AMAHLATHI LOCAL MUNICIPALITY

LEAVE MANAGEMENT POLICY

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CLLR. N. Mlahleki

Speaker

NAME OF POLICY – LEAVE MANAGEMENT POLICY	
Policy Number	
Policy Name	Leave Management Policy
Policy Status	
Version	
Date of Approval	30 May 2018
Date of First Implementation	01 July 2018
Date Last Amended	
Date of Next Review	May 2019
Purpose	1.1. The purpose of this policy is to regulate the taking of leave by employees of Amahlathi Local Municipality, having regard to the relevant statutory provisions regarding leave and the relevant Collective Agreement insofar as it relates to leave.
Aims and Objectives	
Policy Custodian	Corporate Services Department
Related Policies and Legislation	
Approving Authority	Council
Applicability	
Policy Benchmark and References	
Stakeholders Consulted	Employees

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1. PURPOSE OF POLICY

The purpose of this policy is to regulate the taking of leave by employees of Amahlathi Local Municipality, having regard to the relevant statutory provisions regarding leave and the relevant Collective Agreement insofar as it relates to leave.

2. OBJECTIVE OF POLICY

To ensure that leave is administered in line with the prescripts of the law and applicable collective agreements.

3. SCOPE

This policy applies to all employees of Amahlathi Local Municipality. It relates to the following types of Leave:

a) Annual Leave
b) Sick Leave
c) Maternity Leave
d) Family responsibility Leave
e) Study Leave
f) Special Leave
g) Leave Without Pay
h) Paternity Leave
I) Long Service Bonus leave

4. POLICY DEFINITION

"Employee" is any official who is employed and work for the Municipality and who is entitled to receive remuneration for any official services rendered to the Municipality.
"Municipality" for the purpose of this policy it means Amahlathi Local Municipality.
"Main Collective Agreement" is an agreement entered into between the South African Local Government Association, The Independent Municipal and Allied Trade Union, and the South African Municipal Workers' Union. ***"Municipal manager"*** head of administration and the Accounting Officer of Amahlathi Local Municipality.
"Municipal Council" it means the Council of Amahlathi Local Municipality

5. LEGISLATIVE FRAMEWORK

5.1 Basic Conditions of Employment Act
5.2 South African Local Government Bargaining Council Main Collective Agreement.
5.3 Labour Relations Act

6. POLICY PROCEDURE

Classification of leaves

6.1. Annual Leave

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

6.1.2. In accordance with clause 8.1 of the Main Collective Agreement, the Municipality shall grant leave in each leave cycle to its employees as follows:

a) Twenty-four (24) days per leave cycle in the case of a 5-day worker.
b) Twenty-seven (27) days per leave cycle in the case of a 6-day worker.

6.1.3. Provided that if employment commences after the first day of a month, then leave shall, in the first calendar month of employment, accrue pro-rata.

6.1.3.1 At the rate of 2 days per calendar month in the case of a 5-day worker.
At the rate of 2.25 days per calendar month in the case of a 6 day worker.

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

6.1.3.3. A five (5)-day worker shall take a minimum of 16 days leave.

6.1.3.4. A six (6)-day worker shall take a minimum of 19 days leave.

6.1.3.5. In accordance with clause 8.1.5 of the Main Collective Agreement, all leave accrued to employees of the Municipality as of 31 December shall be dealt with as follows:

6.1.3.6 Within six months of the end of the leave cycle, an employee may not have more than 48 days annual leave to leave credit.

6.1.3.7 Annual leave shall only be accumulated to a maximum of 48 working days.

6.1.3.8 Any leave more than 48 working days may be encashed should the employee be unable to take such leave, despite applying and because the employer refused to grant him/her such leave, because of employer's operational requirements. (proof of refusal signed by the Municipal Manager shall be provided)

6.1.3.9 If, despite being afforded an opportunity to take leave, an employee fails, refuses or neglects to take leave due to him or her, such remaining leave shall fall away and be forfeited by the employee.

6.1.3.10 In the event of the termination of service, an employee shall be paid his or her leave entitlement in terms of this agreement, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997.

6.1.3.11. In the event of the termination of service, an employee shall be paid his or her salary and leave entitlement at month end that he/she will be serving the applicable days' notice period. A confirmation of returned tools of trade shall be attached in the payroll instruction from Corporate Services.

6.2 Sick Leave

6.2.1 In accordance with the provisions of clauses 8.2 of the Main Collective Agreement, the Municipality shall grant an employee 80-day sick leave in a 3-year leave cycle.

6.2.2 In accordance with the provisions of clauses 8.2.2 of the Main Collective Agreement, the Municipality may require a medical certificate from a medical practitioner if more than 2 consecutive days are taken as sick leave.

