

MBHASHE LOCAL MUNICIPALITY



HUMAN RESOURCE POLICY

LEAVE POLICY

MBHASHE LOCAL MUNICIPALITY

LEAVE MANAGEMENT POLICY

CORE BUSINESS AREA	CORPORATE SERVICES DIRECTORATE
OPERATIONAL AREA	ALL DIRECTORATES
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1. PURPOSE OF THE LEAVE MANAGEMENT POLICY

The purpose of this policy is provide the necessary guidelines affecting leave, and to regulate the granting of leave within the framework of the provisions and measures set out in the current legislation and the collection agreements, taking into consideration all amendments current and future, which might affect this policy.

2. STATUTORY FRAMEWORK

Current legislation governing this policy is listed below:

- 2.1 Public Service Act, 1994
- 2.2 Public Service Regulations, 2001
- 2.3 Labour Relations Act, 1995
- 2.4 Basic Conditions of Employment Act, 1997.
- 2.5 South African Local government Bargaining Chamber Resolutions.

3. SCOPE OF APPLICATION

The scope of application is in line with provision of Chapter 3 of the Basic Conditions of Employment Act 75, 1997.

4. ANNUAL LEAVE

- 4.1 Employees are entitled to annual leave of 24 working days with full pay for 5 day workers and 27 days in the case of 6 day workers in line with Bargaining Council Agreement during each leave cycle of 12 months, commencing on 01 January of each year.
- 4.2 Should an employee request to go on leave he/she must complete a leave form 7 day notice prior to the leave date and managers must check with Human Resources department to ensure that the employee has sufficient leave credit. No employee is to take without the completion of a leave form and approval by the manager.

- 4.3 For the purpose of granting annual leave, working days shall mean Monday to Friday, except in the case of shift workers whose annual leave may be taken on Saturday and Sunday.
- 4.4 The utilization of this leave must take the service delivery requirements of the Municipality into account. NOTE: Annual leave should, as far as possible, be taken as consecutive working days.
- 4.5 By agreement, one hour of annual leave on full remuneration for every 17 hours on which the employee worked or was entitled to be paid or 1 day for every 17 days worked whichever is applicable.
- 4.6 Employees must be cautioned timeously if, at the end of the relevant leave cycle, if they have not utilized their leave entitlements. They can do so within 6 months after the expiry of the current leave cycle.
- 4.7 An employee's application for annual leave should not be unreasonably refused. An application for annual leave should take the operational / service delivery requirements of a municipality into account.
- 4.8 Any refusal of annual leave by the relevant Manager must be confirmed in writing, stating the reasons and arrangements for rescheduling of the annual leave.
- 4.9 If, due to the Mbhashe Local Municipality's operation ' service delivery requirements, an employee's application for leave is denied and not rescheduled, such leave must, upon request, be paid out to the employer at the end of the 6 months' period referred to in 2.4.6 above. Employee requests for payment of unused leave credits must be:
- 4.10 In writing; and
- 4.11 Accompanied by written proof of refusal of leave by the relevant Manager.

5 ANNUAL LEAVE AND PAYOUT

- 5.1 Employees shall be paid a cash value in respect of unused annual leave credit upon termination of service. The payment will be limited to a maximum number of day's equivalent to the annual leave entitlements.
- 5.2 The leave cycle remains unchanged, therefore, requests and motivations for leave payments in respect of leave credits mentioned in 4.1.9 above shall be longed by no later than 31 July in respect of each year.

6 NOMINATION OF BENEFICIARIES AND LEAVE PAYOUTS

6.1 Employees may, if they so desire, designate one or more beneficiaries to whom their leave payout may be paid in the event of their death (Beneficiary nomination form available from your local Human Resources section). Managers and Supervisors should actively promote the nomination of beneficiaries in order to avoid my hardship of such beneficiaries.

