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LEAVE MANAGEMENT **POLICY FOR THE SENIOR MANAGERS**

Date Approved:	28 May 2026
Effective Date:	2026/2027

1. PURPOSE

The purpose of this policy is to regulate a Senior Management absence from duty within the framework and measures as set out in Regulations on Appointment and Conditions of Service NO:36223 of 2013.

2. SCOPE OF APPLICABILITY

This policy shall apply to all Senior Management of the municipality appointed in terms of the Municipal Systems Act of 32 of 2000 as amended from time to time

3. DEFINITIONS:

In this policy, unless the context otherwise indicates:

"Basic Conditions of Employment Act" means the Basic Conditions of Employment Act, 1997;

"Basic salary" means the net salary of an employee, excluding allowances and other benefits;

"Calendar Month" means a period extending from a day in one month to the day preceding the day corresponding numerically to that day in the following month; both days inclusive;

"Cash value of leave" means the cash value of leave that shall be calculated on the basis of the employee's basic rate of pay prevailing on the date of termination, excluding any allowance;

"Sick Leave Cycle" means a period of three years recorded from the date of the appointment of an employee, and each succeeding period of three years;

"Leave Cycle" means a period of twelve consecutive months;

"Day of rest" means'

- A Saturday, Sunday or Public Holiday in the case of an employee who normally does not work on such a day;
- Such other day as he/she is normally relieved from duty in lieu thereof in the case of an employee who is expected to work on a Saturday, Sunday or a public Holiday.

"Senior Manager" means employee appointed in terms Section 54/56 of the Municipal Systems Act 32 of 2000 and or a fixed contract employee whose agreement of employment makes specific reference to this policy.

"Municipal Manager" means the person appointed by council as the head of administration and the accounting officer of the municipality;

"Maternity Leave" means leave given to a female employee to assist her with a birth of her child or adoption of a child;

"Month" means a period extending from the first to the last day, both days inclusive, of any of the twelve months of the year;

"Salary" means the salary inclusive of any allowance and the cash value of any privileges supplied in kind, provided such allowances and privileges have been declared pensionable;

"Service" means any continuous full-time service in the employ of the municipality;

"Year" means the year commencing on the date on which an employee enters or entered the municipality's employ and every anniversary of such date.

4. LEAVE SUBJECT TO REQUIREMENTS OF SERVICE

- Leave of absence other than sick leave and family responsibility shall be granted with due regard to the demand of the municipality's services.

5. ANNUAL VACATION LEAVE

(1) A senior manager is entitled to twenty-four (24) working days paid annual vacation leave per annum, commencing from 1 January of each year.

(2) Annual vacation leave must be made on an official leave form attached as Annexure E.

(3) Except in exceptional circumstances, a senior manager may not stay away from work unless an application for leave of absence has been lodged in writing and he or she has been informed that his or her application has been approved.

(4) The granting of annual vacation leave is subject to approval: Provided that a senior manager's application for annual vacation leave may

not be unreasonably refused and ten (10) consecutive working days leave is granted within six (6) months after the end of the senior manager's annual leave cycle.

(5) If a senior manager's application for leave is not approved due to service delivery requirements, such leave must be confirmed in writing stating the reasons and arrangements for rescheduling of the annual vacation leave.

(6) If a situation arises that warrants that a senior manager must be recalled from leave due to unforeseen circumstances, the senior manager must be credited with the number of days equal to the days that he or she has worked.

(7) A senior manager must take at least ten (10) consecutive working days' leave per annual leave cycle. The remaining annual leave days, if any, must be taken not later than the end of December of the year following the relevant leave cycle, whereafter unused leave credit shall be forfeited.

(8) A council must -

(a) encourage senior managers to fully utilise their vacation leave in the year earned; and

(b) establish a system to record all leave taken by senior managers accurately and in full.

(9) Annual vacation leave may not accumulate or accrue during any period of unpaid leave or absence without permission. The leave credit of a senior manager for the month must be reduced proportionally by the number of unpaid leave days.

6. RECOVERING OF ANNUAL VACATION LEAVE GRANTED WITH FULL PAY IN EXCESS OF ANNUAL VACATION LEAVE

(1) If a senior manager had been granted annual leave with full pay in excess of that which stood to his or her credit due to a *bona fide* error, such leave must be deducted from the subsequent leave cycle.

(2) If a senior manager who has been granted annual leave with full pay resigns from the employ of a municipality, the portion of annual leave granted in excess of his or her normal annual leave credit must be regarded as an overpayment and must be recovered from his or her salary on or before his or her last day of duty.

- The overpayment must be determined according to the following formula:

$$\frac{A \times B}{260,714}$$

Where-

A = represents the employee's basic annual salary notch per annum

B = represents the number of days annual leave over-granted 260.714 represent the number of working days in a year

(3) If a senior manager resigns during an annual leave cycle after

utilising all his or her annual leave for the cycle, the provisions of subregulation (2) apply.

