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A Better Place for All

DR NKOSAZANA DLAMINI ZUMA LOCAL MUNICIPALITY

LEAVE MANAGEMENT: POLICY

Date Approved:	21 MAY 2024
Effective Date:	2024-2025

1. PURPOSE

The purpose of this policy is to regulate an employee's absence from duty within the framework and measures as set out in this policy for Dr. Nkosazana Dlamini-Zuma Municipality.

2. SCOPE OF APPLICABILITY

This policy is applicable to all employees of Dr. Nkosazana Dlamini-Zuma who fall within the scope of the Local Government Bargaining Council. This excludes employees under the EPWP program and Sec 54/56 Senior Managers.

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 an 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 leau thereof in the case of an employee who is expected to work on a Saturday, Sunday or a public Holiday.

"Employee" means a permanent employee of the municipality and a fixed contract employee whose agreement of employment makes specific reference to this policy.

"Head of Department" means an employee who has been appointed as the head of a department of the municipality

"Head of Office" means the head of an office, division or place of work;

"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. GRANTING AND CANCELLATION OF LEAVE OF ABSENCE AND LEAVE APPLICATION FORMS

- Leave of absence shall be subject to the Municipal Manager's approval, or by his/her nominee.
- An employee shall apply for leave of absence on a form approved by the Municipal Manager.
- Application for leave of absence shall be made by an employee to the head of his/her department, and by a head of department to the Municipal Manager.
- The Municipal Manager or his/her nominee whose decision shall be final, may at any time cancel, postpone, or interrupt leave of absence, other than sick leave and family responsibility, which was granted to an employee, if it is deemed necessary in the municipality's interest to do so and such employee shall be compensated by the municipality for irrecoverable expenses or commitments incurred by him before he was notified of the cancellation, postponement or interruption.
- If an employee whose leave of absence is interrupted and is required travel in order to resume duty he/she shall be paid his/her expense for the return journey and he/she shall be regarded as being on duty while traveling.
- Cancellation, postponement, or interruption of leave of absence granted shall be confirmed in writing.
- If the Municipal Manager or his/her nominee, whose decisions shall be final, cancels, postpones or interrupts an employee's application for leave of absence, the reasons therefore shall be noted in the leave register and he/she shall be credited with the leave that has been refused, cancelled, postponed or interrupted and permitted to take it within twelve months after refusal, cancellation, postponement or interruption.
- Except where an employee is prevented by his sudden illness or owing to other circumstances acceptable to the Municipal Manager, from remaining on duty or reporting for duty, he/she shall not leave his/her duties or absent himself/herself from them without prior permission.
- Except in the case of sick leave the period from the date on which an application for leave is received until the date on which the leave begins shall

not be shorter than the period of leave applied for, provided that a shorter period may be allowed under exceptional circumstances in the discretion of the Municipal Manager or his/her designated nominee.

- Leave or any portion of leave granted to an employee may at any time be withdrawn at his/her request by the authority that granted it and he/she shall be credited in the leave register with the unused leave.
- An employer shall request a medical certificate if an employee is absent on Mondays, Fridays, the day before and a day after a public holiday and paydays.
- If leave was approved orally, the employee must ensure upon return that their leave is signed within 3 days.

6. CLASSIFICATION OF LEAVE OF ABSENCE

Leave of absence shall be classified as:-

- Vacation;
- Sick;
- Special leave with full pay;
- Special leave without pay;
- Sick leave with full pay;
- Sick leave without pay;
- Maternity leave;
- Family responsibility leave;

7. UNAUTHORISED ABSENCE FROM DUTY

- Unauthorized absence from duty shall be deemed to be, regardless of disciplinary measures against an employee, leave without payment, unless the Municipal Manager resolves otherwise.

8. GROUPING OF EMPLOYEES FOR LEAVE PURPOSES AND ACCRUAL OF LEAVE

For leave purposes employees shall be grouped as follows and leave shall accrue as indicated opposite each group:

9.1 Vacation Leave

- 9.1.1 Bargaining Council Employees = 24 leave days for five day worker per leave cycle on full pay;
= 27 leave days for six day worker per leave cycle on full pay;

9.1.2 Non-bargaining Council Employees= in terms of their contract, and shall be on full pay.

9.1.3 An employer must grant annual leave not later than six months after the annual leave cycle.

9.1.4 An employee is required to take annual leave as follows :

9.1.4.1 A five day worker shall take a minimum of 16 working days leave.

9.1.4.2 A six day worker shall take a minimum of 19 working days leave.

9.1.5 An employee is allowed to accumulate a maximum of 48 days per leave cycle. Annual leave can only be accumulated to a maximum of 48 working days and anything above that shall be forfeited.

