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LEAVE POLICY


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1. PREAMBLE

The Agency recognizes a need to have its own Leave Policy which directs the employees as to how should they apply for leave and when can it be granted or declined. This policy has to be in line with the Conditions of Services and also the Basic Conditions of Employment. Employees need to have a rest from their daily tasks or when they are not feeling well or when they have to do their own personal things outside work.

2. PURPOSE OF THIS POLICY

- 2.1 To regulate all forms of leave that are accrued and due to employees as a benefit.
- 2.2 To outline procedures to be followed for the granting and taking of leave

3. APPLICATION OF THIS POLICY

- 3.1 This Policy shall apply to all Contract and Permanent Municipal employees
- 3.2 This policy may be extended to the trainees attached to the Agency.

4. CLASSIFICATION OF LEAVE

- 4.1 Leave of absence from duty on working days shall be classified as follows:
 - (a) Annual Leave
 - (b) Absence as a result of sickness or injury on duty
 - (c) Special leave
 - (d) Examination and study leave
 - (e) Maternity Leave
 - (f) Paternity Leave
 - (g) Family Responsibility leave

5. ANNUAL LEAVE

5.1 Annual Leave

- 1. An employee is by law entitled to 24 working days leave annual leave cycle or to the number of annual leave days stipulated in his /her contract of employment.
- 2. Annual leave can be accumulated during one year leave cycle from anniversary (Appointment Date) date up to a maximum of 24 days per annual cycle. In total an employee may not accumulate more than a total of 48 days, whereafter the employee will forfeit his/her leave.
- 3. The Agency must grant to an employee at least 16 consecutive working days annual leave within 6 months after the lapse of the cycle.

4. The Agency may not permit or require an employee to take annual leave during:
 - (a) Any other period of leave to which the employee is entitled; or
 - (b) Any period of notice of termination of employment.
5. Application for annual leave must be submitted in line with the provisions of this policy.
6. Conversion of annual leave into sick leave shall be permitted in the event that the employee fell sick during the course of the annual leave subject to production of a medical certificate covering all claimed sick leave days.
7. The Human Resources Division shall issue reminders to employees about taking of annual leave immediately after the end of the leave cycle.
8. An employee is obliged to take his/ her compulsory 16 days of annual leave every year 18 months and this is designed to ensure that employees do receive a rest period away from their daily tasks.
9. Should an employee be unable to take his/her compulsory annual leave within the window period of the first 6 months immediately following the lapse of the annual leave cycle as a result of sickness or injury, he/she may apply for the window period to be extended by not more than 6 months, subject to the approval of the CEO.
10. Annual leave declined due to operational requirements and not uncashed in terms of the leave encashment policy must be captured as forward planned leave the following/next three months.

6. ABSENCES AS A RESULT OF SICKNESS OR INJURY WHILE ON DUTY

- 6.1 The sick leave policy provided for herein are intended to cover only the period during which an employee is prevented from performing his/her duties because he/she is confined to his/her residence, hospital, nursing institution, sanatorium or other similar place, by reason of a disease and in cases of serious complaints and for such reasonable period thereafter as his/ her medical advisors may deem necessary for him to recover in order to resume his duties.
- 6.2 All employees shall be entitled to sick leave of not more than 80 working days in a 3-year cycle as per the Conditions of Service.
- 6.3 A medical certificate will be required from a registered medical practitioner if more than two consecutive days are taken as sick leave.
- 6.4 In the event that an employee has been sick for two consecutive days, the employee will not be required to produce a medical certificate, however, will be required to complete a sick leave application without a medical certificate.

- 6.5 The employer shall not pay an employee if an employee is absent on more than two occasions during an eight-week period and on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employees' absence on account of sickness or injury.
- 6.6 An employee who has been granted a maximum available period of sick leave and who when this has expired, is still not fit to perform his duties properly by reason of poor health, may be required to take annual leave in lieu of sick leave. If annual leave is depleted a further period of 30 days of sick leave with on full pay and thereafter a further 30 days on half pay will be granted at the discretion of the Municipal Manager. If the 30 days granted has been depleted the employee shall be placed on sick leave without pay.-
- 6.7 An employee granted sick leave on half pay or without pay in terms of this policy may elect to apply for medical boarding.
- 6.8 If an employee suffers an injury on duty or contracts a n occupational disease arising out or in course of his/her duty, the municipality shall grant such an employee injury on duty or occupational diseases leave, at the salary value of 100% of normal pay during a period of temporary total disablement as provided for in the Compensation Occupational Injuries and Diseases Act.
- 6.9 If an employee has exhausted all sick leave, but has applied for a medical boarding, 20 additional days sick leave shall be granted on full pay.
- 6.10 If, during his vacation leave, an employee develops indisposition or contracts a disease not due to his wilfulness or negligence, and produces a certificate from a registered medical practitioner stating that the nature of the disease or complaint was such as to make it essential for the employee not to attend work in order to recover, the number of working days of such period of the annual leave for which the employee was thus, required to recover, shall be converted into sick leave, and his annual leave shall be credited with a number of days referred to.
- 6.11 In the event that the Agency suspects sick leave abuse, the Agency may at any time cause an employ thus applying for sick leave to be examined by the Agency Medical Officer or Health practitioner or a registered practitioner appointed by the Agency.
- 6.12 Notwithstanding anything to the contrary herein, no sick leave amounting to more than half a day shall be granted to an employee and any absence of an employee for the duration of less than half a day shall not be recorded as sick leave.

