going on such leave. An application for family responsibility leave must be accompanied by proof of an event contemplated in sub-paragraph 36.1 for which the leave is required.
- 8.8.3. Unused family responsibility leaves lapses at the end of the annual cycle leave during which it accrues.

8.9 PARTICIPATION IN NATIONAL/INTERNATIONAL SPORTS ACTIVITIES

- 8.9.1. The Municipal Manager may grant special leave with full pay to sportsmen and women, coaches, referees and umpires in the Municipality's employ for participation in national and international level sports events.

8.10 UNAUTHORISED ABSENCE FROM WORK

- 8.10.1. Any absence of an employee from work without approved leave or the express permission of her/his departmental head, Immediate Supervisor or the Municipal Manager is absence without leave.
- 8.10.2. Whenever an employee who was absent without leave returned to work she/he must complete a leave application form. The number of days of her/his absence is deducted first from the annual leave to her/his credit. If she/he does not have sufficient annual leave to her/his credit, she/he must apply for unpaid leave.
- 8.10.3. Notwithstanding the fact that an employee may have sufficient leave to her/his credit to cover any unauthorised absence from work, the departmental head concerned must cause such employee to be charged with misconduct upon her/his return to work.

8.11 PARTICIPATION IN STRIKES AND OTHER INDUSTRIAL ACTION

- 8.11.1. Whenever two or more employees participate in any industrial action during working hours, whether protected or unprotected, the principle of no work, no pay applies.
- 8.11.2. No employee will be allowed to apply for any leave after she/he participated in any industrial action.

8.12 LEAVE DURING PERIODS OF DETENTION

- 8.12.1. An employee who may be detained on suspicion of her/his participation in any criminal activity must make arrangements to inform her/his immediate supervisor as soon as possible after her/his detention.
- 8.12.2. An employee who was detained must, as soon as she/he returns to work, submit an application of leave for the period during which she/he was detained.
- 8.12.3. An application for leave in the circumstances contemplated in paragraph 40. is an application for annual leave, provided that if the employee concerned does not have any or have less days annual leave to her/his credit than the period of her/his detention, any such leave or part thereof is leave without pay.

8.13 LEAVE WITHOUT PAY

- 8.13.1. The Municipal Manager may grant special leave without pay to an employee for a period or periods not exceeding 10 working days during an annual leave cycle for urgent private matters of an employee, provided that –
 - i. satisfactory arrangements can be made for the execution of the duties of such an employee during her/his absence; and
 - ii. the employee does not have any holiday leave to her/his credit.

8.14 OFFICIAL BUSINESS

- 8.14.1. The Municipal Manager may grant special leave with full pay to an employee when she/he is away from her/his normal place of work on official business.

8.15 QUARANTINE

- 8.15.1. The Municipal Manager may grant special leave with full pay to a maximum of 180 calendar days to an employee when she/he is placed under quarantine by a physician with the authority to do so.

8.16 COURT CASES AND APPEARANCES BEFORE OFFICIAL TRIBUNALS

8.16.1. The Municipal Manager may, upon submission to her/him of written proof, grant special leave with full pay to an employee when the latter is summonsed by the State to appear before a court, a commission of enquiry, a committee of the provincial legislature or Parliament, the Public Protector or any similar organ of state or public body to give evidence as a witness in proceedings before it.

9. APPLICATION AND APPROVAL

- 9.1 The departmental head concerned must consider an application for leave of absence and may approve or deny such an application. The Municipal Manager must approve an application for leave by a departmental head. The Mayor must approve an application for leave of the Municipal Manager.
- 9.2 Leave, with the exception of maternity and sick leave, is subject to the Municipality's operational requirements and is only valid after having been approved. The onus is on the employee to ensure that he/she has sufficient leave available; and
- 9.3 His/her application has been approved before taking leave.
- 9.4 If the employee so requests, her/his leave that has been approved, may be cancelled at any time before such leave commences, by the person who approved her/his application, provided that compulsory annual leave may not be cancelled. An employee must be credited with the cancelled leave.

