Waterberg
District Municipality

on the Go for Growth

LEAVE MANAGEMENT POLICY

LEAVE MANAGEMENT POLICY

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

APPENDIX A: Leave Application Form.

1. PREAMBLE

All employees within Local Government are required by the conditions of service, legislation and other form of documents to ensure the absence from work is done in a manner that will not aggrieve the disciplinary policies and agreements. For this to happen we have analysed and consulted with municipal stakeholders on the matter and to ensure there is uniformity in applying for leave of absence. We have thus realised that employees were abusing certain types of leave hence the drafted policy to regulate such leave.

To regulate an employee's absence from duty by means of granting authorised leave of absence within the framework, provisions and measures as set out in the below leave policy.

2. OBJECTIVES

To establish common and uniform conditions of service in so far as annual, sick, maternity and family responsibility leaves for employees within the registered scope of the Council and employees appointed in terms of section 57 of the Municipal Systems Act 32 of 2000 as amended, and to replace all previous leave policies.

To ensure there is proper management of all types of leave within the local government sector.

3. LEGISLATIVE REQUIREMENTS

The following legislation as and when amended serves as the framework and guideline for the implementation of this policy.

- RSA Constitution, Act 108 of 1996.
- Employment Equity Act 55 of 1998.
- Labour Relations Act 66 of 1995.
- Compensation for occupational injuries and deceases Act 133 of 1993.
- Basic Conditions of Employment Act 75 of 1997.

- Main Collective Agreements (SALGBC)
- WDM Policies

4. SCOPE OF APPLICATION

4.1 This policy shall apply to all employees employed by Waterberg District Municipality who fall within the registered scope of the South African Local Government Bargaining Council (SALGBC) in the Republic of South Africa and employees appointed in terms of section 57 of the Municipal Systems Act 32 of 2000.

5. EXCLUSION

5.1 Clause 8.1 shall not apply to Senior Management, fire and Disaster Risk personnel and employees working less than 24 hours per month.

6. DEFINITIONS.

6.1 All expressions used in this policy which are defined in the Labour Relations Act 66 of 1995 and as amended, shall bear the same meaning as in the act and unless the contrary intention appears.

6.2 Words importing the masculine gender shall include the feminine.

6.3 All reference to days shall be to working days.

6.4 **Annual leave cycle** means the period of twelve (12) month's employment with the same employer immediately following an employee's commencement of employment or the completion of that employee's existing leave cycle. Annual leave cycle for Senior Managers is calculated from 01 January to 31 December.

6.5 **A sick leave cycle** means the period of thirty six (36) months employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing sick leave cycle.

6.6 **Day** mean Monday to Friday, excluding public holidays, unless indicated otherwise by the context.

6.7 **Month** means a calendar month

6.8 **Senior Management** shall be those employees employed as a municipal manager, head of department or such post as determined by the relevant Division of the Council.

6.9 **Medical practitioners** shall mean a medical practitioner, dentist or traditional healer registered in terms of legislation.

6.10 **Medical Certificate** means a certificate issued by a medical practitioner

6.11 **Special leave** means leave in addition to normal leave

6.12 **Working day** means any day on which an employee is normally required to work according to the service requirement applicable to the employee's post and as agreed to in the SALGBC

7. PERIOD OF OPERATION.

7.1 This policy will remain in force until any changes has been implemented and amended by the South African Local Government Bargaining Council or the

Municipal Performance Regulations for Municipal Managers and Managers directly accountable to the Municipal Manager.

8. HOURS OF WORK.

8.1 All employees are required to work a forty (40) hour working week.

9. ANNUAL LEAVE.

- In this policy, "annual leave cycle" means the period of 12 months' employment immediately following an employee's commencement of employment, or the completion of that employee's prior leave cycle. Annual leave cycle for senior managers is calculated from 1 January to 31 December.
- Employees shall be credited annual leave on the anniversary of their appointment (leave cycle), s57 Managers will have their leave credited end of December every year.
- All employees must only take annual leave with prior written or ESS approval of the Manager, his/her delegate or as the case may be.

