



LEAVE POLICY SENQU LOCAL MUNICIPALITY

Date Approved	Version	Resolution No
	4	

The Information Manager (Municipal Manager)
Senqu Local Municipality
19 Murray Street
Lady Grey
Telephone (051) 603 1300
Facsimile (051) 603 0445
Website: www.senqumunicipality.co.za

1. Purpose

The purpose of this policy is to facilitate sound management of leave within 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 under the Bargaining Council, including employees on fixed-term contracts but excluding employees who work less than 24 hours a month for the municipality. The policy is applicable as of 01 July 2017.

3. Legislative Framework

- Labour Relations Act, 1995 as amended
- Consolidated Collective Agreement on Conditions of Service for the Eastern Cape Division February 2011
- 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 medical checks, 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:

Senior Managers

Leave provisions for all categories of leave that senior managers are entitled to, are prescribed in the 2014 Municipal Systems Act Regulations on the Appointment of Senior Managers which

are adopted by Council until the new Regulations are finalised by COGTA, in line with the chapter 3 of the Basic Conditions of Employment Act 75 of 1997. Leave provisions and categories according to the regulations, must be in the contracts of senior managers and the Municipality is required to have a leave management systems that accurately keeps a record of leave taken by its senior manager. Leave of senior managers will thus be managed in line with their contracts and or the regulations.

Bargaining Council employees including employees on fixed term contracts either than senior managers.

5.1 Annual Leave

Employees are entitled to the following annual leave per annual leave cycle:

- 24 days for a five day worker
- 27 days for a six day worker

16 working days for an employee working 5 days a week, and 19 working days for an employee working 6 days a week shall be regarded as compulsory annual leave, which must be taken within 6 months of anniversary date. The annual leave should be reduced proportionally if an employee is in service for less than 12 months

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} for an employee working 5 days a week. For Employees working 6 days a week, annual leave accrues on a pro-rata basis of 2.25 calendar days for each month of completed service.

Failure to take compulsory annual leave may result in forfeiture of annual leave due. The accumulative leave to a maximum of 15 days and a minimum of 5 days, may upon the employee's written request, be encashed, provided that the employee will have at least 2 days accumulative leave available for unforeseen circumstances. Encashment will only be allowed in January and July each year.

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, shall be payable based on the employee's current rate of pay.

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.

5.2 Sick Leave

Sick leave cycle means the period of 36 months employment with the same employer (municipality). **With effect from new leave cycle, an employee will be granted 80 days sick leave in a three year leave cycle, provided that in respect of new appointments an employee may take more than 30 days sick in the first year.** Section 56 Managers will only receive 36 days.

The municipality is not required to pay an employee 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 days 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.

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.

5.3. Additional Paid Sick Leave

Employees who have a balance of at least 60 working days unused sick leave at the end of a three-year cycle, shall receive an additional 20 working days paid sick leave to which he will be entitled in the same ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than 100 working days sick leave on full pay.

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 illnesses 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:

- provided that the employee has submitted a satisfactory sick certificate from a registered medical or dental practitioner, or a Traditional Healer who is registered with the recognized professional council in terms of Legislation, and
- The Municipality is satisfied that the employee is at the moment not permanently incapacitated to resume normal duties,
- Such additional leave must be granted in respect of separate periods of absence and indispositions of different kinds.

Where an employee has used all the sick leave and is still incapacitated, the employee may use the available annual leave to recuperate. If the employee is still unfit for duty after using such leave, sick leave without pay for not more than 250 working days in any cycle, may be granted provided that if sick leave without pay exceeds 40 consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

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.

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

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 in terms of Legislation.

5.4 COVID-19 related leave provisions (subject to further pronouncements/ Regulations on same)

Employees who are placed on quarantine or isolation following the assessment by the Department of Health will be placed on sick leave as per the Municipal leave policy. Applications from employees who have exhausted their leave will be dealt with in terms of clause 4 of the Directive issued on 25 March 2020 on the COVID-19 Temporal Relief Scheme under Regulation 10(8) of the Regulations promulgated in terms of section 27(2) of the Disaster Management Act.

If there is evidence that the worker contracted COVID-19 as a result of occupational exposure, they may lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993) in accordance with Notice 193 published on 3 March 2020.

5.5 Accident leave

Occupational Accidents

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 for such periods as supported by medical certificates, for a maximum period of 24 months.

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

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;

- 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.

The Municipality shall be obliged to take reasonable steps to assist an employee to claim compensation accordingly. Where an employee is declared permanently and totally disabled, the Municipality will commence incapacity procedures.

In the case of Temporary Total disablement the Municipality shall be liable for the payment of 75% of an employee's monthly earnings at the time of the accident to a maximum of R6 064.50 per month for the first three months from the date of accident. After the expiry of the said three months, compensation so paid by such employer shall be repaid to the employer by the

Director-General or mutual association concerned, as the case may be. Temporary total disablement continuing for more than 24 months may be treated by the Director-General as permanent disablement.

5.6 Examination Leave

An employee shall be entitled to examination leave for all study that is in line with the employee's field of work, that appears in the employee's job description and that would be of benefit to the Municipality.

An employee will be entitled to one (1) working day special leave per subject with full pay for preparation purposes and one (1) working day special leave per subject with full pay for the examination up to a maximum of sixteen (16) working days within a leave cycle.

In order for an application for examination leave to be considered, such application must be accompanied by an examination timetable and proof of registration relevant to the specific registered study undertaken by the employee.