- 6.13 Should an employee be found guilty of abuse of sick leave in a departmental or disciplinary enquiry, a penalty of unpaid sick leave for the period of absence concerned or any other sanction may be imposed on the employee in question.
- 6.14 If an employee is absent from duty as a result of illness for a continuous period of more than 6 months and the full recovery of the employee is questionable according to the medical reports, the Human Resources Division may initiate medical boarding and arrange either for the appointment of a Medical Council in accordance with the statute of the Pension Fund/Provident Fund with a view to consider retirement owing to lasting medical disability of the employee concerned, or that sick leave be granted for at most two further periods of not more than three months each, following which a Medical Council shall be appointed on condition that, if the physician is of the opinion at an early stage that the employee is going to remain medically unfit permanently, the matter shall be referred (without delay) to the relevant Pension/ Provident Fund.
- 6.15 When an employee is treated via the EAP at an institution may be granted sick leave for the period that they are away provided that sufficient number of days sick leave are available to the employee.
- 6.16 If an employee relapses all costs for treatment and time-off will be at his/her own expense
- 6.17 It is the responsibility of the Manager and Employee to utilize and manage leave and sick leave.
- 6.18 When an employee is unable to report to work due to illness, he/she must personally notify his/her immediate supervisor within 2 hours that he/she will not be able to report for duty. In the event that an employee is unable to personally report, a verbal message by a relative or fellow employee will be acceptable if the nature or extend of the illness prevents the employee to inform the supervisor or manager personally.
- 6.19 If an employee cannot submit his/her sick note and will be absent for more than five days the employee and supervisor must ensure that a sick note is captured on the system within 2 days of becoming ill. In the event that the employee is not impersonated and cannot submit his/her leave online a copy of the sick note must be sent to HR to place a note on the system. Once the employee returns to work, he/she must immediately capture the sick leave.

7. SPECIAL LEAVE

7.1 Special leave will be granted up to ten (10) days special leave per annum and cannot accumulate.

7.2 Application for such leave shall be made to the Agency or his/her nominee for consideration and approval, in the form of a written memorandum with necessary attachments. The special leave must be Approved the Agency before it is captured or taken.

7.3 Special leave may only be granted for the following reasons:

1. Court appearances by employees as witnesses
2. Study purposes
3. National and provincial sports representation.
4. Exigencies of the service must be taken into consideration and supporting documents where required must be provided with the application for a special leave.

8. STUDY AND EXAMINATION LEAVE

8.1 Study leave will be granted to employees who are registered in programs relevant to the job.

8.2 Employees shall be granted special study leave for attendance of tutorials or block classes as prescribed by the academic institution on a 50:50 basis, that is a special study leave day for one annual leave day taken for attendance of tutorials or block classes in each academic year subject to submission of a written official notification from the academic institution concerned.

8.3 Paid leave for purposes of writing examinations for approved courses will be granted on the basis of a c of the examination and a day preceding it. The number of such days shall not exceed 10 working days annum.

8.4 If the examination of approved courses exceeds 5 days per annum and additional 10 paid leave for purposes of writing examinations granted on the basis of a day of the examination and a day preceding.

8.5 Applications for special leave for examinations must be accompanied by written notification by the institution concerned of the specific day on which the examination shall be written.

8.6 Where the day of the examination falls immediately after the weekend or a paid public holiday only-Preparation days may be taken in the week preceding the weekend/public holiday e.g. if an employee is writing examinations on a Monday, Tuesday and Wednesday then the Wednesday, Thursday and Friday in the preceding week may be taken for preparation.