- All employees must obtain prior approval of annual leave before they can go on leave. Annual leave must be approved before and not upon an employee's return to work.

- An employer shall grant an employee the following annual leave in a leave cycle -

9.1 Twenty-four (24) days for a five (5) day worker (including s57 Managers); and
9.2 Twenty-seven (27) days for a six (6) day worker.

- An employee is required to take leave within each leave cycle as follows;

9.3 A five (5) day worker shall take a minimum of sixteen (16) days leave; and
9.4 A six (6) day worker shall take a minimum of nineteen (19) days leave.
9.5 S57 Managers are required to take at least 10 working days annual leave in each annual leave cycle.
9.6 Leave accumulated subsequent to 1 January 2004 shall only be accumulated to a maximum of forty-eight (48) days.
9.6.1 Any leave in excess of forty-eight (48) days may be en-cashed 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/her during this period, such remaining leave shall fall away.

9.7 s57 Managers must take all the remaining leave days no later than end of June of the year following the relevant leave cycle. An approval to have the remaining leave days taken after end June must be sought from the Municipal Manager. Operational requirements will be the only conditions the Municipal Manager will consider to extend beyond June. This can only be extended up-to a maximum of two (2)

months. Municipal Manager must apply for leave extension from the Executive Mayor. Thereafter unused leave credits shall be forfeited. Senior Managers must be encouraged to take their annual leave in the annual leave cycle in which they accrue.

9.8 In the event of termination of service, an employee shall be paid his/her leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997 and as amended, provided that no employer is obliged to en-cash more than 48 days annual leave upon the termination of the employee's contract of employment.

9.9 An employee is entitled to an additional day of paid leave if a public holiday falls on a day during an employee's annual leave on which the employee would ordinarily have worked.

9.10 An employee is entitled to take leave accumulated in an annual leave cycle on consecutive days.

9.11 An employee's entitlement to annual leave will be reduced by the number of days of occasional leave on full remuneration granted to the employee at the employee's request in that leave cycle.

9.12 Employees may not work for any other employer during any period of annual leave, unless the explicit written consent was obtained from the council prior to the employee embarking on "moonlight" work.

9.13 Employees who are on a shift system or any rotation work system may only embark on "moonlight" work with the explicit consent from the employer.

10. SELLING/ENCASHMENT OR PAY FOR ANNUAL LEAVE

10.1 Employees may sell/en-cash a maximum of 8 days accrued annual leave once a year on the employee's date of commencement of service, this will be subject to budget availability in that financial year.

10.2 Please note in terms of the municipal performance regulations for municipal managers and managers directly accountable to the municipal managers the encashment of leave days is not applicable to them but, applicable only as a termination of service benefit.

10.3 Employees will be paid leave pay by agreement or on the employee's usual payday.

10.4 Calculations for the amount to be paid, are based on the relevant salary notch on the date of qualification i.e. the notch on which the employee receives remuneration after completion of his service year.

10.5 Annual leave should not coincide with sick leave. Annual leave can be converted into sick leave if the employee becomes ill during the annual leave period and is certified hospital or bed bound.

10.6 Leave paid out on termination of service will be calculated based on the employee's final salary. Where an employee's salary has previously been reduced, leave pay will be calculated on a pro-rata basis at the different rates of pay.

10.7 Employees whose services are terminated with the employer will be paid annual leave on the last day of work after having returned all municipal property in their position.

11. ANNUAL LEAVE APPLICATION PROCEDURE

11.1 Each department will be allocated its own leave book.

11.2 Applications for leave must be in writing on the Municipality' Leave Application form.

11.3 Leave application must be filled in advance by the employee. Annual leave is not taken in retrospective.

11.4 Should an employee not be able to apply for leave in advance, upon return to work a letter approved by departmental manager must be attached to the leave application form for audit purposes indicating the reason for late application.

11.5 Leave application must be signed by the employee, recommended by the supervisor, approved by the head of department for all employees below s57 Managers.

11.6 Municipal Manager will approve leave applications for s57 Managers and Acting Managers and Executive Mayor will approve that of the Municipal Manager and Acting Municipal Manager.