6.2 If an employee dies and has not nominated a beneficiary, the leave pay-out may be paid:

6.2.1 In full to the spouse/life partner of that employee; or

6.2.2 If there is no spouse/life partner, in equal shares for the benefit of minor and other children (including legally adopted children) of the deceased who, at the time of his or her death, were fully dependent on the employee; or

6.2.3 If there are no children, to the employee's estate.

7 ANNUAL SICK LEAVE: GENERAL PROVISIONS

7.1 An employee retains all his/her annual leave credits, when he/she is transferred within or between departments, due to him/her at that point in time. The employee retains likewise the leave category.

8 NORMAL SICK LEAVE

8.1 Employees are entitled to 80 working days sick leave with full pay over three year cycle. Unused sick leave shall lapse at the expiry of the three year cycle.

8.2 Sick leave may be granted for absences owing to illness, physical indisposition or injury. Sick leave may be granted for nervous complaints, insomnia, (rehabilitative treatment for alcohol and drug dependence), debility and similar ill-defined illnesses or indisposition only if the state of health of an employee incapacitates him/her for duty. Sick leave may also be granted in respect of periods where an employee must be quarantined or isolated for at least 10 consecutive days.

8.3 The employee must notify his/her manager/supervisor immediately of an absence.

9 TEMPORARY INCAPACITY LEAVE

- 9.1 An employee who has exhausted his or her sick leave credit in a three-year cycle and who, according to the relevant medical practitioner, requires being absent due to incapacity that is not permanent may, be granted additional sick leave with full pay as per
- 9.2 Normal every day sickness or illness will not be covered by temporary incapacity leave should an employee have their sick leave – normal vacation leave or unpaid sick leave to be unitized if sick leave credits are exhausted
- 9.3 A condition which would qualify in 9.1 above must be certified in advanced by the attending medical practitioner as a temporary incapacity. An application of temporary disability leave must be made as soon as evidence exists that the employee is going to exhaust his/her normal sick leave due to a serious or chronic illness/disability. The employee is thus afforded the opportunity to state his/her case upfront and to provide additional and written information in support of his/ her application.
- 9.4 The Municipality Manager may require the employee to obtain a second opinion before granting approval for additional sick leave. Expenditure in this regard will be met from the Municipal budget
- 9.5 The Municipal Manager may grant a maximum of 30 consecutive working days leave with full pay during which period an investigation must be conducted into the nature and extent of the incapacity municipality. The investigation shall be conducted in accordance with item 10(1) of Schedule 8 of the Labour Relations Act, 1995.
- 9.6 On the basis of medical evidence, the Municipality Manager may approve the granting of additional sick leave days.
- 9.7 If the employee is of the view that he or she has been unfairly treated as regards the granting of additional sick leave days.

10 PERMANENT INCAPACITY

- 10.1 Employees whose degree of incapacity municipality has been certified by a competent medical practitioner as permanent shall, with the approval of the Head of

municipality, be granted a maximum of 30 working days paid sick leave, or such additional number of days required by the Municipality of finalize processed mentioned below.

10.2 The Municipality shall, within 30 working days, ascertain the feasibility of:

10.2.1 Alternative employment; or

10.2.2 Adapting duties or work circumstances to accommodate the employee.

10.2.3 An employee, whose degree of incapacity has been certified as permanent but who can still render a service, may be redeployed horizontally with retention of his or her benefits.

10.2.4 If the redeployment necessitates reallocation to a job of a lower grading, such should be explained well in advanced and the continued utilized to such an employee should, in this regard, be with her or his consent.

11 ACCEPTANCE OF MEDICAL CERTIFICATES

11.1 The Municipal Manager should accept medical certificates that might not describe an employee's illness for sick leave taken during the normal sick leave cycle, i.e. 80 working days in a 3 year cycle, provided that in the event abuse of the system or if during the 8 week rule the relevant manager/supervisor may request a medical certificate describing the nature and extent of illness before granting sick leave with full pay.

11.2 The Municipal Manager will only consider temporary and permanent incapacity municipality leave with full pay if the employee submits a medical certificate describing the nature and extent of the illness.