10. CANCELLATION OF LEAVE

- 10.1 The Municipal Manager may, after consultation with the relevant departmental head, cancel, postpone or interrupt any leave granted to an employee, except maternity and sick leave; at any time should it be deemed necessary in the interests of Municipality. Whenever the leave of an employee is postponed, interrupted or cancelled –
- i. The Municipality must compensate the employee concerned for irrecoverable expenses or obligations entered into by her/him before she/he was notified of the postponement, cancellation or interruption. Proof of any such irrecoverable expenses is the responsibility of the employee;
 - ii. the reasons therefore must be provided to the employee in writing. The employee concerned must be credited with the leave that has been cancelled, postponed or interrupted;
 - iii. the period for which such compulsory leave is valid is extended by a maximum of six

months; and

- iv. and the employee concerned has to travel in order to resume duty, the Municipality must pay her/his expenses for the travelling from the place where she/he was and back to her/his workplace and such employee is deemed to be working while travelling.
- v. Any cancellation, postponement or interruption of leave must be confirmed in writing.

11. RESUMPTION OF SERVICE

- 11.1 An employee who is absent on approved annual leave may not voluntarily resume duty before the full period of such leave has expired and must resume duty on the first working day after such leave expired.
- 11.2 An employee who was absent on sick leave or maternity leave may resume her/his duty earlier upon submission of a medical certificate stating that she/he may do so.

12. ADMINISTRATIVE RECTIFICATION OF LEAVE RECORDS

- 12.1 When an employee is accidentally granted more leave than the leave due to her/him or takes more leave than that allowed in terms of this Chapter, the amount of leave granted in excess may, as the Municipal Manager may decide in her/his discretion be –
 - i. deducted from leave due to her/him later; or
 - ii. Recovered from her/him on termination of her/his employment.

13. PROMOTION, TRANSFER OR DEMOTION

- 13.1 Should the promotion, transfer or demotion of an employee entail a change in her/his leave earnings, such change comes into effect from the date that such promotion, transfer or demotion becomes effective.

14. REGRADING

- 14.1 Where the adjustment of an employee's job level causes an employee's leave benefits to be reduced, she/he retains the benefits to which she/he was previously entitled.

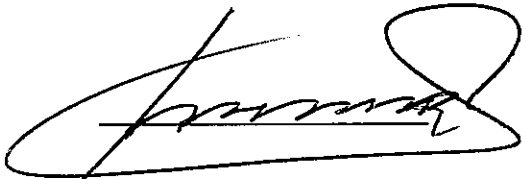
15. INDISPOSITION DURING THE COURSE OF A WORKING DAY

15.1 Should an employee take ill or be injured after having reported for work and leave her/his work place with the permission of her/his immediate supervisor four hours or later after the workday has commenced, she/he shall be compensated in full for that day. No sick leave application form is required for such an absence on that day.

16. POLICY REVIEW AND REPORT

16.1 The policy document shall be reviewed annually and/or when deemed necessary especially if there is a change in Collective agreement or legislation and submitted as part of the budget approval process.

Signed on the 22 day of 06 2022



MUNICIPAL MANAGER

WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY



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- 8.2.4. During the first 6 months of employment an employee is entitled to one day sick leave with full pay for every 10 days worked.
- 8.2.5. Sick leave is granted only for absence from work as a result of illness or injury.
- 8.2.6. An application for sick leave must be supported by a medical certificate stating that the employee was unable to work for the duration of her/his absence on account of sickness or injury –for a period of more than two consecutive days; or if the employee was absent from work due to alleged illness or injury on a Friday or a Monday or a workday immediately before or after a public holiday or immediately after holiday leave was taken.
- 8.2.7. In the case of uncertified sick leave, the employee must indicate on the leave application form what the nature of the indisposition was and whether a physician was consulted or not.

