



LEAVE POLICY

INDEX

PAGE

1. POLICY STATEMENT AND PURPOSE	3
3. APPLICATION OF THE POLICY	3
4. POLICY PROVISIONS	3 - 4
5. DISPUTE RESOLUTION	13
6. WAIVING OF THE POLICY AND IMPLEMENTATION PROVISIONS	13
7. CONCLUSION	14

1. POLICY STATEMENT AND PURPOSE

This policy seeks to give effect to the South African Local Government Bargaining Council Collective Agreement on Conditions of Services which came into effect 01 January 2004;

It also seeks to regulate the taking, usage, accumulation and management of leave by employees; and

It promotes common and uniform leave for employees within the Municipality and replaces or supersedes all existing leave policy.

These sections of this policy emanated and/or are regulated by the South African Local Government Bargaining Council Collective Agreement on Conditions of Services, therefore cannot be changed, namely:

- annual leave;
- sick leave;
- Maternity leave; and
- family responsibility leave.

3. SCOPE OF APPLICATION

This policy is applicable to all employees, except employees employed under section 57 of the Local Government: Municipal Systems Act (Act 32 of 2000).

4. POLICY PROVISIONS

4.1 ANNUAL LEAVE

4.1 Council shall grant an employee the following annual working days leave in a leave cycle :

4.1.1 Twenty-four (24) days for a five- (5) day worker; and

4.1.2 Twenty-seven (27) days for a six- (6) day worker.

4.2 An employee is required to take leave within each leave cycle as follows :

- 4.2.1 A five- (5) day worker shall take a minimum of sixteen (16) days leave; and
- 4.2.2 A six- (6) day worker shall take a minimum of nineteen (19) days leave.
- 4.3 Leave may be accumulated to a maximum of forty-eight (48) days.
- 4.4 Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave as a result of operational requirements. If, despite being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away.
- 4.5 In the event of the termination of service, an employee shall be paid his leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997.

5. SICK LEAVE

- 5.1 Council shall grant an employee eighty (80) days sick leave in a three (3) years cycle.
- 5.2 Council shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- 5.3 Council is further not required to pay an employee if an employee is absent on more than two (2) 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 employee's absence on account of sick or injury.

5.4 In terms of SALGBC Collective Agreement on Conditions of Services which came into effect on 01 January 2004, The Divisions of Council at SALGBC shall be responsible for concluding agreements on additional paid sick leave and other measures to manage the taking, accrual and/or conversion of sick leave and administrative arrangements for the taking of sick leave.

6. MATERNITY LEAVE

Maternity leave for confinement purposes may be granted to an employee subject to the following qualification requirements and restrictions:

- 6.1 The employee must be employed with the municipality and have completed a qualifying period of service of 12 calendar months (one year's service) continuous service at the municipality before any provision in this policy may be utilized by such employee;
- 6.2 An employee shall provide the employer with four weeks notice of the intention to take maternity leave prior to the commencement date of employee's maternity leave i.e. at least four weeks before and six weeks after the confinement as provisions of the Basic Conditions of Employment Act 1997;
- 6.3 An employee shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements;
- 6.4 An employee shall retain her normal benefits and normal incremental date for a period of absence due to maternity leave;
- 6.5 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 still birth.

- 6.6 Should an employee not qualify for the benefit in terms of the conditions in Clause 6.1, she may exercise a choice in respect of the utilization of available vacation leave with full payment or vacation leave without payment.
- 6.7 An employee will be required to work back the period of paid maternity leave actually taken.
- 6.8 An employee without broken service but also has undergone a natural movement (recruitment, promotion, termination, transfer etc) within the service of the same employer and meets the requirements of clause 6.1 shall be entitled to paid maternity leave as per provisions of clause 6.2 and/or 6.5 above.

7. FAMILY RESPONSIBILITY LEAVE

This section applies to all employees who has been in employment with an employer for longer than four [4] months;

- 7.1 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-
- [a] when the employee's child is born;
 - [b] when the employee's child is sick; or
 - [c] the employee's spouse or life partner is sick
 - [d] in the event of the death of-
 - [i] the employee's spouse or life partner; or
 - [ii] the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling (a child in relation to another or others of the same parent; a brother or sister).