7. PAYOUT OF ANNUAL VACATION LEAVE

- (1) A senior manager may be paid the cash value in respect of unused annual leave credit only upon termination of service due to the following conditions:
 - (a) death.
 - (b) organisational requirements
 - (c) incapacity or ill-health.
- (2) Payment of annual leave credit shall be computed and calculated in terms of the following formula:

$$\frac{\{(A - B) + (C - D)\} \times E}{260.714}$$

Where-

A = represents the full annual or *pro rata leave* entitlement in the previous leave cycle (*pro rata* entitlement calculated as X x Y)

Where-

X = number of completed months of service

Y = annual leave entitlement per leave cycle.

B = represents the leave taken in the previous leave cycle.

C = represents the *pro rata* leave entitlement in the current leave cycle calculated according to the formula in regulation 34.

D = represents the leave taken in the current leave cycle

E = represents the senior manager's annual basic or pensionable salary as at the last day of duty or at the end of the 6 months period mentioned in regulation 33(2).

8. Sick leave

(1) A senior manager is entitled to thirty-six (36) working days sick leave per three (3) year leave cycle, if he or she is absent from work due to ill-health or injury.

(2) Thirty-six (36) working days sick leave will be credited to a senior manager on commencement of each sick leave cycle, calculated from 1 July 2012.

(3) A senior manager appointed during the year will be credited with sick leave days calculated on a *pro rata* basis.

(4) Sick leave may also be granted in respect of periods of leave where a senior manager must be quarantined or isolated for at least a ten (10) consecutive days.

(5) Sick leave may not be carried over from one sick leave cycle to another. Unused sick leave will be forfeited at the end of each sick leave cycle.

(6) If a senior manager has -

(a) depleted his or her sick leave days within a particular sick leave cycle, he or she may take annual leave in lieu of sick leave for purposes of recovery.

(b) depleted his or her annual leave days contemplated in item (a) within a particular sick leave cycle, he or she may be granted unpaid sick leave for purposes of recovery, subject to approval of the municipal council.

(7) Unpaid sick leave referred to in subregulation (6)(b) shall not exceed a period of 30 days.

9. Temporary incapacity leave

(1) A senior manager who has depleted his or her sick leave credit in a three-year cycle and who, according to the relevant medical practitioner, requires more leave of absence due to temporary incapacity may, at the discretion of the municipality, be granted additional sick leave with full pay in the event of serious illness.

(2) Such leave must be certified in advance by the attending medical practitioner as a temporary incapacity, except where conditions do not permit.

(3) A municipality may require that the senior manager obtain a second opinion before granting approval for additional sick leave. Expenditure deriving from this will be borne from the municipal budget.

(4) The municipality 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. The investigation shall be conducted in accordance with item 10(1) of Schedule 8 of the Labour Relations Act.

(5) The municipality may on the basis of medical evidence, approve the granting of additional sick leave on conditions as it may determine.

10. Permanent incapacity

If the degree of incapacity of a senior manager is certified by a competent medical practitioner as permanent, the municipality may invoke the incapacity procedures as provided for in Schedule 8 of the Labour Relations Act.

11. Proof of illness

1. (1) A senior manager who applies for sick leave for more than two (2) consecutive days or more than two occasions in an eight (8) week period, must submit a medical certificate from a medical practitioner registered or traditional healer legally registered with the Health Professions Council of South Africa citing the reasons and duration of absence: Provided that if a pattern of abuse of sick leave by the senior manager has been established, the municipality may request a medical certificate for shorter periods before granting sick leave with full pay.

(2) In terms of the Ethical and Professional Rules of the Medical and Dental Professions Board of the Health Professions Council of South Africa, a medical certificate must contain the following information:

- (a) the name, address and qualification of the practitioner;
- (b) the name of the patient;
- (c) the employment number of the patient (if applicable);
- (d) the date and time of the examination;
- (e) whether the certificate is being issued as a result of personal observations by the practitioner during an examination, or as the result of information received from the patient and which is based on acceptable medical grounds;
- (f) a description of the illness, disorder or malady in layman's terminology with the informed consent of the patient: Provided that if the patient is not prepared to give such consent, the medical practitioner or dentist shall merely specify that, in his or her opinion based on an examination of the patient, the patient is unfit to work;
- (g) whether the patient is totally indisposed for duty or whether the patient is able to perform less strenuous duties in the work situation;
- (h) the exact period of recommended a sick leave;
- (i) the date of issuing of the certificate of illness; and
- U) a clear indication of the identity of the practitioner who issued the certificate which shall be personally and originally signed by him or her next to his or her initials and surname in printed or block

letters .

- (k) If the medical practitioner uses pre-printed medical certificates, wording not applicable to the patient should be deleted.