9.1.6 Any leave in excess of 48 days may be encashed should an employee be unable to take such leave, despite applying and because the employer refused to grant him such leave as a result of the employers 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/her during this period, such remaining leave shall fall away.

9.1.7 Within 6 months of the end of a leave cycle, an employee may not have more than 48 days annual leave to his credit.

9.1.8 In the event of termination of service an employee shall be paid his/her leave entitlement in terms of this agreement, calculated in terms of the relevant provision of the Basic Conditions of Employment Act No. 75 of 1997, as amended.

9.1.9 The determination of the leave cycle is 1st April to 31st March 1 full year. 1st April to 30th September 6 months.

9.1.10 Vacation leave for more than 2 (Two) days shall be requested at least 5 (five) days before and failure to comply will result in the leave not being approved and a motivation may be requested.

9.2 Sick Leave

- Bargaining Council Employees = 80 sick leave days per leave cycle on full pay.
- Non-Bargaining Council Employees= In terms of their employment contracts

9.3 Additional Sick Leave

9.3.1 If an employee has only taken 20 days of sick leave in a 3 year cycle then the employee will receive an additional 15 days sick leave subject to maximum of sick leave of 120 per leave cycle.

9.3.2 If the maximum period of sick leave to which an employee is entitled has been granted to him or her , owing to reasons of ill health and he is not

able to resume duty, the municipality manager shall grant such employee an additional 60 working days leave in respect of chronic illness and or illness requiring hospitalization which shall be made up as follows:

- 30 Working days on full pay
- 30 Working days on half pay

- 9.3.3 The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who is certified to diagnose or treat patients and who is registered by the health professions council established by an act of parliament.
- 9.3.4 If the employee has exhausted all the sick leave to which he is entitled, the municipality will appoint a medical practitioner to evaluate the employee and will submit a report as to whether the medical condition has resulted in permanent or temporary incapacity.
- 9.3.5 If the employee is found to be permanently incapacitated the municipal may convene an incapacity hearing in terms of Schedule 8 of the Labour Relations Act.
- 9.3.6 If the incapacity is of temporary nature, the municipality may grant additional sick leave on application by any part for exemption to the Bargaining Council.
- 9.3.7 If more than two consecutive days are taken as sick leave, the employer must request a sick leave certificate for every day of sick leave.
- 9.3.8 Where there is evidence of abuse of sick leave, the employer may take decisive disciplinary actions against the employee.
- 9.3.9 The employer is not required to pay an employee if an employee is absent on more than two occasions during an 8 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 employees absence on account of sickness or injury.

9.4 Family Responsibility Leave

- 9.4.1. Bargaining Council Employees = 5 leave days per leave cycle on full pay subject to submission of proof.
- 9.4.2 Non-Bargaining Council Employees = In terms of their employment contracts.
- 9.4.3 Family responsibility leave applies to an employee who has been in employment with an employer longer than 4 months
- 9.4.4 An employer, upon receipt of reasonable proof, shall grant an employee during each annual leave cycle at the request of an employee a total of five working days paid leave, which the employee is entitled to take either when :
- 9.4.4.1 The employee's child born
 - 9.4.4.2 The employee's child is sick
 - 9.4.4.3 The employee's spouse or life partner is sick
 - 9.4.4.4 In the event of death of :
 - 9.4.4.4.1 The employee's spouse or life partner or
 - 9.4.4.4.2 The employee's parent, adoptive parent, parent's in law, grandparents, child, adopted child, grandchild or siblings.

9.4.5. When an employee's surname differs from that of his/her deceased sibling, he/she must attach an affidavit to confirm such.

9.5 Special leave

9.5.1 This leave refers to leave not covered in the Main Collective agreement in the SALGBC or in any at Divisional Collective Agreement concluded in the SALBC.

9.5.2 Application for such leave shall be made to the Municipal Manager or his nominee for consideration and approval.

9.5.3 This leave may only be granted for the following :

9.5.3.1 Court appearances by employee as a witness

9.5.3.2 National and Provincial Sport Representation

9.5.3.3 Study Purposes

9.5.4 The application for this leave must be accompanied by documentation that supports the application.

9.5.5 The Special leave in paragraph 9.5.3.3 is limited to a maximum of 10 days per annum and in Paragraph **9.5.3.1** and **9.5.3.2** is limited to **15 days** per annum and cannot accumulate.