6.2.3 For the purpose of normal sick leave the following professional councils will be recognised:

a) The Health Professions Council of SA
b) The Allied Health Professions of SA
c) The South African Nursing Council
d) South African Healers Association

6.2.4 In accordance with the provisions of clause 8.2.3 of the Main Collective Agreement, the Municipality is not required to pay an employee if such employee is absent on more than 2 occasions during an 8-week period, and on request by the Municipality, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

6.2.5 Additional paid sick leave

6.2.5.1. Employees who have a balance of at least 60 working days unused sick leave at the leave end of a three-year cycle, shall receive an additional 20 working days paid sick leave to which he will be entitled in the 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;

6.2.5.2 If the maximum period of sick leave to which an employee is entitled has been granted to him and, owing to reasons of ill health, he is not able to resume duty, the Municipality may grant such employee an additional 60 working days sick leave in respect of chronic illnesses and/ or illnesses requiring hospitalization, which shall be made up as follows:

- **30 working days on full pay;**
- **30 working days on half pay**

6.3. Additional Sick Leave

6.3.1 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/she will be entitled in the ensuing cycle, providing that in respect of any sick leave cycle no employee shall become entitled to more than 100 working days' sick leave on full pay.

6.3.2 If the maximum period of sick leave to which an employee is entitled has been granted to him/her and, owing to reasons of ill health, he/she is not able to resume duty, the Municipality may grant such employee an additional 60 working days' sick leave in respect of chronic illnesses and/ or illnesses requiring hospitalization, which shall be made up as follows:

6.3.2.1. 30 working days on full pay

6.3.2.2. 30 working days on half pay

6.3.4.. The following conditions apply:

6.3..5. Provided that the employee has submitted a satisfactory certificate from a

registered medical or dental practitioner, or a Traditional Healer registered with a recognised professional council in terms of legislation; and

6.3.6 If the employer is satisfied that the employee is at that moment not permanently incapacitated to resume his/her normal duties.

6.3.7. Such additional sick leave may be granted in respect of separate periods of absence and in respect of indisposition of different kinds.

6.3.8. On written application by an employee, who has exhausted his/her full paid sick leave and additional full paid sick leave, annual leave which he/she has to his/her credit may be granted to supplement sick leave on half pay or no pay.

6.3.9. Measures to manage the taking, accrual and/or conversion of sick leave and administrative arrangements for the taking of sick leave:

6.3.10. If an employee to whom annual leave has been granted is certified sick by a registered medical or dental practitioner after his/her annual leave has commenced, that part of his/her annual leave during which he/she was thus certified sick shall be converted into sick leave on submission of the prescribed certificate by such medical or dental practitioner or a Traditional Healer registered with a recognised professional council in terms of legislation.

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

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

6.3.13 An employee who is absent from service because of illness must take all reasonable steps to notify his/her immediate superior (or nominee) as soon as possible.

6.3.14. An employee to whom the maximum period of full and half pay sick leave has been granted, may be granted sick leave without pay for not more than 250 working days in any cycle if the Municipality is satisfied that such employee is not permanently incapacitated to resume his/her duties, provided that where 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.

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

6.3.16. The Municipality may, prior to granting additional paid sick leave, required an employee to submit himself 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

6.3.17.. In circumstances where an employee has exhausted all the above types of leave and is still unfit to resume work, a communique will be furnished to the affected employee to consider medical boarding. The employee will also be offered the option of a full unpaid leave whilst on recovery

6.3.18. An employee who has been deemed fit to resume work after a defined period by his or her medical doctor. ALM shall be entitled to solicit a second opinion.

6.4 Maternity and Adoption Leave

In accordance with clauses 8.3.1of the Main Collective Agreement:

6.4.1. An employee, including an employee adopting a child under three (3) months, shall be entitled to receive 3 months paid maternity or adoption leave per confinement, with no limit to the number of confinements; this provision shall apply even if a child is still born.

6.4.2. To qualify for paid maternity or adoption leave, however, an employee must have 1 year's continuous service with the Municipality.

6.5. Family responsibility Leave

6.5.1. In accordance with clause 8.4.1 of the Main Collective Agreement:
Family responsibility Leave applies to an employee who has been in employment with an employer for longer than four months.

6.5.2. The Municipality shall grant an employee during each annual leave cycle (as defined in at the request of an employee a total of 5 days family responsibility leave which the employee is entitled to take with reasonable proof, either when:

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

6.6 Study Leave

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

a) To allow the employee to prepare for examinations, 1 day leave per subject may be granted.
b) To enable the employee to sit for examinations, 1 day leave per examination may be granted.

6.6.2. Proof of examination in the form of the examination timetable from the institution where the employee is studying must be submitted before study leave may be considered.

6.6.3. The examination timetable must be submitted to the Head of Department at least 3 weeks prior to writing of the first paper, unless there are factors beyond the staff member's control, for example, late issue of timetable by the institution.

6.5.4. Failure to make the submission within the timeframes above will result in the application not being approved.

6.6.5. Study leave applies to an employee who has been in the employment of the Municipality for more than four months.

6.7. Special Leave

6.7.1. A maximum of 10 (ten) working days special leave on full pay per year shall be granted to an employee, subject to submission of supporting documents, if the employee:

6.7.2 Is required to remain in quarantine on the instructions of a registered medical practitioner;

6.7.3 Is required to represent South Africa or the Province as a selected members or official in a bona fide sports event, or a Provincial or National arts and culture events.