11.3 The employee should give the medical practitioner concerned his/her informed consent to reveal the nature and extent of his/her illness to a third party, i.e. the supervisor/manager and/or the Employee Wellness Manager.

11.4 In the event of an employee refusing/failing to submit a medical certificate describing the nature and extent of the illness for purpose of temporary and permanent incapacity municipality leave, the period of absence will be covered by annual leave (with the employee's consent) or unpaid leave.

11.5 Information concerning the medical condition of an employee may therefore not be divulged to any other person(s) not directly involved in the decision-making

process regarding the granting of sick leave. If an employee involves him/herself in divulging such confidential information of one employee to any other unauthorized person, he/she should be disciplined in terms of the Disciplinary Code. It is extremely important that the manager/supervisor should at all times treat such information with the necessary respect and confidentiality.

11.6 In terms of the Ethical Rules of the Health Professions Council-

A medical certificate should contain the following information:

- 11.6.1 The name, address and qualifications of the practitioner;
- 11.6.2 The name of the patient
- 11.6.3 The employment number of the patient (if applicable)
- 11.6.4 The date and time examination;
- 11.6.5 Whether the certificate is being issued as a result or personal observation by the practitioner during an examination, or as the result of information received from the patient and which is based upon acceptance medical grounds;
- 11.6.6 A description of the illness, disorder or malady in layman's language if the patient has provided informed consent for it to be disclosed;
- 11.6.7 Whether the patient is totally indisposed for duty or whether the patient will be able to perform less strenuous duties in the work situation;
- 11.6.8 The exact period of recommended sick leave
- 11.6.9 The date of issue of the certificate of illness and a clear indication of the identity of the practitioner who issued the certificate
- 11.6.10 If the practitioner uses pre-printed medical certificates, wording not applicable to the patient should be deleted.

11.7 For purposes of normal sick leave the following professional councils will be recognized:

- 11.7.1 The Health Professions Council of South Africa
- 11.7.2 The Allied Health Professions of South Africa
- 11.7.3 The South African Nursing Council

11.8 However, when an employee exceeds the normal sick leave entitlement of 80 working days in a sick leave cycle, it is then assumed that the employee is very ill and must have sought medical attention. Therefore, for purpose of temporary incapacity municipality leave the employer shall accept sick certificates issued and

signed by a practitioner registered with the Health Professions Council of South Africa and who may diagnose and treat patients.

12 SICK LEAVE: GENERAL PROVISIONS

12.1 In the event where an employee has to –

12.1.1 Consult a doctor, therapist, etc. for reasons related to the employees' health/wellness, or

12.1.2 Go for training related to a disability, e.g. a blind employee who has to get training with his/her guide dog, or

12.1.3 Go for maintenance work for equipment used as result of his/her disability, the Municipality or designate may grant such employees time off in terms of the sick leave provisions.

12.1.4 Where an employee is absent for a part of the day, the manager should manually record such time off.

12.1.5 If an employee's normal sick leave is exhausted, then temporary incapacity municipality leave could be considered in the case of serious illness/incapacity

12.1.6 The Manager/supervisor may require the necessary proof of such Casual employees shall be entitled to one (1) day sick leave for every completed month of employment.

12.1.7 The Municipality Manager may grant sick leave without pay.

12.2 Employees who, as a result of their work, suffer occupational injuries or contract occupational diseases, shall be granted occupational and disease leave for the duration of the period they cannot work.

13 LEAVE FOR OCCUPATION INJURIES AND DISEASES

13.1 If an employee suffers a work-related injury as a result of an accident involving third party, the Municipal Manager shall grant him or her occupational injury leave provided that the employee:

13.2 Brings a claim for compensation against the third party.

13.3 Undertakes to use compensation (in terms of the Compensation for Occupational injuries and Diseases Act 1993) received to recompense as far as possible for the cost arising from Accident.

13.4 The Municipal Manager shall take reasonable steps to assist an employee to claim compensation.

Note: When an employee is injured on duty, the Municipality, could, depending on the circumstances, pay the medical expenses of the employee concerned, pending the outcome of the claim for an injury on duty. The purpose of this provision is therefore to recover the employer's expenses once the claim is settled.