8.7 Leave must be applied for at least three (3) weeks in advance on the prescribed leave system.

8.8 After the examination, applicants must submit written proof of the results of the examination that has been written.

8.9 If an applicant fails to do so, the days concerned will be debited against the applicant's own annual leave or be converted into leave without pay where no vocational leave is available.

9. MATERNITY LEAVE

9.1 In terms of the provisions of the Basic Conditions of Employment Act, (Act 75 of 1997) and Conditions of Services an employee, including an employee adopting a child under three (3) months is entitled to at least three (3) consecutive months paid maternity leave, with no limit on the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still born. The fourth (4m) month can be taken without pay but claimable through the UIF.

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

9.3 An employee is to submit the Expected Date of Delivery Medical Certificate to the Employer at least four months prior to the commencement of maternity leave.

9.4 An employee may commence maternity leave:

1. At any time from four weeks before the expected date of birth, unless otherwise agreed;
2. 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.

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

9.6 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.

9.7 An employee must notify an employer in writing, unless the employee is unable to do so, on the date on which the employee intends to:-

1. commence maternity leave; and
2. return to work after maternity leave.

9.8 Notification in terms of subsection 17.5 must be given-

1. At least four weeks before the employee intends to commence maternity leave; or
2. If it is not reasonably practicable to do so, as soon as is reasonably practicable.

9.9 In the event of an employee who has been in the service of the municipality for a period of less than 12 months, on the date of commencement of maternity leave, such employee shall be responsible for the payment of all employee benefits, contributions, with the exclusion of the Agency's contributions.

10. PATERNITY LEAVE

10.1 There shall be no paternity leave provided by the municipality to any person. Fathers taking paternity leave may take up to 10 days unpaid leave from the Agency and claim the 10 days from UIF.

11. FAMILY RESPONSIBILITY LEAVE

11.1 This section applies to:

1. An employee who has been in employment with the municipality for longer than four months; and
2. An employee who works for at least four days a week for the Agency.

11.2. An employer must grant an employee, during each annual leave cycle, at the request of the employee, five days' paid leave, which the employee is entitled to take in terms of the conditions of services-

1. when the employee's child is born.
2. when the employee's child is sick; or if a spouse or life partners is sick

3. in the event of the death of:

(i) the employee's spouse or life partner; or

(ii) the employee's parent, adoptive parent, grandparent, parent-in-law, child, adopted child, grandchild, or sibling.

11.3 Subject to subsection (19.5), an employer must pay an employee for a day's family responsibility leave: -

1. The wage the employee would ordinarily have received for work on that day; and

2. On the employee's usual pay day.

11.4 An employee may take family responsibility leave in respect of the whole or a part of a day.

11.5 Before paying an employee for leave in terms of this section, the Agency reserves a right to require reasonable proof of an event contemplated in subsection (19.2) for which the leave was required.

11.6 An employee's unused entitlement to leave in terms of this section lapses at the end of the annual leave cycle in which it accrues.

11.7 A collective agreement may vary the number of days and the circumstances under which leave is to be granted in terms of this section.

12. PARTICIPATION IN STRIKES AND OTHER INDUSTRIAL ACTION

12.1 Whenever an employee participates in an industrial action during work hours, whether protected or unprotected, the principle of no work no pay will apply.

12.2 No employee will be allowed to apply for any leave during the period of the industrial action or after he/she has participated in industrial action.

13. LEAVE WITHOUT PAY

13.1 In the following circumstances an employee will be subjected to leave without pay:

1. If he/she/family member fails to inform his supervisor of his absence within two hours of the employee's clocking time
2. Disappears from his workstation for more than two hours without notifying the Supervisors
3. Failure to report for duty subject to confirmation with the immediate Superior
4. Unauthorized leave
5. Incarceration
6. Alleged Intoxication on duty which will lead to the employee being turned away from work

13.2 Leave pay will be calculated in terms of the provisions of section 21 and 35 of the Basic Conditions of Employment Act, 75 of 1997 as illustrated in clause 20.3 below.

13.3 If the annual leave of an employee has been used in full, the Agency may, at its discretion, grant leave without pay to such employee, provided that no period of leave without pay shall affect the period of service of the employee.