- 8.2.8. An application for sick leave on a third or further occasion during any eight-week period must, regardless of the period of absence, be supported by 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.
- 8.2.9. Any absence for alleged illness or injury in terms of sub-paragraph 8.2.7 that is not supported by a medical certificate is leave without pay.
- 8.2.10. Should it become apparent to the Municipal Manager, a departmental head or the Senior Manager: Corporate Services that an employee is abusing sick leave, she/he may, notwithstanding any other action that may be taken in terms of this policy and after consultation with a representative of the employee, grant unpaid leave for the period of absence concerned.
- 8.2.11. Absence from duty as a result of illness or injury must be reported within 3 hours after commencement of the employee's workday to the relevant departmental head. The employee must submit a leave application form on the first working day after she/he returned to work.
- 8.2.12. Despite any other action that may be taken in terms of this policy, any absence due to alleged illness or injury that had not been reported is treated as unpaid leave unless the employee had a good reason for the failure to report.
- 8.2.13. An employee must submit an application for sick leave, accompanied by a medical certificate, if required, before or on the third day after her/his absence from duty has started to her/his departmental head or on the first day after she/he returns to work after any period of illness shorter than 3 days. If an employee fails to submit an application in terms of sick leave any absence due to alleged illness or injury must be treated as unpaid leave.
- 8.2.14. An application for sick-leave supported by a medical certificate submitted prior to the commencement of any period of approved annual leave may be granted. The departmental head concerned may reconsider the approved annual leave at the request of the employee concerned.
- 8.2.15. An employee may use annual leave with full pay to cover any period of sick leave for which a medical certificate has been issued if her/his sick leave had been exhausted.
- 8.2.16. An additional leave may be granted to an employee who has exhausted their sick leave as per the Consolidated Collective Agreement.

8.3 MATERNITY LEAVE

- 8.3.1. An employee, including an employee adopting a child under three months of age, who has completed one year of continuous services with the Municipality, is entitled to four (4) consecutive month's maternity leave of which three months shall be paid leave. If one wishes to take the fourth

month an application for payment must be made through the Department of Labour and approval furnished to the Municipality prior to the commencement date of leave.

- 8.3.2. An employee may commence maternity leave at any time from four (4) weeks before the expected date of birth or 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.
- 8.3.3. No employee may return to work within six weeks after the birth of her child or a miscarriage or stillbirth unless a medical practitioner or midwife certifies that she is fit to do so.
- 8.3.4. An application for maternity leave, accompanied by a medical certificate indicating the expected date of delivery, must be submitted at least four weeks before the intended date of commencement of the maternity leave.
- 8.3.5. An employee who is on maternity leave retains her usual leave benefits and her normal incremental date.
- 8.3.6. An employee who takes maternity leave must remain in the employ of the Municipality for one day for every day of maternity leave she took after resuming work after her absence on maternity leave.
- 8.3.7. If an employee's employment with the Municipality is terminated for whatever reason before such working back obligation is discharged, she must repay the Municipality on a pro rata basis an amount equal to the value of the maternity leave paid out, the leave earned during such period of maternity leave and the employer's contributions on her behalf to the medical aid scheme (if any) and retirement fund.
- 8.3.8. Maternity leave must be granted in respect of absence from duty as a result of a miscarriage, a still birth or termination of pregnancy and should produce medical advice. Maternity leave is granted from the date of the miscarriage, stillbirth or termination of pregnancy on medical advice.

8.4 EXAMINATION AND STUDY LEAVE

- 8.4.1. Applications for special leave to sit for examinations must be accompanied by written notification by the institution concerned of the specific day or days on which the examination will take place.
- 8.4.2. Examination and study leave with full pay must be granted for the day before the exam date and the day on which an examination is written.
- 8.4.3. An application for study leave must be submitted simultaneously with the application for examination leave. Study leave with full pay is granted for an equal number of days on which examination is written, provided that no study leave may be granted if an examination takes place on a Monday or a day immediately following a public holiday.

8.4.4. After the examination an applicant must submit written proof of the result of the examination. If an applicant fails to do so, the number of days special leave granted to her/him in terms of this paragraph must be debited against her/his annual leave or be converted into special leave without pay where no annual leave is available or the available annual leave is insufficient to cover the days examination and study leave taken.

8.5 LEAVE FOR INJURY ON DUTY

8.5.1. The Municipal Manager must grant special leave with full pay to an employee who is unable to perform her/his duties owing to an accident to which the provisions of the Compensation for Occupational Injuries and Diseases Act (Act No. 130 of 1993) apply.