- 7.2 Subject to subsection [7.4], an employer must pay an employee family responsibility leave as follows:-
- [a] the wage the employee would ordinarily have received for work on that day; and
 - [b] on the employee's usual pay day.
- 7.3 An employee may take family responsibility leave in respect of the whole or a part of a day.
- 7.4 Before paying an employee for leave in terms of this section, an employer may require reasonable proof of an event contemplated in subsection [7.1] for which the leave was required.
- 7.5 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.

8. SPECIAL LEAVE

8.1 STUDY LEAVE

Study leave is regulated by approved Cacadu District Municipality's Study Assistance policy-

- 8.1.1 Options to be negotiated above the normal study leave entitlement as per CDM rules and regulations could include leave with pay, leave without pay or a mixture of these.
- 8.1.2 There will be no study leave granted for employees writing class tests, failed or supplementary examinations and attending contact sessions during working hours. Employees are encouraged to use their annual or unpaid leave to cover such working days.

- 8.1.3 Employees who are studying on their own will qualify for the same study leave days (two working days leave) provided to employees who participate in the study assistance program.
- 8.1.4 Accordingly study leave applications and proposals should be discussed by staff with their managers as part of their annual work plan or programme.
- 8.1.5 Leave applications should be submitted on the CDM's normal approved application form where the Manager / Supervisor recommends and the Head of Department approves.
- 8.1.6 The main aim of the policy in relation to combining work and study commitments is that managers and employees negotiate clear, workable, and affordable arrangements from which both the Municipality and its employees will benefit.
- 8.1.8 All employees on the study assistance programme are required to complete and have approved Special leave applications for examinations on the CDM application form stipulating the days of examinations, venues and times and attach a proof thereof.
- 8.1.9 All Special leave applications for examinations must be accompanied by an authentic examination time table from the relevant institution.
- 8.1.10 All employees who participate on the CDM study assistance programme will be entitled to two (2) working days Special Study leave of which one working day prior to examinations and the examination date for each subject.
- 8.1.11 No Special leave applications will be approved for employees who failed an examination, writing of supplementary examinations or class tests and attending block classes during the year.

- 8.1.12 No study leave will be granted on a Friday to employees who are writing on the following Monday.
- 8.1.13 If an employee is writing for two or more consecutive working days, such employee will qualify for one working day leave prior the commencement of examination and the days of writing examinations.

8.2 WORKSHOP/TRAINING/SEMINAR/CONFERENCES

- 8.2.1 Leave for attendance of workshops / training / seminars / conferences is delegated to the Mayoral Committee in support of the provisions of policy on attendance of workshops.

9. ACCUMULATION AND RETAINMENT OF LEAVE

- 9.1 A five (5) day worker shall accumulate a maximum of twenty-four (24) working days per cycle.
- 9.2 A six (6) day worker shall accumulate a maximum of twenty-seven (27) working days per cycle.
- 9.3 All employees shall retain up to a maximum of forty-eight (48) working days in a leave cycle.

10. I.O.D. LEAVE

- 10.1 An employee who contracts an illness or sustains an injury in the course of his/her official duties shall be granted I.O.D. leave for such period (s) as are supported by medical certificates.
- 10.2 IOD leave shall not be deducted from the sick leave standing to the credit of the employee.
- 10.3 In cases where an employee sustains an injury on duty as defined by the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993) the Municipality shall pay the employee his/her normal pay with the proviso that the Municipality will recover 75% of the salary disbursed in this manner from the Compensation Commissioner and offset it against such disbursement.

11. ENCASHMENT OF LEAVE

- 11.1 An employee shall first comply with both the requirements of clause 4.2.1 and 4.2.2 in that an employee must have taken 16 and/or 19 working days continuous leave in a leave cycle;
- 11.2 An employee shall prove that it is impossible to take leave other than leave referred to in both clause 4.2.1 and 4.2.2 due to operational reasons and the employer must be satisfied with such proof.
- 11.3 Should an employee refuse or fail to take such leave having been provided with a fair opportunity to take leave, such leave days shall be forfeited and/or fall away.

