



LEAVE POLICY

2023/2024

TABLE OF CONTENTS

1. Introduction

- 1.1. Mandate
- 1.2. Objective
- 1.3. Scope of Application/ Principles
- 1.4. Employee Self Service (ESS) and Leave Registers

2. ANNUAL LEAVE

- 2.1. Annual Leave with Pay
- 2.2. Payment of Annual Leave
- 2.3. Annual Leave without Pay
- 2.4. Rehabilitation
- 2.5. Encashment of leave

3. SICK LEAVE

- 3.1. Sick leave cycle
- 3.2. Conversion of Annual leave into sick leave
- 3.3. Medical examination

4. LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

5. MATERNITY LEAVE

6. PARENTAL LEAVE

7. FAMILY RESPONSIBILITY LEAVE

8. SPECIAL LEAVE

- 8.1. Examinations and Study Leave

9. SPORT PURPOSES

- 9.1. Sports, arts and culture events

10. LEAVE OF OFFICE BEARERS AND SHOP STEWARDS OF RECOGNISED EMPLOYEE ORGANISATION

11. POLICY REVIEW

1. INTRODUCTION

1.1. MANDATE

2.1. Basic Conditions of Employment

2.2. Employment Equity Act

2.3. Main collective agreement

2.4. Limpopo Divisional collective agreement

1.2. OBJECTIVES

The main aim of this policy is to inform employees of:

- The types of leave and circumstances under which the employer may consider authorizing an employee's leave of absence from work;
- Employee's leave entitlement and conditions that the employee must adhere to in order to access the said entitlement.

1.3. SCOPE OF APPLICATION/ PRINCIPLES

Leave applies to all employees of Maruleng Municipality and is based on fairness, confidentiality, equity and professionalism.

1.4. EMPLOYEE SELF SERVICE SYSTEM(ESS) AND LEAVE REGISTER

1.4.1. Annual leave must be applied for on the Employee Self Service system and approved by the relevant Directorate prior to the employee taking such leave. Employees going on leave without prior approval will be deemed to have deserted or going on unpaid leave.

1.4.2. In the event whereby the ESS system is off line, compulsory leave book will be utilized for such incident obtainable from the Human Resource office.

1.4.3. No staff member may absent him/herself for any period during the working day without filling leave on the ESS and obtaining permission from his/her direct manager/supervisor. No one is authorized to fill the leave on the ESS on behalf of any staff member, unless the employee is impersonated to other internal staff to take leave on their behalf. The onus then remain on the absent staff member to submit documentation to substantiate why the period(s) of absence should not be leave without pay.

- 1.4.4. Directorate must ensure that leave on the ESS system are approved in time in order to ensure compliance.
- 1.4.5. Outstanding leave approve cause deviation on payslip and leave report. Payslip and Leave report must relate to each other.
- 1.4.6. Human Resource have to keep the compulsory leave book. When necessary and for audit purposes, Human Resource may be requested to produce copies of leave for checking against the leave records.
- 1.4.7. All departments should develop annual leave schedules that will be submitted to the Human Resources Department in January every year for control purposes. In an event where the schedule has been changed, the Human Resources Department must be informed timeously.

2. ANNUAL LEAVE

2.1. VACATION LEAVE WITH PAY

- 2.1.1. It is incumbent on the employee to utilize and manage his/her vacation leave responsibly.
- 2.1.2. For the purpose of granting vacation leave working days will mean Monday to Friday.
- 2.1.3. An application for vacation leave should take the service delivery requirements into account. An employee's leave application will be considered at the employer's discretion, but should not be unreasonably refused.
- 2.1.4. An employee is entitled to vacation leave with full pay credited at 2 (two) days per month during each leave cycle of 12 months to a maximum of 24 (twenty four) days.
- 2.1.5. Leave taken will be deducted from available leave credits.
- 2.1.6. An employee's leave cycle will commence from the month of employment to the next anniversary of that employee. An employee is required to take leave within each circle, if an employee works 5 days, that employee shall take a minimum of 16 days leave.
- 2.1.7. Temporary/contract employees shall be granted leave that is proportional to their term of employment on pro rata basis, which is calculated as shown above.