8.6 LEAVE FOR RESEARCH

8.6.1. An employee who is enrolled for post-graduate or higher diploma studies at a tertiary education institution may be granted 10 days special leave with full pay for research purposes with a view to complete a thesis, dissertation or publishable article in respect of such a course.

8.7 VISITS TO HEALTH CARE PROVIDERS

8.7.1. No employee may visit a health care provider, during working hours except with the express prior permission of her/his immediate supervisor.

8.8 FAMILY RESPONSIBILITY LEAVE

8.8.1. An employee who had been in the service of the Municipality for more than four months and who normally works more than four days a week, is entitled to five days family responsibility leave with full pay during every annual leave cycle of that employee –

- i. when her/his child is sick or born; or
- ii. when her/his spouse or life partner is sick;
- iii. in the event of the death of her/his spouse or life partner, parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.

- 8.8.2. The employee must apply for family responsibility leave prior to going on such leave. An application for family responsibility leave must be accompanied by proof of an event contemplated in sub-paragraph 36.1 for which the leave is required.
- 8.8.3. Unused family responsibility leaves lapses at the end of the annual cycle leave during which it accrues.

8.9 PARTICIPATION IN NATIONAL/INTERNATIONAL SPORTS ACTIVITIES

- 8.9.1. The Municipal Manager may grant special leave with full pay to sportsmen and women, coaches, referees and umpires in the Municipality's employ for participation in national and international level sports events.

8.10 UNAUTHORISED ABSENCE FROM WORK

- 8.10.1. Any absence of an employee from work without approved leave or the express permission of her/his departmental head, Immediate Supervisor or the Municipal Manager is absence without leave.
- 8.10.2. Whenever an employee who was absent without leave returned to work she/he must complete a leave application form. The number of days of her/his absence is deducted first from the annual leave to her/his credit. If she/he does not have sufficient annual leave to her/his credit, she/he must apply for unpaid leave.
- 8.10.3. Notwithstanding the fact that an employee may have sufficient leave to her/his credit to cover any unauthorised absence from work, the departmental head concerned must cause such employee to be charged with misconduct upon her/his return to work.

8.11 PARTICIPATION IN STRIKES AND OTHER INDUSTRIAL ACTION

- 8.11.1. Whenever two or more employees participate in any industrial action during working hours, whether protected or unprotected, the principle of no work, no pay applies.
- 8.11.2. No employee will be allowed to apply for any leave after she/he participated in any industrial action.

8.12 LEAVE DURING PERIODS OF DETENTION

- 8.12.1. An employee who may be detained on suspicion of her/his participation in any criminal activity must make arrangements to inform her/his immediate supervisor as soon as possible after her/his detention.
- 8.12.2. An employee who was detained must, as soon as she/he returns to work, submit an application of leave for the period during which she/he was detained.
- 8.12.3. An application for leave in the circumstances contemplated in paragraph 40. is an application for annual leave, provided that if the employee concerned does not have any or have less days annual leave to her/his credit than the period of her/his detention, any such leave or part thereof is leave without pay.

8.13 LEAVE WITHOUT PAY

- 8.13.1. The Municipal Manager may grant special leave without pay to an employee for a period or periods not exceeding 10 working days during an annual leave cycle for urgent private matters of an employee, provided that –
 - i. satisfactory arrangements can be made for the execution of the duties of such an employee during her/his absence; and
 - ii. the employee does not have any holiday leave to her/his credit.

8.14 OFFICIAL BUSINESS

- 8.14.1. The Municipal Manager may grant special leave with full pay to an employee when she/he is away from her/his normal place of work on official business.

8.15 QUARANTINE

- 8.15.1. The Municipal Manager may grant special leave with full pay to a maximum of 180 calendar days to an employee when she/he is placed under quarantine by a physician with the authority to do so.