14 MATERNITY LEAVE

14.1 Employees are entitled to 3 consecutive calendar months' paid maternity leave to commence:

14.1.1 At any time from four weeks before the expected date of birth; or

14.1.2 On a date from which the attending medical practitioner certifies that it is necessary of the employee's health or that of the unborn child

14.1.3 It is preferable that an employee commences her maternity leave at least two weeks prior to the expected date of birth.

14.1.4 For at least six weeks after birth, no employee may commence with normal official duty unless the attending practitioner certifies that the employee is fit to do so.

14.1.5 Maternity leave may be interrupted if-

14.1.6 The baby is born prematurely and is hospitalized during maternity leave;
or

14.1.7 The baby becomes ill and is hospitalized for a period longer than a Month during the maternity leave.

14.2 If an employee referred to in paragraph 2.14.4.1 and 2.14.4.2 above, choose to extend her maternity leave and fail to return to work after the (six weeks of extension period) not have enough annual leave available.

14.3 Maternity leave may be extended upon application by:

- 14.3.1 The granting of sick leave as a result of a medical complication;
- 14.3.2 The granting of up to 184 calendar days unpaid leave; or
- 14.3.3 The granting of annual leave.
- 14.3.4 Employees, who, during the third trimester of their pregnancy, experience a miscarriage, still birth or termination of the pregnancy on medical grounds shall be eligible for six consecutive week's maternity leave.
- 14.3.5 Provisions in 2.14.8 above shall also apply to an employee who experiences a miscarriage, stillbirth or termination of pregnancy on medical grounds. After the commencement of maternity leave the period prior to the miscarriage, stillbirth or termination of pregnancy shall be regarded as special leave with full pay.
- 14.3.6 Medical certificate to be submitted as proof.

15 FAMILY RESPONSIBILITY LEAVE

- 15.1 Employees shall be granted 5 days leave per annual leave cycle for utilization if:
- 15.2 The employee's spouse or life partner gives birth to a child; or
- 15.3 The employee's child, spouse or life partner is sick.
- 15.4 Employees shall be granted 5 days leave per annual cycle for utilization if:
- 15.5 The employee's child, spouse or life partner dies; or
- 15.6 An employee's family member dies.
- 15.7 The number of family responsibility leave days taken according to 15.1 and 15.2 above shall not exceed five (5) days in an annual leave cycle, unless special circumstances warrant further leave at the discretion of the head of the municipality. An application to this effect would have to be made. Immediate family member for purposes of this provision means the employee's spouse, life partner, parent, parent-in-law, adoptive parent, grandparent, child, adopted child, grandchild or sibling. The granting of family responsibility leave must be taken with due consideration of the employee's cultural responsibilities.
- 15.8 Employees who have used all their family responsibility leave may, subject to the approval of the head of the municipality, apply to:
 - 15.8.1 Use available annual leave; or
 - 15.8.2 Use up to 184 calendar days of unpaid leave.

15.8.3 Proof needs to be attached to application form

16 SPECIAL LEAVE

Note: No special leave will be allowed without prior approval and without supporting documents. (Proof to be attached in all instances)

17 EXAMINATION LEAVE

17.1 Clarification: Examination leave refers to the final examination to pass the particular subject, course or module and does not include tests. The field of study must be related to Municipal functions and include school subjects for those employees studying to improve their school qualifications. e.g. ABET learners

17.1.1 Rules Applicable

17.1.2 Two working days examination leave per subject/module/course/examination may be granted on submission or an examination timetable from a recognized accredited educational institution.

17.1.3 If more than one examination is written on one day, two days per examination may be granted. For example two examination are proceeding Wednesday up to an including the Monday. If an examination has to be written on a Saturday examination leave for the preceding Thursday and Friday may be granted.

