

NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY



LEAVE POLICY

DATE APPROVED BY COUNCIL : 02/08/2008

COUNCIL RESOLUTION NUMBER : 32/2008

NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY

LEAVE POLICY

1. POLICY STATEMENT

- 1.1 Employees of the Municipality are entitled to take leave accumulated in an annual leave cycle and as a result the employer must grant such leave. This is provided for by the provisions of chapter three of the Basic conditions of employment Act¹. The intention of this policy thereof, is to provide a mechanism to regulate; control and administer leave in an effective and efficient manner in the Municipality.

2. LEGAL FRAMEWORK

- 2.1 Constitution²
- 2.2 Labour Relations Act³
- 2.3 Basic Conditions of Employment Act
- 2.4 Collective Agreement on Uniform Conditions of Employment
- 2.5 Government Gazette⁴

3. EFFECTIVE DATE

- 3.1 This policy shall be effective from the date of adoption by Council.

4. APPLICABILITY AND SCOPE

- 4.1 This policy shall be applicable to all employees of the Municipality.

5. GENERAL PROVISIONS

- 5.1 The provisions of this policy must be read in-conjunction with the uniform conditions of service determined from time to time at a bargaining council and other relevant collective agreements.

5.2 Types of leave

- 5.2.1 Annual leave
- 5.2.2 Sick leave
- 5.2.3 Maternity leave

¹ Act no 75 of 1997

² Act 108 of 1996

³ Act no 66 of 1995

⁴ No. 16047

- 5.2.4 Family responsibility leave
- 5.2.5 Study leave
- 5.2.6 Special leave
- 5.2.7 Long service leave

6. ANNUAL LEAVE

- 6.1 All employees are granted 24 and 27 working days depending on whether they were 5 or 6 days workers on 1 January 2004 (See 7.1.1 and 7.2.2)
- 6.2 Employees who as at 1 January 2004 were granted more annual days leave will retain such days until 31 December 2005 (See addendum to collective agreement 3.1 and 3.2)
- 6.3 The only conditions that could be retained as a better benefit is the number of days of leave in excess of that provided for in this collective agreement.
- 6.4 The other provisions of the collective agreement with regard to en-cashment and compulsory taking of leave immediately became applicable as from 1 January 2004.
- 6.5 For example an employee that enjoys 30 working days leave as opposed to 24 working days continue to receive 30 working days until December 2005, after which the new leave provision of 24 working days will be applicable.
- 6.6 If the same employee in terms of the previous conditions was compelled to take 12 of the 30 working days and could en-cash the balance then such was however no longer applicable as from 1 January 2004. In terms of the new collective agreement the employee is compelled to take 16 working days and can only accrue up to maximum of 48 working days irrespective of having such under previous agreement. The only better benefit retained is 30 working days (as per addendum to collective agreement 3.1 and 3.2)
- 6.7 A five day worker should take minimum of 16 days leave per annum and a six day worker 19 days.
- 6.8 The 16 and 19 days must be taken and cannot under any circumstances be accrued or en-cashed. This is in line with the Basic Conditions of Employment Act. The leave must be taken within a period of 18 months from the time that leave became due. The leave may not be refused due

to operational reasons. The employee should be informed that such leave is due and it must be taken.

- 6.9 The number of days to be taken consecutively must be regulated in a council policy as all 16 or 19 days do not have to be taken at once (e.g. 12 days could be taken consecutively and the balance as and when required within 18 months).

6.10 Annual leave application

- 6.10.1 Application for leave must be done at least three (3) days prior so as to allow proper planning and sufficient manpower all times in each department.
- 6.10.2 The employee must inform his/her immediate supervisor about the intention to apply for leave and the supervisor must inform the relevant superiors.
- 6.10.3 If the immediate supervisor agrees, the applicant employee shall consult with the human resource section or any authorized official to fill-in the relevant leave form pending on the availability of leave day's credit which must be signed by HR Clerk/Official, the applicant, immediate supervisor, and the Head of department respectively.
- 6.10.4 The onus shall be with the applicant to ensure that the leave form is fully completed before taking leave; however consent from the immediate supervisor may be sufficient.
- 6.10.5 The leave forms must after being signed in terms of clause 6.10.3 be submitted back to the Human Resource Section within 48 hours for proper record keeping.

6.11 Application for leave encashment

- 6.11.1 The leave encashment shall be done at the end of each and every employee's leave cycle.
- 6.11.2 The application shall be done through the human resource section.
- 6.11.3 The application form shall be signed by the applicant, immediate supervisor, HR Clerk/official and the Manager HR/Executive Manager: Corporate Service.