2.1.8. An employee should take at least **16** consecutive working days in a leave cycle.

2.1.9. In terms of Regulation on appointment and conditions of employment of senior Manager, Gazettee No. 37245,

- Regulation 23 (7) A senior manager does not accrue leave during any period of unpaid leave or if the senior manager is absent from work without permission.
- Regulation 23 (9) A senior manager must take at least 10 working days annual leave in each annual leave cycle: Provided that the remaining days must be taken before end of the following annual leave cycle, failing which they are forfeited.
- Regulation 23 (10) A senior manager may only take annual leave with the prior written approval of the Mayor or Municipal Manager, as the case may be.
- Regulation 23 (11) A senior manager's application for annual leave may not be unreasonably disapproved.
- Regulation 23 (12) A senior manager whose annual leave application is not approved as a result of operational requirements must be informed in writing of the refusal, the reason for the disapproval and the future arrangements for rescheduling the annual leave.
- Regulation 23 (13) A senior manager who is recalled from leave due to operation requirements must be credited with the number of annual leave days forsaken.
- Regulation (14) The municipality must-
 - (a) Encourage senior managers to take their annual leave in the annual leave cycle in which they accrue; and
 - (b) Establish a system to record accurately the leave taken by senior managers.

2.2. Payment of Annual Leave

In the event of the termination of service, an employee shall be paid his leave entitlement calculated in terms of relevant provisions of the Basic Conditions of Employment Act, 1997

2.2.1. Exceeding Annual Leave Credit

2.2.1.1. An employee may be granted vacation leave with full pay in excess of that which he/she has to his/her credit at the time. Any leave taken in excess will be captured as leave without pay.

2.2.1.2. If there is a need for more annual leave than available credit, under special circumstances, annual leave granted may be deducted from capped leave or in cases where no capped leave is available, it will be seen as leave without pay.

2.2.1.3. Leave of six consecutive weeks or longer must be communicated to the Accounting Officer.

2.2.1.4. All Directorates must encourage employees to fully utilize their annual leave credits in a specific leave cycle.

2.3. Annual Leave without Pay

2.3.1. Unpaid leave must be granted on a calendar day basis

2.3.2. When an employee gives a notice of resignation, any leave taken during the notice is regarded as leave without pay.

2.3.3. Leave that has been granted to an employee, who gives notice of his/ her resignation, may not be utilized to extend his/her period of service.

2.3.4. The absence from duty of an employee-

- a) who has been arrested or has to appear before a court of law on a criminal charge and who is not subsequently acquitted; or
- b) who has been sentenced to imprisonment; or
- c) who is absent from duty owing to an illness, indisposition or injury as a result of misconduct or failure to take reasonable precautions, shall be covered by the granting of annual leave **without pay**, even if the officer applies beforehand in writing for leave to cover such absence.

2.4. Rehabilitation

2.4.1. An employee who is permanently appointed and has been confirmed and who has a problem with alcohol and drug abuse or other social or economic problems may be granted available annual leave with pay to undergo rehabilitation. The aforementioned is on condition that on completion of treatment a medical

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certificate and complete report by the relevant medical practitioner or institution is submitted to the Municipality.

2.4.2. If an employee does not have sufficient annual leave credit to cover periods of absence, annual leave with full pay will be granted for a full period of absence provided that-

- (i) the annual leave which has been granted is deducted from future annual leave accrued, and
- (ii) if such an employee resigns or his/her services are terminated before sufficient annual leave has accrued, the portion of the over grant which exceeds annual leave credit on the last day of service, shall be regarded as an overpayment of salary which will be recovered.

2.5. Encashment of leave

2.5.1. In terms of the Collective Agreement on Conditions of service for the Limpopo Division of the SALGBC clause 22

Inclusive of its conditions as contained in the Main Collective Agreement an employee should be entitled to encash the ten (10) days leave per financial year.

2.5.2. Any leave to the maximum of 48 days may be encashed should the employee be unable to take 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.

3. SICK LEAVE

3.1. Sick Leave Cycle

3.1.1. It is the responsibility of the employee to utilize and manage his/her normal sick leave responsibly and with circumspect.

3.1.2. An employer shall grant an employee eighty (80) days sick leave **and 80 days additional sick leave** in a three (3) year leave cycle.

3.1.3. The employee shall be required to submit medical certificate from a registered medical institution or traditional healer if more than 2 days consecutive days taken as sick leave. The employer is further not required to pay an employee if an employee is absent on more than two occasions during 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 sickness or injury.

- 3.1.4. The medical certificate must submit on return from sick absence, failure to submit such a certificate will render the absence to be without leave with consequence of no work no pay.
- 3.1.5. If an employee is overcome by sudden illness the employee must personally notify her/his Supervisor immediately of his/her inability to report for duty. A verbal message to the Supervisor by a relative, fellow employee or friend is only acceptable if the nature of the illness/injury prevents the employee to inform the Director/Supervisor personally.
- 3.1.6. The supervisor/ Human resource officials may at their discretion visit an employee for support and verification of the state of health.
- 3.1.7. An employee **may NOT** carry over sick leave after the expiry of the leave cycle. An employee will qualify **for paid sick leave after completion of 8 weeks in the service.**

3.2. Conversion of Annual Leave into Sick Leave

An employee qualifies for sick leave if he/ she falls ill when he/she is on annual leave. The annual leave will be converted to sick leave when a certificate from a registered medical practitioner/ traditional doctor is submitted.