13.4 The amount to be deducted from the salary of an employee taking leave without pay, shall be calculated on the following basis:

Annual salary divided by twelve(months)

Answer divided by 4.33(weeks)

Answer divided by 5(days)

Answer equals to daily rate

13.5 The leave without pay must be recorded in the unpaid leave register.

14. APPLICATION AND APPROVAL OF LEAVE

- 14.1 All applications for leave shall be in writing on the Employee Self Service system supplied by the Agency
- 14.2 Applications for annual leave must be made in equally to the number of days that is being requested for 5 days requested, 5 working days prior notice must be given, to allow for planning in an employee's absence.
- 14.3 Under normal circumstances no employee shall commence any leave other than IOD/ sick leave prior to approval of leave request by the Manager, however if extra ordinary circumstances occur, a leave applied for after coming back from that occasion of absence of leave shall not be unreasonably declined by the Agency.
- 14.4 Where possible, all applications shall be communicated to the immediate supervisor and then captured on the Electronic Self Service System.
- 14.5 The CEO may approve an application for leave of absence by a person directly accountable to him/her.
- 14.6 The Managers shall approve all types of leave with the exception of special leave for employees directly reporting to them.
- 14.7 The Managers shall approve of all types of leave with the exception of special leave of absence for employees falling within their respective Divisions.
- 14.8 The immediate supervisors of employees shall be required to recommend employee's leave applications for approval.
- 14.9 Leave of absence, with the exception of sick leave, maternity leave or IOD leave, is subject to the Agency 's operational requirements and is only valid after having been approved.
- 14.10 Operational requirements of the Agency shall not be used as a basis for unfairly denying leave to employees especially when there are predetermined arrangements.

15. LEAVE RECORD AND CANCELLATION

15.1 Leave Records

1. Any leave of absence due, granted and taken is recorded on the Electronic Self Service system entrusted to the Human Resources Department, and an employee shall have access to his/her leave record at all reasonable times during office hours.
2. The superiors of the employee shall have access to inspect the records of the employees under their control.
3. All leave days shall be reconciled on an annual basis for purpose of the financial statement disclosure.

15.2 Cancellation of Leave

1. Leave of absence granted to an employee, with the exception of sick leave, maternity leave, IOD leave may be cancelled, postponed or interrupted at any time by the Executive Manager concerned, should this be deemed necessary in the interests of the Municipality, and as such an employee shall be compensated by the Agency for irrecoverable expenses or obligations entered into by him/her before he/she was notified of the postponement, cancellation or interruption.
2. Proof of any such irrecoverable expenses referred to in clause 6.2.1 shall be upon onus of the employee.
3. An employee who is recalled while on leave, shall be entitled to take the non-expired portion of his leave at a later date, as may be arranged.
4. If an employee, whose leave of absence is interrupted, has to travel in order to resume his duties, any reasonable expenses, with due consideration of the circumstances, for the journey there and back, shall be paid and he/ she shall be deemed to be on duty during any time spent travelling.
5. Any cancellation or postponement of leave shall be notified to the employee in writing.
6. Notwithstanding any compelling circumstances, the municipality may not postpone any leave due to any employee for an indefinite period.

7. Any leave or portion of leave granted to an employee may be cancelled at his/ her request at any time before he proceeds on leave, or the period for such leave as if it was not taken and he/she shall be credited on the electronic Self Service System with any leave not taken.

16. LEAVE CREDIT IN THE EVENT OF AN EMPLOYEE'S TERMINATION OF SERVICE

16.1 Should services of the employee be terminated after leave has been granted to him/her, any unused leave shall be placed to his/her credit.

16.2 Approved annual leave falling within the period of serving a notice of termination shall become null and void with immediate effect.

16.3 Annual Leave other than sick leave cannot be taken during the notice period for termination of service

17. RESUMPTION OF SERVICE FROM ANNUAL LEAVE

17.1 After resumption of service from taking the required 16 consecutive days per annum, an employee will be expected to work for the duration of the annual leave cycle however annual leave of occasional nature may be taken from time to time as and when necessary.

18. LEAVE GRANTED IN ERROR

18.1 If more leave than that which is due to the employee has been granted to him in error, but in good faith, and taken by him, such leave granted in excess shall be deducted from any leave due to him at a later date.

18.2 Such employee for any reason whatsoever, should leave the service of the Agency before having the necessary leave to his credit to make such deduction possible, the value of such leave taken in excess shall be deducted from any salary or moneys due to him/her.

19. TERMINATION OF SERVICES

When the services of an employee have been terminated for whatsoever reason, a transaction-by-transaction audit of the annual leave shall be done for the purpose of verifying the accuracy and correctness of the balance of annual leave.

20. PERIODICAL LEAVE AUDIT

- 20.1 Leave shall be audited by the municipality on a periodical basis in order to verify accuracy and correctness of leave records.
- 20.2 Should errors be found they will be rectified and affected employees will be informed accordingly.