6.11.4 All leave encashment shall be submitted to finance for payment as part of that month's salary.

7. SICK LEAVE

- 7.1 An employer shall grant an employee eighty (80) working days leave over a three year circle.
- 7.2 This agreement makes no provision for accrual of sick leave or for payment on half pay once employees has exhausted all sick leave.
- 7.3 This agreement however in terms of clause 8.4 allows divisional bargaining councils to deal with such matters.
- 7.4 The employee is compelled to provide a medical certificate if such employee is sick for more that two days (not compelled to provide such medical certificate is absent for less than two days due to ill health)
- 7.5 The employer is not obliged to pay employee if employee is off sick on more than two occasions over eight week period and at request of employer does not provide medical certificate (the employee could then be compelled to provide medical certificate if employee is off sick for one or two days within eight weeks period on more that 2 occasions).

7.6 Sick leave whilst on annual leave

- 7.6.1 Should an employee falls sick whilst on an annual leave and this can be proved by means of doctor's certificate, then such days on which the employee was sick shall be regarded as sick leave and shall be deducted from the annual leave days.

7.7 Application for sick leave

- 7.7.1 Any employee who fails or is unable to attend and report for work he/she must notify his/her supervisor as soon as possible and preferably before 10:00 am, and the supervisor shall inform the relevant superiors.
- 7.7.2 Should any employee fail, to comply with clause 7.7.1 without good cause, the municipality shall be entitled to treat his/her absence as being unauthorized.
- 7.7.3 Sick leave application form shall be completed immediately when the

employee returns to work, however this shall be subjected to availability of leave credit days.

7.7.4 The form must be signed by the HR Clerk/official, the applicant, immediate supervisor and the head of department respectively and be submitted back to the human resource section within 48 hours for proper record keeping.

8. MATERNITY LEAVE

- 8.1 The employee is entitled to 3 months fully paid maternity leave with no limitation on the number of confinements.
- 8.2 The benefits that the employee currently enjoys still continue during period of confinement.
- 8.3 We recommend that the employee claims from UIF and employer pays the difference to ensure 100% payment.
- 8.4 Should the employer first pay 100% of salary, then the parties cannot claim from the UIF.
- 8.5 The employee must be employed for a least a period of one year before maternity leave commences to qualify for paid maternity period.
- 8.6 If employee has less than one year's service then the employee can claim from UIF but employer will not pay employee during this period.
- 8.7 The employee is required to work back the period that employee has been on paid maternity leave.
- 8.9 If employee has been on 3 months paid maternity leave and then resigns before coming back to employer then employee must pay back the 3 months employer contribution towards maternity leave.

9. FAMILY RESPONSIBILITY

- 9.1 Family responsibility leave is only provided once employee is in service of council for longer than 4 months (only qualify after 4 months in service).
- 9.2 The employee is entitled to a maximum of five (5) working days per annum for specific events that occur such as child's birth, illness of a child, spouse or life partner, death of spouse or life partner or employee's

parents, adoptive parent, grand parent, child, adopted child, grand child or sibling.

- 9.3 The proof must be submitted to HR section when such events occur.
- 9.4 This leave is granted annually and cannot accrue or be en-cashed.
- 9.5 The employee shall not be granted **five** days per event but five days annually. For example if employee take all 5 days when child is sick then cannot again apply when life partner passes away. The employee will then have to take annual leave.

10. STUDY LEAVE

- 10.1 Study shall be granted only to employees who are studying and the number of days to be granted shall be determined as follows:
 - 10.1 Employees studying for a national diploma shall be granted two (2) days excluding examination day.
 - 10.2 Employees studying for a three years/diploma or degree shall be granted three (3) days excluding the examination day.
 - 10.3 Employees studying for (Post Graduates) masters degree shall be granted four (4) days excluding the examination day.
 - 10.4 **Additional leave for post graduates studies: Special leave for a thesis or dissertation shall be granted with full pay to a maximum of five (5) working days leave per qualification.**

11. SPEACIAL LEAVE

- 11.1** Special leave shall be granted as and when required, however this shall be through the permission of the head of department in consultation with the Accounting Officer.
- 11.2** The following is some of the activities that may necessitate the granting of special leave however it should be noted that the list is not limited only to them.
 - 11.2.1** Sports related activities
 - 11.2.2** Law enforcement related processes and for
 - 11.2.3** Other reasons based on the Accounting Officer's discretionary powers.

12. LONG SERVICE BONUS

12.1 All employees rendering 10 years continuous service to the council shall be entitled to a long service bonus calculated in line with the relevant council resolution read together with the recent conditions of service.

13. RESPONSIBILITIES

13.1 Head of Department

13.1.1 The HOD signs and approves the leave after having received or advised by the relevant immediate supervisor and/or the relevant unit manager.

13.2 Supervisors/Manager

13.2.1 The supervisor/and or manager shall approve the leave and inform the manager on the intentions of his/her subordinate/s to go on leave and hand over the application to the HOD

13.3 Employees

13.2.1 Employees shall ensure that before they go for leave, all the minimum requirement for leave application have been signed and granted.

14. Human Resources Section

1.41.1The Human resource section shall be responsible for administration, monitoring and advice on all matters relating to leave.

15. AMENDMENTS

All amendments shall be effected by Council resolution.