

LEAVE MANAGEMENT POLICY



APPROVED BY:

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MUNICIPAL MANAGER

DATE: 23/06/2021

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DATE: 23/06/2021

TABLE OF CONTENTS

1. Purpose of Policy.....	1
2. Objective of Policy.....	2
3. Scope.....	2
4. Policy Definition.....	2
5. Legislative Framework.....	2
6. Policy or ProcedureTarget.....	2
7. General policy provisions.....	2
8. Procedure for Implementing policy.....	3
9. Policy governance.....	4

1. PURPOSE OF POLICY

The purpose of this policy is to regulate the taking of leave by employees of Mbhashe 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

For adoption of a proactive approach and consistent approach to the management of different types of leaves within the municipality for efficient management of leave.

3. SCOPE

This policy applies to all employees of Mbhashe 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
- l) 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 Mbhashe 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 Mbhashe Local Municipality.

"**Municipal Council**" it means the Council of Mbhashe Local Municipality

5. LEGISLATIVE FRAMEWORK

5.1 Section 152 of the Constitution of SA

5.2 Municipal Systems Act – ACT 32 OF 2000

5.3 Local Government: Municipal Financial Management Act,

5.4 Municipal Regulations on Minimum Competency levels

5.5 Local Government : Municipal Systems Amendment Act, Act 07 of 2011

5.6 Legislative and Regulatory Framework for Performance Management

5.7 White Paper on Local Government (1998)

5.8 Batho Pele (1998) 1.3.4

5.9 Municipal System Act, 32 of 2000

5.10 Municipal Planning and Performance Management Regulation (2001)
1.3.

5.11 Municipal Performance Management Regulation (Government Gazette
No: 29089 1 August 2006) 1.3.7

5.12 Municipal Finance Management Act (2003) 1.3.8 Municipal Finance
Management Act (circular 13) SDBIP

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.

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

6.1.4 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:

- a) A five (5)-day worker shall take a minimum of 16 days leave.
- b) A six (6)-day worker shall take a minimum of 19 days leave.

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

- a) Within six months of the end of the leave cycle, an employee may not have more than 48 days annual leave to leave credit.
- b) Annual leave shall only be accumulated to a maximum of 48 working days
- c) Any leave in excess of 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, as a result of employer's operational requirements. (proof of refusal signed by the Municipal Manager shall be provided)
- d) 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.

6.1.6 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.

6.2 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 days 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 Maternity and Adoption Leave

In accordance with clauses 8.3.1 of the Main Collective Agreement:

6.3.1 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.

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

6.4 Family responsibility Leave

6.4.1 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.

6.4.2 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.

6.5 Study Leave

6.5.1 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 fulfill 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) In order to allow the employee to prepare for examinations, 1 day leave per subject may be granted.

b) In order to enable the employee to sit for examinations, 1 day leave per examination may be granted.

6.5.2 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.

6.5.3 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.

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

6.6 Special Leave

6.6.1 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:

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

b) 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.

c) 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 witness, provided that proof is provided.

d) 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 work place.

e) an injured person attending occupational therapy.

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

g) an employee who is subpoenaed to appear in Court as State witness, provided that proof is submitted

6.6.2 All applications must be supported by applicable documentations.

6.6.3 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

6.7 Time- Off for Shop Steward Leave

Shall be applied according to Section 11.4.8 of Main Collective Agreement

6.8 Paternity Leave

As amended Section 27 of the Basic Conditions of the Employment Act:

An employee is entitled to take unpaid leave of ten (10) consecutive days.

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:

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

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

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

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

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

6.9.2 On termination of service, an employee shall be paid his leave entitlement, including the leave mentioned in terms of 6.9 above, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997.

7. GENERAL POLICY PROVISIONS

7.1 Paternity leave - The new legislation stipulates that all parents – including fathers, adopting parents, and surrogates – are now entitled to 10 days unpaid parental leave when their children are born, however, this new legislation does not apply to mothers who give birth as they are already entitled to maternity leave in terms of the Basic Conditions of Employment Act (BCEA).

7.2 This policy applies to all employees of Mbhashe Local Municipality with exclusion of EPWP employees.

7.3 Employee applies, supervisors/Unit Manager/Section Heads recommend, approval shall be made by Senior Managers/Municipal Manager in case of Senior Managers, Executive Mayor in case of Municipal Manager

7.4 Employees must complete a leave form or apply online 10 days prior leave date for approval

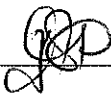
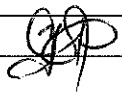

7.5 No employees shall take annual leave without the completion of a leave form or online application and approval by the relevant Manager.

8. PROCEDURES FOR IMPLEMENTING POLICY

The Municipality will monitor leave management policy and apply remedial actions in line with the outlined processes.

9. POLICY GOVERNANCE

LEAVE MANAGEMENT POLICY

Policy Title		
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
Senior Manager Corporate Services	Ms N. Mahlati- Nkuhlu	
Policy Custodian		
Policy Author		
LLF Consultation Date		
LLF Consultation Reference		
Council Approval Date	26/05/2021	
Council Approval Reference		
(UNIT) eg. Manager Human Resources	Ms N. Hanise	
Policy Approved		
Policy Inception Date		
Review Start Date		
Review Completion Date		
Legislative References		
Policy Review "Triggers"		
Comments		