Examination leave is only applicable to the writing of subjects on first attempt and not for supplementary or special examinations.

Notwithstanding the provisions of this policy, leave of absence for the purpose of examination shall be granted with due consideration to the operational requirements of the Municipality.

An employee will not qualify for examination leave where such study field is not in line with the employee's field of work or occupation and therefore to no benefit to the Municipality.

Where an employee is a beneficiary of a bursary awarded to the employee by the Municipality, such an employee shall furnish the Municipality with his/her results as soon as possible and failure to do so will result in the leave granted being converted to annual leave.

5.7 Study Leave

An employee shall be entitled to study leave for all study. All study leave will be applied on a 50/50 basis up to a maximum of thirty (30) days within a leave cycle, i.e. 50% of the total number of days taken as study leave will be debited from an employee's annual leave and 50% will be granted to the employee as a form of special leave.

Where such study leave is an unequal number of days the employee will be liable for the excess days, e.g. 11 days study leave will be debited as follows:

Employee's Annual Leave = 6 days

Special Leave Granted by Municipality = 5 days

In order for an application for study leave to be considered, such application must be accompanied by an examination timetable and proof of registration relevant to the specific registered study undertaken by the employee.

Notwithstanding the provisions of this policy, leave of absence for the purpose of study shall be granted with due consideration to the operational requirements of the Municipality.

5.8 Special Leave

Special leave on full pay of up to ten working (10) may be granted to an employee, subject to submission of supporting documents, in the following circumstances only;

- In order to attend court to give evidence upon being subpoenaed as a witness.
- As a result of being placed under quarantine or isolation on the instruction of a registered medical practitioner. A medical certificate indicating the period and the reason for such isolation or quarantine is required.
- 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.
- When there is closure of access roads due to snow, taxi strike and natural disaster. Applications for this must be accompanied by an official communication from the Department of Transport or by written confirmation from the Senqu Traffic Department or by acceptable evidence that is signed off by the Director or Municipal Manager.
- An employee is required to work from home.

5.9 Long Service leave & Bonus

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

- 5 year's service: 5 days accumulative leave plus a once off payment equal to 2% of the employee's annual salary.
- 10 year's service: 10 days accumulative leave plus a once off payment equal to 3% of the employee's annual salary.
- 15 year's service: 15 days accumulative leave plus a once off payment equal to 4% of the employee's annual salary.
- 20 year's service: 15 days accumulative leave plus a once off payment equal to 5% of the employee's annual salary.
- 25 year's service: 15 days accumulative leave plus a once off payment equal to 6% of the employee's annual salary.
- 30,35,40,45(or more) years' service: 15 days accumulative leave plus a once off payment equal to 6% of the employee's annual salary.

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

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

Payment on termination of service will be calculated on the employee's current basic rate of pay in lieu of all accumulated service leave.

5.10 Maternity Leave

An employee, including an employee adopting a child under (3) three months, shall be entitled to four (4) calendar months maternity leave with no limit to the number of confinements or adoptions. One (1) month will be unpaid and (3) three months shall be at the employee's total remuneration. This leave provision shall also apply to an employee whose child is still-born.

To qualify for paid maternity leave, an employee must have one (1) years' service with the employer.

An employee shall submit a certificate from a medical practitioner of expected due date before commencing maternity leave. An employee's maternity leave shall commence no later than 30 days before the birth of the child unless a doctor certifies that she is still healthy to continue with her duties and the date maternity leave should commence.

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.

An employee who has a miscarriage during the third trimester of pregnancy, is entitled to maternity leave for six weeks after the miscarriage, whether or not the employee had commenced maternity leave at the time of the miscarriage.

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.

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

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

During an employees pregnancy, and for a period of six (6) months after the birth of her child, her employer must offer her suitable alternative employment on terms and conditions that are no less favourable than her ordinary terms and conditions of employment, if

- The employee is required to work night work or her work poses a danger to her health or safety or that of her child; and
- It is practicable for the municipality to do so.

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

During the employee's absence on maternity leave the municipality shall pay for a period not exceeding 4 months, 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.

An employee shall notify the Director, 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.

5.11 Family Responsibility Leave

Family responsibility leave applies only to an employee who has been in employment with the municipality for longer than four (4) months.

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:

- When the employee's child is born. This should be taken within a month of the child being born.
- When the employee's child, spouse, adopted child, parent, grand parent, adopted child or life partner is sick,
- In the event of death of the employee's spouse, life partner, parent, adoptive parent, grand parent, child, adopted child, grand child, or sibling.

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

The municipality shall require reasonable proof of an event for which family responsibility leave is required, before paying the employee.

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

6. Termination of Service during Leave

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.

No leave is to be granted after the employee or the municipality has given notice of termination of service.

7. General Leave Conditions

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.

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.

The Mayor will be responsible for the approval of leave for the Municipal Manager and for Managers directly accountable to the Municipal Manager, the Municipal Manager will approve

leave. The relevant Director shall approve leave of managers and for all other employees the relevant Director/Manager shall approve the leave.

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 as guided by Section 37D of the Pension Fund Act.

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. 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.

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 this effect, and where such permission is not granted by the employee, civil action may be instituted against the employee.

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.

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

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

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.

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

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

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

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 Director.

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-imburement shall be supported by the documentary proof acceptable to the Director.

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 Director.

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.

17. APPROVAL OF THE POLICY

Date of Approval by Council:
Resolution Number:

M M YAWA
MUNICIPAL MANAGER

DATE