9.5.6 Shopsteward shall be entitled to 15 days per year with full pay for Union activities and trainings

9.6 Long Service Leave

9.6.1. An employee shall qualify once for the following long service leave at the completion of the following periods from date of this agreement.

Bargaining Council Employees

9.6.1. 05 years' service = 05 days

9.6.2 10 years' service = 10 days

9.6.3 15 years' service = 20 days

9.6.4 20 years' service = 30 days

9.6.5 25 years' service = 30 days

9.6.6 30 years' service = 30 days

9.6.7 35 years' service = 30 days

9.6.8 40 years' service = 30 days

9.6.9 45 years' service = 30 days

Qualification and accrual is immediately after the completion of 05 years uninterrupted service with the municipality.

9.7 The encashment or the taking of the leave must take place in the same year that an employee qualifies for the long service leave subject to operational requirements where the employee elects to take leave.

9.8 An employee that has a 05 (Five) or more years' service with the Municipality and leaves the service of the Municipality for any reason whatsoever,

excluding reasons relating to misconduct, shall receive a pro-rata long services bonus for any uncompleted period stipulated in (9.5.1) above.

9. TERMINATION OF PERMANENT SERVICE AND RE-EMPLOYMENT

- If a permanent employee whose service is terminated for any reason whatsoever, is re-employed, such re-employment shall for leave purposes be regarded as a new appointment.

10. LEAVE OF ABSENCE GRANTED IN EXCESS

- When more paid leave of absence than is due has been permitted to an employee in error, the leave granted in excess may be deducted from leave that may accrue to him/her later, or the value thereof may be claimed from him/her, as the employee may elect.

11. VACATION LEAVE IN TERMS OF PROVISIONS THAT HAVE BEEN REVOKED

- On the date on which this policy comes into operation, each employee shall be credited with the number of working days vacation leave due to him/her in terms of any leave provision applicable to him/her immediately prior to such date. Such leave shall be dealt with in terms of the applicable SALGBC Collective Agreement. All new employees shall immediately be credited with leave in terms of this policy.

12.1 GENERAL PROVISIONS: VACATION LEAVE

- Vacation leave shall be accrued in respect of each completed month of service at the rate of two (2) days per month.
- All Bargaining Council employees must, in respect of each completed year of service and before the end of that year of service, (for 5 day worker) take 16 successive working days' vacation leave on full pay; and (for 6 day worker) take 19 successive working days' vacation leave on full pay.
- All remaining leave shall accumulate up to a maximum of 48 days, after which no vacation leave may be accumulated.
- Vacation leave accumulated may also be taken in occasional periods during any year of service, on approval by the Municipal Manager or his/her representative.

12.2 VACATION LEAVE WITHOUT PAY

- If valid reasons exist, the Municipal Manager may grant an employee who has no vacation leave with pay due to him/her, vacation leave

without pay for not more than 10 working days in any period of twelve months; provided that the Council may in exceptional cases cancel the restrictions herein contained.

13 GENERAL PROVISIONS: SICK LEAVE

- All employees shall be entitled to sick leave.
- In the event of an employee in any cycle not being granted sick leave or being granted a period or periods of sick leave totaling less than the period or days set out in clause the balance shall not be accrued or carried to the next leave cycle.
- Vacation leave shall not be converted into sick leave unless the employee has been certified sick by a registered medical practitioner after his annual leave commenced.
- If an employee reports for duty and goes off within the first three hours of the working day, he must apply for sick leave at that point.
- An employee who is off sick must notify the employer in terms of the acceptable means of notification and as agreed at the municipality within 3 hours of the normal workday/shift commencing.

14. GRANTING OF SICK LEAVE

- Sick leave shall be granted only in connection with an employee's absence from duty owing to sickness, indisposition or injury that is not the result of his misconduct or lack of proper precautions.
- In the case of nervous affections, insomnia, debility or a similar less well-defined sickness or indisposition, sick leave shall be granted only if the Municipal Manager is satisfied that the employee's state of health renders him/her unfit for his work; and does not arise from his failure to make use of vacation leave.
- The Municipal Manager or his/her representative may at any time require an employee to submit himself/herself to an examination by a registered medical practitioner or dentist appointed by the Municipality the cost of such examination shall be borne by Council.
- The Municipal Manager may, on the recommendation of a registered medical practitioner or dentist, compel an employee who in the Municipal Manager's opinion is so indisposed that he cannot performed his duties properly, to take sick leave.