17.1.4 The principle of one day study and one day to write the examination will apply.

17.1.5 Examination leave may not be granted for a re-examination or failed course that an employee has to re-write. In this case normal vacation leave will have to be utilized.

18 STUDY LEAVE

18.1 Rules Applicable

18.1.1 The Mbhashe Local Municipality values the personal development of all employees as a key to accomplish business objectives. Personal

development is a shared responsibility and should be organized to maximize each employee's potential;

- 18.1.2 Study leave must be arranged by agreement between each the Mbhashe Municipality and the employee individually. Such agreement will be reduced to writing and a signed copy shall be attached to a signed copy of the employee's conditions of service;
- 18.1.3 Leave will be granted for study purposes where an employee is enrolled; for a course that has approved by the line manager and the Human Resources and Administration;
- 18.1.4 The employee's line manager must approve study leave applications (after approval of the Corporate Support Head of Department, but such approval will not be unreasonably withheld;
- 18.1.5 One day per subject, plus the day of examination, i.e. a total of two days' leave will be granted per subject;
- 18.1.6 A maximum of 10 days will be granted in any calendar year. 10 days may be granted only if the person is writing five or more subjects;
- 18.1.7 Employees are responsible for completing the Study Leave Request Form (available from the Corporate Support of Department), getting it authorized by the line manager and Corporate Support Head of Department and submitting it to the HR Manager, at least one week prior to their going on study leave;
- 18.1.8 If an employee is rewriting a failed subject, he/she may not apply any additional study leave;
- 18.1.9 Study leave may not be taken whilst the employee is serving their notice, except with the approval of the Municipal Manager; and
- 18.1.10 Studies must be in the interest of the Municipality and the necessary documentation from the institution must be submitted. Therefore the field of study must be related to Municipal functions.

19 SPORT LEAVE

19.1 Rules Applicable

- 20.1.1 Twenty (20) Working days per annum on 50:50 basis, i.e. ten (10) days special leave and 10 days' vacation leave. If selected by a recognized amateur

sports association to take part/represent/accompany/serve at national and/or international sporting event i.e. representing the Province or South Africa.

20 UNPAIDLEAVE

- 20.1 If an employee has utilized all her or his annual leave with full pay, the Municipal Manager may grant him or her unpaid leave.
- 20.2 Unpaid leave days must be granted on a calendar day basis. Only in exceptional circumstances shall the Municipal Manager grant the employee more than 184 calendar days unpaid leave in a period of 18 months.
 - 20.2.2 An employee shall utilize unpaid leave for absences from work due to:
 - 20.2.3 Arrest, imprisonment or appearance in court on a criminal charge that leads to a conviction; and
 - 20.2.4 A criminal sentence
- 20.2.5 The Municipal Manager shall ensure that internal disciplinary procedures are not dependent on external processes, e.g. Criminal Justice processes/procedures.

21 COMPLIANCE


- 21.1 Violation of this policy may result in disciplinary action up to and including dismissal both, in respect of failure to submit an application form timeously by the employee or the supervisor/manager's failure to take prompt action to address and manage leave issues.
- 21.2 It is the responsibility of each employee to ensure that a leave form is complete and he/she is informed by the supervisor that the application has been approved.
- 21.3 It is the responsibility of each supervisor/manager to ensure that leave is managed in an orderly manner and that all absences are accounted for on a daily basis.

22 POLICY REVIEW

The responsibility for developing, coordinating, implementing and monitoring this policy shall reside jointly with the Head of Department: Human Resources & Administration of the MBHASHE Local Municipality. Changes that might affect the policy will be done ad hoc or during the tri-annual review in consultation with the staff and the representative of Trade Unions.

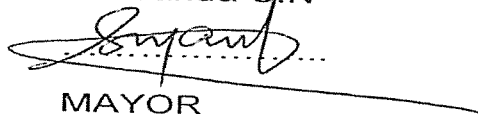
AUTHORITY

Approved by Council and Signed by:



M Nako
Acting Municipal Manager

07/07/2017
Date

Cllr. Janda S.N

MAYOR

04/07/17
Date