6.7.4. In addition to the 10 (ten) working days special leave provided for 6.6.1, above, special leave on full pay shall be granted to an employee who is subpoenaed to appear in Court as a State witness, if proof is submitted.

6.7.5 Employees with disabilities for the attendance of orientation courses or training courses designed to assist them in handling specific aspects of their disability, to equip them and enable them to be more efficient and effective at the workplace.

6.7.6. an injured person attending occupational therapy.

6.7.7. an employee for the purpose of rehabilitation from alcohol and/drug abuse.

6.7.8. All applications must be supported by applicable documentations.

6.7.9. Applications for leave must be in advance as approval is required prior the official going on leave and would be approved by the Municipal Manager.

6.8. Time- Off for Shop Steward Leave

Shall be applied according to Section 11.4.8 of Main Collective Agreement

6.8.1. Shop stewards shall be entitled to 15 working days per year with full pay during working hours for trade union activities and training.

6.8.2. Six days of each shop steward's annual entitlement of time off shall be pooled and re-allocated at the trade union's discretion to the shop stewards at the employer concerned, provided that no single shop steward may take more than 21 days off per year and that the total days in the pool are not exceeded.

6.8.3. Further requests for time off for shop stewards shall not be unreasonably refused.

6.9. Long Service Bonus

6.9.1. In addition to normal leave, an employee shall qualify for the following additional leave as recognition for service at the same employer, which shall

be paid out respectively once only, on the date on which the various periods of continued service have been completed, as follows:

6.9.1.1. 5 years' service: 5 days accumulative leave plus a once off payment equal to 2% of the employee's annual salary.

6.9.1.2.10 years' service: 10 days accumulative leave plus a once off payment equal to 3% of the employee's annual salary

6.9.1.3. 15 years' service:15 days accumulative leave plus a once off payment equal to 4% of the employee's annual salary

6.9.1.4. 20 years' service: 15 day's accumulative leave plus a once off payment equal to 5% of the employee's annual salary.

6.9.1.5. 25 years' service:15 days accumulative leave plus a once off payment equal to 6% of the employee's annual salary.

6.9.1.6. 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.

6.9.1.7. On termination of service, an employee shall be paid his leave entitlement, not exceeding 48 days.

6.10. **Christmas Shut-Down Period**

6.10.1 During the Christmas Shutdown period employees will be required to take compulsory leave, annual, accumulative, long service or carry over leave.

6.10.2 In cases where an employee does not have sufficient leave, he or she will be credited with leave that is recoverable by ALM.

6.11 **Work Attendance Register/Time Sheet and Time Attendance**

6.11.1 A working attendance register/time sheet and attendance register shall be used as a tool for controlling reporting for duty within the Municipality.

6.11.2.Supervisors/HOD's/Delegates/ Office Managers shall sign the working attendance register/time sheet and attendance to confirm the correctness of information contained in the working attendance register and time sheet.

6.11.3 Completed weekly or monthly working attendance register/time sheet and attendance shall be submitted to the Corporate Services Department.

6.11.4 Failure to complete a working attendance register and time sheet by an employee may lead to non-payment or withholding of the proportionate amount salary/wage

7. MONITORING AND EVALUATION

The policy must be monitored and evaluated from time to time to test if the rationale for which it was created remains relevant. There is no hard and fast rule as to when the policy should be evaluated.

8. REVIEWING A POLICY

Amahlathi Local Municipality Policies are subject to review, as and when necessary. As the review date approaches it is important to plan the process. To some extent it can help to see this as a shortened version of the full development process because it is important to ask if many of the same fit for the purpose. Inevitably, the demands of the organisation can change over a year, and it is important to consider whether the policy needs to be amended to reflect these changes. It is also essential to galvanise views from across the municipality about the success of the policy, what has worked and what hasn't and consider where there may be gaps and identify any newly emerging needs or issues.

It may be necessary to plan a communications exercise or the intranet to generate discussion and feedback. For practice related policies it will be essential to create some dialogue with relevant stakeholders to gain their views.

If because of the review, essential aspects of the policy are changed it will again be important to run a similar communications exercise as occurred in the initial implementation of the policy, this will need to be used to highlight any key changes.

9. DEVIATION CLAUSE

A deviation clause in the Policy offers an escape route in the event of unforeseen circumstances such as danger to life, emergency situations or an instruction from National / Provincial Government and District Municipality. It creates flexibility and enables performance outside the otherwise rigid confines of the policy. Approval for

deviation must however be approved by the Municipal Manager or Council as the case may be.

10. DISPUTE RESOLUTION

Any dispute arising out of the implementation of policy shall be referred to the South African Local Government Bargaining Council (SALGBC) or any other structure established for that purpose in terms of the Labour Relations Act.

11. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL

This policy is adopted and approved by Amahlathi Local Municipality Council for implementation.

Effective from (Date)_____

Approved by Resolution Number _____ on this the _____day of _____20___

Signed this the _____ day of_____ 20_____

_____ _____

DR. Z. SHASHA **DATE**
MUNICIPAL MANAGER

_____ _____

CLLR N. MLAHLEKI **DATE**
SPEAKER