21. CALCULATION OF LEAVE

- 21.1 In order to calculate any leave and the value of the annual leave in terms of this leave provision it shall be accepted that all employees work a five-day week.
- 21.2 Any leave is calculated to include the first workday of leave and to exclude the workday on which duty is resumed.
- 21.3 An employee who commences employment before or on the 15th day of the month shall accrue a full month's allocation, should he /she leave the employ of the municipality before the end of a 12-month period.
- 21.4 An employee who commences employment before the 15th day of the month shall not accrue any monthly annual leave allocation should she /he leave the service of the municipality before the end of a 12-month period.
- 21.5 Annual leave shall be paid for in terms of the requirements of Section 35 (5) of the Basic Conditions of Employment Act, No 75 of 1997 and any applicable Collective Agreement.

22. MANDATORY TIME OFF CONCESSIONS

- 22.1 Depending on operational requirements, employees may be allowed time off from 12h00 on the last working day preceding Christmas Day and New Year's Day and Easter Holidays, however, a skeleton staff component has to remain on duty to provide essential services on these days, with the proviso that they will be granted time-off at a later date by arrangement with their supervisor.
- 22.2 Employees may also be allowed time-off in other deserving cases at the discretion of the supervisor.
- 22.3 Informal written concessions may be granted in lieu of time worked in except by agreement between the employee and the Supervisor.

22.4 The time-off rendered in Clause 22.1, 22.2 and 22.3 will not be debited against the employee's leave balance and time-off.

22.5 Employees' who are in any form of leave including unpaid leave during the granting of time-off to employees in general shall not claim compensatory time-off as a result of granting of general time-off.

23. TIME-OFF

23.1 Employees who qualify for monetary compensation for overtime worked and those who only qualify for granting time-off for overtime worked will be granted time-off upon submission of a valid overtime claim.

23.2 The time-off granted shall be credited to the employee's time-off balance which shall be kept in the Human Resource Division.

23.3 Time-off granted shall lapse after the period of 12 months after approval in respect of employee's notification

23.5 Time off granted shall not be cashable or exchanged for cash except on termination of service provided it falls within a period of twelve months reckoned from the date of approval.

23.6 Time-off granted may be taken even whilst the employee is serving a notice of termination of services with the municipality provided that this is not taken within the last 5 working days of employment.

23.7 Time-off not taken shall lapse at the end of employment contract or at the termination of employment relationship.

24. GENERAL PROVISIONS FOR ENCASHMENT OF ANNUAL LEAVE TIME OFF

24.1 Encashment of annual leave shall be done on the following grounds:

1. On termination of Service
2. Upon receipt of a Long Service Award in terms of the Collective agreement
3. When annual leave application is disapproved on grounds of operational requirements 50% of applied leave can be encashed.

24.2 There shall be a provision for encashment for any accumulated time off on termination of, on condition the time off is still valid ie: within 12 months for the time of granting of such leave, in so fi as this is permissible in terms of Section 40 of the BCEA.

24.3 It shall be incumbent upon each employee to take time-off accumulated prior to the expiry of the 12-month period.

24.4 The employee's time-off that is not taken in terms of clause No. 4.3 of this policy shall be automatically forfeited by the employee concerned if this is not due to operational requirements.

24.5 The Manager concerned responsible for approval of the annual leave application shall reserve the right to change the dates of contemplated annual leave in consultation with the employee concerned in order to avoid unnecessary annual leave encashment. The Manager must take into consideration that an employee is entitled to 16 days consecutive days leave in every 12-months not exceeding 18 months.

24.6 Annual Leave encashment application shall be applied for in the normal manner on the electronic leave system in respect of the following grounds: namely:

1. Long Service Awards in terms of the KZN Divisional Collective Agreement as signed by parties.
2. When annual leave application is disapproved on grounds of operational requirements (proof of disapproval must be attached on the encashment request).

24.7. Notwithstanding sub clause no.24.1.2, only a half of the number (50%) of annual leave days disapproved shall be permitted for encashment subject to such number of days not exceeding a minimum number of annual leave days that the employee is supposed to take in each year.

24.8 The annual leave encashment shall be approved by the CEO or a person acting in the position of the CEO subject to 1 year time off.

24.9 The encashment of long service leave must take place in the same year that the employee qualifies for the long service leave.

24.10 The executive manager must endeavour that employees take leave to avert accumulation of annual leave beyond the maximum allowable limit

25. COMMENCEMENT OF THIS POLICY

25.1 This policy will come into effect on the date of adoption.