a. SICK LEAVE GRANTED TO EMPLOYEES WITH ALCOHOLIC AND DRUG PROBLEMS

- Sick leave may be granted to an employee who is certified by a registered medical practitioner to be an alcoholic or drug addict and who is prepared to receive treatment voluntarily; provided that he shall subject himself for treatment at an approved institution for a period prescribed by that institution.
- After the periods stated above, the employee shall submit to the Municipal Manager written proof by the head of the institution or the registered medical practitioner as the case may be, that they complied with all the requirements as set out in the treatment programme; sick leave as mentioned above shall not be granted to an employee on more than one occasion.

b. SICK LEAVE IN RESPECT OF INJURY SUSTAINED OR ILLNESS CONTRACTED AT WORK

- An employee who is absent from duty owing to an injury arising from his/her duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his/her duties, shall be granted sick leave on full pay for the period during which he incapacitated to perform his/her usual duties and, if the case falls within the ambit of the Workmen's Compensation Act, the amount payable to him/her in terms of that Act by means of periodical payments of his monthly earnings shall be paid over to the Council. Such leave **shall not be deducted from an employee's saved credits.**
- Sick leave shall not be granted if the Municipal Manager or his/her representative is of the **opinion that the injury or illness is due to gross and willful misconduct of the employee.**

15. LEAVE REGISTER

- All leave of absence granted and taken shall be recorded in a leave register under the control of a person appointed by the Municipal Manager, and an employee's leave record shall be open to his inspection at all reasonable times during office hours.

16. MATERNITY LEAVE

- An employee, including an employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid or adoption

leave with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is stillborn.

- Maternity leave may commence four (4) weeks before confinement.
- For the employee to qualify for paid maternity leave they must have one (1) year's service with the Municipality.

a. An employee may commence maternity:

- At any time from four weeks before the expected date of birth, unless otherwise agreed; or on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.
- An employee must, on her leave application, notify the head of department of the date on which she intends to commence maternity leave; and return to work after maternity leave.

b. The notification referred to in the clause must be given:

- at least four weeks before the employee intends to commence maternity leave;
- or if it is not reasonably practicable to do so, as soon as reasonably practicable.

17. PROTECTION OF EMPLOYEES BEFORE AND AFTER BIRTH OF A CHILD

- It may not be required of a pregnant employee or an employee who is nursing her child to perform work that is hazardous to her health or that of her child.
- During an employee's pregnancy, and for a period of four months after the birth of her child, she must be offered suitable, alternative employment on terms and conditions that are no less favorable than her ordinary terms and conditions of employment, if:
- the employee is required to perform night work or her work poses a danger to her health or safety or that of her child; and if it is practicable.

18. UNPAID LEAVE

At the sole discretion of the Municipal Manager unpaid leave may be granted where exceptional circumstances exist, and must be authorized by the Head of the Department, subject to the following conditions:

- Unpaid leave will only be granted once all accumulated annual leave has been taken.
 - In the case of protracted illness, unpaid leave will only be considered once:
 - the sick leave entitlement has been exhausted.
 - all accumulated annual leave has been taken.
- Factors to be taken in to account when considering whether to grant unpaid leave are:
 - the reason for the request;
 - length of service;
 - work performance; and
 - attendance history;
- The employer's contributions to the Retirement / Pension Fund and Medical Aid Scheme will be maintained provided that the employee will pay over his or her contribution to Financial Services on or before the last working day of the month.
- Requests for unpaid leave must be in writing on the Municipality's Leave Application form which should be authorized by the Municipal Manager or Head of Department.

19. EXCEPTIONAL CASES

In the event of circumstances arising which justify a departure from the provision of this policy, the Municipal Manager may grant leave to an employee on such conditions as the Executive Authority may determine.

20. LEAVE OF THE SENIOR MANAGERS (SEC54/56) AND CONTRACT EMPLOYEES (EPWPS)

The leave of the Senior Managers and that of the fixed fixed-term contract employees shall be governed by their contracts of employment.

21. STEPS TO BE TAKEN BY THE MUNICIPAL MANAGER

- a. The Municipal Manager may:
 - i. Prescribe rules for the administration and control of leave;
 - ii. Delegate any functions/duties to a subordinate.

22. COUNCIL APPROVAL AND EFFECTIVE DATE

Approval of Policy by Council and Effective date: 01/07/2024



MUNICIPAL MANAGER

21/05/2024

DATE