11.7 Departmental Managers may approve or disapprove leave application of employees in his/her department. Disapproval should be for operational requirements of the department. Should leave application be disapproved reason for that must be communicated to the concerned employee in time and arrangement should be made with the employee to take leave at a later stage.

11.8 Before leave application may be approved the available number of leave days must be checked with Human Resource Officer or Senior Salary Officer.

11.9 Supervisors for remote working stations must also check leave availability of the employees before signing the application.

11.10 All leave books except for stations mentioned in clause 9.9 above shall be collected by the HR Officer every Friday except during peak days of the municipality.

11.11 Once approved the original Leave Application must be forwarded to Human Resource Officer, who will check and confirm compliance, thereafter the application will be send to the Senior Salary Officer by the HR Officer for processing.

11.12 Salary Officer will return the leave book to Human Resource Officer who will check and verify if leave has been processed and reduced as per application.

11.13 Original leave application form will thereafter be placed on the employee's leave file by the Human Resource Officer within three days of having checked and confirmed it. The duplicate must remain in the leave book. Responsible employees (secretaries and PA's) will then collect their department's leave books from HR Officer.

11.14 All full leave books must be returned to HR Officer for safekeeping.

11.15 Employees transferred, seconded etc to another employer must follow the same procedure when applying for leave.

12. Non compliance to this policy will result in disciplinary actions taken against the person breaching the policy.

13. SICK LEAVE.

13.1 Sick leave shall be granted only for illness, indisposition or injury.

13.2 The municipality shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle, provided that in respect of new appointments an employee may not take more than 30 days sick leave in the first year of employment.

13.3 Senior Managers are entitled to 36 working days paid sick leave during each sick leave cycle. Sick leave cycle for senior managers is a period of 36 months employment with the municipality calculated from 1 January

13.4 Sick leave cannot be carried over from one sick leave cycle to the next sick leave cycle.

13.5 The employer shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave. When an employee is sick on Friday and only come back to work on Tuesday he/she must produce a sick note because it is more than 2 days .i.e Friday to Monday is 4 days more than the two days mentioned above.

13.6 The maximum sick leave without a medical certificate is twelve (12) days per calendar year.

13.7 The municipality may require a medical certificate for any further day's sick leave if such day(s) is(are) within forty (40) working days of the previous sick leave, or may refuse to pay the employee for that one (1) or more days.

13.8 The medical certificate must state the nature of the medical incapacity; the date on which the employee consulted a Medical Practitioner; and must be signed by a medical practitioner registered with the South African Medical and Dental Council.

13.9 The employer is further not required to pay an employee if an employee is absent on more than two 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 sickness or injury.

13.10 An employee may not during any period of sick leave approved, resume duties without the approval of a registered medical practitioner.

13.11 An employee who is absent from work due to illness must take all reasonable steps to notify the employer, departmental head or supervisor.

13.12 If an employee to whom vacation leave has been granted is certified hospital or bed bound by a registered medical or dental or a traditional healer registered with a recognised professional council in terms of legislation due to illness after his/her vacation leave has commenced, that part of vacation leave during the period he/she was certified hospital or bed bound shall be converted into sick leave on submission of the prescribed certificate.

13.13 Medical certificate will be requested should the municipality suspect abuse of sick leave without medical certificate by employees.

13.14 The divisions of the Council 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.

13.15 An employee who has taken sick leave will on his / her return to work complete the required leave form and attach all relevant supporting documentation.

13.16 Management reserves the right to take disciplinary action against any employee where the attendance record of any employee indicates a possible abuse of sick leave.

13.17 Where an employee has been on sick leave for excessive period, the Municipality reserves the right to conduct an enquiry into the employees capacity (or incapacity) to perform his/her job, and to take whatever lawful steps it deems appropriate, including but not limited to the termination of the employee's contract of employment with the Municipality

14. ADDITIONAL SICK LEAVE

14.1 An employee is entitled to a further 80 working days on half pay per sick leave cycle of 36 months commencing on date of appointment.