3.3. Medical Examinations

- 3.3.1. In an instance where an employee is absent from work due to an illness and the absence is on a regular basis or forms a pattern, the Human Resource Manager may at any time require an employee to submit to an examination by one or more registered medical practitioners nominated by the municipality for this purpose. The employee will have the opportunity to request that a medical practitioner of his/her choice be present at the medical board examination.
- 3.3.2. Disciplinary procedures will be implemented in terms of unauthorized absence from the workplace.

4. LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

- 4.1.1. An employee who is absent from duty due to an injury arising out of 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 considered to be on duty on full pay for the period during which he is unfit to perform his duties.
- 4.1.2. If the case fails within the ambit of the Compensation for Occupational Injuries and Diseases Act (Act 130 of 1993), the amount payable to him/her in terms of an act by means of periodic payment of his/her monthly earnings shall be paid over to the municipality, provided that the employer has already advanced amount to the employee.
- 4.1.3. Special sick leave may only be granted, if the employer was notified of an accident or diseases as required in terms of Section 38 and 68 of Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993) and subject to all provisions of the Act.
- 4.1.4. The injury need to be reported to the Occupation Health and Safety Officer within 24 hours and a report must be submitted to the Compensation Commissioner within 36 hours. No special leave will be granted or captured without the necessary procedures having been followed.

5. MATERNITY LEAVE

- 5.1. An employee, including an employee adopting a child under three (3) months is entitled to four (4) consecutive calendar months **Paid** maternity leave. The maternity leave will commence:
 - (a) at any time from four (4) weeks before the expected date of birth; or
 - (b) on a date from which a medical practitioner certifies that it is necessary for the employee's health or that of her unborn child.
- 5.2. This benefit is without limit for the number of confinements or adoptions and also applies to an employee whose child is a still born.
- 5.3. To qualify for this benefit, an employee should have worked for twelve (12) months with the municipality.

6. PARENTAL LEAVE

- 6.1. An employee, who is a parent of a child is entitled to at least ten consecutive days parental leave.
- 6.2. An employee may commence parental leave on-
- (a) the day that the employee's child is born or the date that the adoption order is granted
 - (b) that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adaption order in respect of that child whichever date occurs first
- 6.3. An employee must notify an employer in writing, unless the employee is unable to do so, of the date on which the employee intends to-
- (a) commence parental leave; and
 - (b) return to work after parental leave.
- 6.4. Notification in terms of paragraph 6.3 must be given-
- (a) at least month before the-
 - (i) employee's child is expected to be born; or
 - (ii) date referred to in paragraph 6.2 (a); or
 - (b) if it is not reasonably practicable to do so, as soon as is reasonably practicable.

7. FAMILY RESPONSIBILITY LEAVE

- 7.1. After four (4) consecutive months of employment the employee will be entitled for **five (5)** days paid leave during each cycle of twelve (12) months of employment with the municipality to be taken 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 his/her spouse/life partner, parent, adoptive parent, grandparents, adopted child, grandchild or sibling.
- 7.2. Employees may take family responsibility leave in respect of the whole or part of a day. Leave application forms must still be completed giving reasons for the family responsibility leave required.
- 7.3. Before authorizing family responsibility leave, the company will require proof of the event as described above for which the leave is required. Failure to produce the required proof will result in the request for family responsibility leave being denied. Family responsibility leave will not be carried over to the next circle.

8. SPECIAL LEAVE

8.1. Study leave

8.1.1. Study leave shall be granted in accordance with the Collective Agreement on Conditions of Service for the Limpopo Division of the SALGBC.

9. SPORT PURPOSES

9.1. Sports, arts and culture events

9.1.1. An employee who is selected by recognized amateur or professional sports, art and culture association, which association may qualify for special provided that such association be recognized by the Council of Sport of South Africa and the Council for Art and culture.

10. TIME OFF OF OFFICE BEARERS, SHOP STEWARDS OF RECOGNISED EMPLOYEE ORGANISATION AND UNION MEMBERS

9.1. Office bearers or Shop Stewards of recognized employee organizations shall receive up to 15 working days paid leave per annum for activities related to his/ her union position.

9.2. All applications for this type of leave must be submitted to Human Resources in writing together with supporting documentation.

9.3. All union members are allocated two hours per month to attend a meeting or meetings.

11. POLICY REVIEW

This policy will be reviewed annually.

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