- (3) If a senior manager fails to submit an authentic medical certificate describing the nature and extent of the illness for purposes of sick leave, temporary incapacity leave or permanent incapacity leave, the municipality may use the annual vacation leave days from the senior manager's credit to cover his or her absence from work. If the senior manager fails to submit an acceptable medical certificate, the municipal council may use the annual vacation leave days from the senior manager's credit to cover his or her absence from work: Provided that the municipal council must inform the senior manager, in writing, of this.

- (4) If the municipal council does not approve a medical certificate, it must inform the senior manager in writing and furnish him or her with the reason(s) for such disapproval.

- (5) A municipality may request at its discretion, and at its own cost, that a medical practitioner nominated by the municipal council examines a senior manager at any given time.

Reporting illness

If a senior manager is unable to report for duty due to illness, incapacity or injury, he or she must, in the case of the municipal manager, inform the mayor or in the case of the manager directly accountable to the municipal manager, inform the municipal manager as soon as it is reasonably possible about his or her absence and expected duration of leave.

12. Illness during leave

- (1) If a senior manager falls sick or is injured during a period of annual, unpaid or maternity leave, he or she must complete such period of leave before any sick leave is granted.

- (2) If a senior manager depletes his or her sick leave days during a sick leave cycle due to serious illness and or extended hospitalisation, the senior manager may apply to use a number of annual leave days from his or her credit in lieu of sick leave.

13. Special leave

- (1) A municipal council may grant 10 days of special leave to a senior manager in accordance with this policy.

- (2) The municipal council must adopt a special leave policy that defines -

- (a) circumstances and conditions under which special leave is granted; and

- (b) as far as possible, events for which senior managers shall be granted special leave.

- (3) The policy may provide paid leave for such requirements as study, examinations, military service, collective bargaining or other labour relations requirements, participation in sports, sabbaticals where appropriate or treatment of substance abuse.

14. Family responsibility leave

- (1) A senior manager is entitled to -
 - (a) five (5) working days family responsibility leave per annual leave cycle for utilisation if the senior manager's spouse or life partner gives birth to a child or the senior manager's child, spouse or life partner is sick; and
 - (b) five (5) working days leave per annual leave cycle for utilisation if the senior manager's child, spouse or life partner dies or a senior manager's immediate family member dies.
- (2) A municipal council may require reasonable proof of the event(s) in respect of which family responsibility leave is granted

15. Maternity leave

- (1) A senior manager is entitled to four (4) consecutive months' maternity leave, to commence at any time from four (4) weeks before the expected date of delivery or on a date from which the attending medical practitioner certifies that it is necessary for the senior manager's health or that of the unborn child.
- (2) A senior manager is entitled to four (4) months' consecutive maternity leave from the date of adoption of a child younger than three (3) months.
- (3) Notwithstanding subregulation (1) and (2), a senior manager is entitled to three (3) months paid maternity leave if she has been in the employ of the municipal council for a period of one (1) year or more.
- (4) No senior manager may commence with normal official duty until at least six weeks after birth, unless the attending practitioner certifies that the senior manager is fit to work.
- (5) Maternity leave may be interrupted if -
 - (a) the baby is born prematurely and is hospitalised during maternity leave; or
 - (b) the baby becomes ill and is hospitalised for a period of longer than a month during the maternity leave.
- (6) The provisions of subregulation (5) may apply to a senior manager who chooses to interrupt her maternity leave in these circumstances.
- (7) If a senior manager interrupts her maternity leave and fails to return to work after six weeks referred in (5), such a period of leave may be covered with the granting of annual leave or unpaid leave if she does not have enough annual leave available to her credit.
- (8) Maternity leave may be extended upon application by -
 - (a) the granting of sick leave as a result of a medical complications; and
 - (b) the granting of annual leave.
- (9) A senior manager who during the third trimester of her pregnancy, experiences a miscarriage, still birth or termination of the pregnancy on medical grounds, shall be eligible for six consecutive weeks maternity leave, whereafter, the

provisions of subregulation (8)(a) shall apply.

The period prior to the miscarriage, stillbirth or termination of pregnancy shall be regarded as special leave with full pay

16. Unauthorised absence from work

- (1) If a senior manager is absent from work without permission -
- (a) such absenteeism will be deemed to be leave without pay;
 - (b) the senior manager will be deemed to have deserted his or her post-
 - (i) if the period of absence exceeds fifteen (15) or more consecutive working days; and
 - (ii) if the municipality has taken reasonable steps to locate the senior manager without success.

(2) The provisions of subregulation (1) do not apply to a senior manager who shows good cause that he or she was unable to inform the municipality of the reasons for the absenteeism.

17. Unpaid leave

For purposes of calculating unpaid leave, the following formula applies:

$$\frac{A \times B}{365}$$

Where-

A = represents the senior manager's basic annual salary notch per annum.
B = represents the number of days annual leave without pay.
365 = represents the number of days in a year.

Approval of Policy by Council and Effective date: 01/07/26

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ACTING MUNICIPAL MANAGER

28/05/26
DATE