12. UNPAID LEAVE

- 12.1 Any leave taken by the employee without approval automatically becomes unpaid leave.
- 12.2 Participation in an illegal or legal industrial action constitutes unpaid leave i.e. no work no pay policy shall apply.
- 12.3 Failure of the employee to provide the employer with a medical certificate on request after having absent from work on more than two (2) consecutive working days in an eight week period constitutes unpaid leave.
- 12.4 Failure of the employee to provide the employer on request with supporting documents (death, birth certificates etc.) in relation to family responsibility constitutes unpaid leave.

14. TIME OFF FOR UNIONS

- 14.1 Shop stewards shall be entitled to 15 (fifteen) days per year with full pay during working hours for trade union activities and training.
- 14.2 Six (6) 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 (twenty-one) days off per year and that the total days in the pool are not exceeded.
- 14.3 Further request for time off for shop stewards shall not be unreasonably refused.
- 14.4 Trade unions shall give notice to the employer in advance of the intention to take time off.

15. LEAVE LESS THAN EIGHT (8) HRS A DAY

- 15.1 If an employee worked less than 4 hours in a working day and take leave for the remaining hours, such employee shall be required to submit a leave form to make use of available leave days and such day will be regarded as if an employee was on leave for entire working day.
- 15.2 If an employee worked 4 hours and/or more in a working day and take leave for the remaining hours such day will be regarded as if an employee has worked the entire working day.
- 15.3 If an employee fails to advise or contact or inform the immediate supervisor of his/her absence to work within two (2) hours from the commencement of the normal shift or working hours, such employee shall be regarded as absent without leave therefore shall be regarded as on unpaid leave.

16. PROCEDURE ON APPLICATION AND APPROVAL OF LEAVE

- 16.1 At the beginning of each year and/or leave cycle both the employer and the employee shall plan when an employee shall take annual leave in the current leave cycle for operational arrangement purposes.
- 16.2 When an employee requires to take short leave (one or two days leave) during the leave cycle, such employee shall advise the employer (immediate supervisor) of the intention in advance (not less than two working days prior the commencement of the leave day applied for) by completing the application form.
- 16.3 The immediate supervisor on receipt of the application for leave shall recommend or not recommend the leave application with valid reasons therefor.
- 16.4 Before the immediate supervisor recommends the leave application, the immediate supervisor shall verify with both HR and Salary divisions if such employee has available leave days credit and if the application conforms with the leave policy requirements, then the leave application shall be referred to the Head of Department (HOD) to approve or not approve with valid reasons.
- 16.5 If the HOD approves the leave application, the same leave application form is referred to HR division for verification and record purposes.
- 16.6 The HR division will advise the salary division by supplying or referring the same leave application form to the salary division and keeping a copy on the employee's personal file.
- 16.7 If both HR and Salary division are satisfied that the application for leave meets all the necessary requirements, the leave application will then be processed.

- 16.8 The immediate supervisor shall be responsible to advise the employee who applied for leave whether the leave application will be granted or not.
- 16.9 CDM reserve the right to reverse the leave provided should it be found at a later stage the leave did not conform with the leave requirements.
- 16.9 In such cases the employee shall be required to payback the leave days taken by reducing available leave days of such employees by the equal number of leave days taken and or deducting from employees salary the equal amount of leave days taken in terms.

17. DISPUTE RESOLUTION PROCEDURES

- 17.1 Any dispute relating to both the interpretation of the provisions of this policy as well as the Municipal decision on any specifics in leave case(s) shall be dealt with in accordance with the dispute resolution mechanism provided for in the applicable SALGBC Collective Agreement and/or Labour Relations legislation.

18. WAIVING OF THE POLICY AND IMPLEMENTATION

PROVISIONS

- 18.1 This policy may be partly or wholly waived by the Municipality in consultation with the Trade Unions.
- 18.2 This policy shall be superseded by a Bargaining Council Resolution, legislation and enforceable legal order.
- 18.3 This policy takes precedence over all other leave provisions that exist.

19. **CONCLUSION**

The correct implementation of this policy within the Municipality will have great benefits for both employers and staff members. It will assist in proper regulation of leave by Municipality and also give effect to the implementation of SALGBC Collective Agreement on uniform conditions of service.