8.16 COURT CASES AND APPEARANCES BEFORE OFFICIAL TRIBUNALS

8.16.1. The Municipal Manager may, upon submission to her/him of written proof, grant special leave with full pay to an employee when the latter is summonsed by the State to appear before a court, a commission of enquiry, a committee of the provincial legislature or Parliament, the Public Protector or any similar organ of state or public body to give evidence as a witness in proceedings before it.

9. APPLICATION AND APPROVAL

- 9.1 The departmental head concerned must consider an application for leave of absence and may approve or deny such an application. The Municipal Manager must approve an application for leave by a departmental head. The Mayor must approve an application for leave of the Municipal Manager.
- 9.2 Leave, with the exception of maternity and sick leave, is subject to the Municipality's operational requirements and is only valid after having been approved. The onus is on the employee to ensure that he/she has sufficient leave available; and
- 9.3 His/her application has been approved before taking leave.
- 9.4 If the employee so requests, her/his leave that has been approved, may be cancelled at any time before such leave commences, by the person who approved her/his application, provided that compulsory annual leave may not be cancelled. An employee must be credited with the cancelled leave.

10. CANCELLATION OF LEAVE

- 10.1 The Municipal Manager may, after consultation with the relevant departmental head, cancel, postpone or interrupt any leave granted to an employee, except maternity and sick leave; at any time should it be deemed necessary in the interests of Municipality. Whenever the leave of an employee is postponed, interrupted or cancelled –
 - i. The Municipality must compensate the employee concerned for irrecoverable expenses or obligations entered into by her/him before she/he was notified of the postponement, cancellation or interruption. Proof of any such irrecoverable expenses is the responsibility of the employee;
 - ii. the reasons therefore must be provided to the employee in writing. The employee concerned must be credited with the leave that has been cancelled, postponed or interrupted;
 - iii. the period for which such compulsory leave is valid is extended by a maximum of six

- months; and
- iv. and the employee concerned has to travel in order to resume duty, the Municipality must pay her/his expenses for the travelling from the place where she/he was and back to her/his workplace and such employee is deemed to be working while travelling.
 - v. Any cancellation, postponement or interruption of leave must be confirmed in writing.

11. RESUMPTION OF SERVICE

- 11.1 An employee who is absent on approved annual leave may not voluntarily resume duty before the full period of such leave has expired and must resume duty on the first working day after such leave expired.
- 11.2 An employee who was absent on sick leave or maternity leave may resume her/his duty earlier upon submission of a medical certificate stating that she/he may do so.

12. ADMINISTRATIVE RECTIFICATION OF LEAVE RECORDS

- 12.1 When an employee is accidentally granted more leave than the leave due to her/him or takes more leave than that allowed in terms of this Chapter, the amount of leave granted in excess may, as the Municipal Manager may decide in her/his discretion be –
 - i. deducted from leave due to her/him later; or
 - ii. Recovered from her/him on termination of her/his employment.

13. PROMOTION, TRANSFER OR DEMOTION

- 13.1 Should the promotion, transfer or demotion of an employee entail a change in her/his leave earnings, such change comes into effect from the date that such promotion, transfer or demotion becomes effective.

14. REGRADING

- 14.1 Where the adjustment of an employee's job level causes an employee's leave benefits to be reduced, she/he retains the benefits to which she/he was previously entitled.

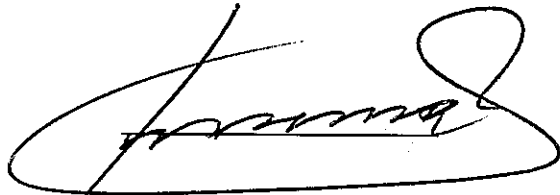
15. INDISPOSITION DURING THE COURSE OF A WORKING DAY

15.1 Should an employee take ill or be injured after having reported for work and leave her/his work place with the permission of her/his immediate supervisor four hours or later after the workday has commenced, she/he shall be compensated in full for that day. No sick leave application form is required for such an absence on that day.

16. POLICY REVIEW AND REPORT

16.1 The policy document shall be reviewed annually and/or when deemed necessary especially if there is a change in Collective agreement or legislation and submitted as part of the budget approval process.

Signed on the 22 day of 06 2022



MUNICIPAL MANAGER