14.2 When this is exhausted and the employee is still sick, but has no vacation leave such an employee may be granted a further sick leave on half pay to a maximum of 66 working days.

14.3 An employee on additional sick leave may not leave his/her normal place of residence unless (a) it is for medical consultations or treatment (b) with the knowledge of the Municipal Manager or his/her nominee after consultation with the departmental head or supervisor.

15. SICK LEAVE WITHOUT PAY

15.1 An employee, who has depleted his /her sick leave on full pay and half pay, may be granted not more than 250 days sick leave without pay in any cycle.

15.2 Provided where sick leave without pay granted to an employee exceeds 40 consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

15.3 In a case where a senior manager has depleted both sick and annual leave that senior manager may at the discretion of the municipality and to a maximum of 30 days, be granted unpaid leave.

15.4 The municipality may with the consent of the senior manager reduce the pay to which the senior managers is entitled to in respect of any days' absence due to illness or injury (section 22(6) of the BCEA

16. SPECIAL SICK LEAVE FOR INJURY ON DUTY CASES AND OCCUPATIONAL DISEASES

16.1 An employee who is absent from duty owing to an injury or diseases arising out of his/her duties shall be granted special sick leave on full pay for the period during which he/she is unfit to perform his /her duties.

16.2 Special sick shall be granted to an employee whose accident or disease was reported to the municipality as required by Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993) and a medical certificate from a registered medical practitioner is submitted to the municipality.

16.3 Special sick leave in terms of clause 16.2 exceeds 365 calendar days the Employer may take any decision it deems appropriate in line with ill health and / or incapacity provisions of the Labour Relations Act.

17. Under no circumstances will sick leave be accumulative or be en-cashed by employees.

18. Failure to submit required document in terms of this policy will result in sick leave converted into vacation leave and / or disciplinary action being taken against such employees.

19. SPECIAL LEAVE FOR STUDY PURPOSES

19.1 Leave for examination purposes

19.1.1 Special leave may be granted to an employee for the working day on which he/she sits for an examination prescribed by an educational institution in order to qualify for a formal qualification.

19.1.2 Employees will be granted 2 days special leave equal to number of papers (examinations) for which an employee sits for an examination to enable him/her to prepare for the examination.

19.1.3 Special leave will be granted irrespective of how many examinations an employee write or when (the day) an employee write exam, an employee will still be entitled to special leave. E.g when writing exam on Monday, an employee will get 3 days, special leave on Thursday and Friday while one day (Monday) will be granted for exam purpose. If an employee is writing on Monday and Tuesday he/she will get 6 days on Tuesday to Friday as special leave and Monday and Tuesday as exam leave.

19.2 Additional leave for Post Graduate Studies

19.2.1 Special leave for a dissertation or thesis will be granted with full pay to a maximum of five (5) working days leave per qualification.

19.3 Attending of classes during office hours

19.3.1 An employee, who studies part-time or by means of correspondence in a field applicable to the Employer and who, as the result of his/her studies, is required to be absent from his/her place of work, will be granted vacation leave and special leave on a 50:50 basis for the time he/she is released from duty.

19.3.2 If he/she does not have leave to his/her credit unpaid vacation leave will be granted.

20. SPECIAL LEAVE FOR AD HOC INSTANCES

Special leave with full pay may be granted to an employee when the employee:

20.1 After the Council has given permission the employee may become a member of the reserve police, performs police duties in terms of Sec 48 of the SAP Act, 1995 (Act 68 of 1995)

20.2 Partake in a bona fide sport activity at provincial and higher level in which case special leave with full pay will not exceed three (3) working days per event and these three (3) days may include travelling time.

20.3 Special leave on full pay will be granted to an employee who has been arrested or has to appear in court on a criminal charge and is later acquitted or charges withdrawn

20.4 Gives evidence in a court case after a subpoena and / or summons has been served on him/her.

21. MATERNITY LEAVE POLICY

- **This policy must be read in conjunction with the Code of Good Practice on the Protection of Employees during Pregnancy and after the birth of a child.**

21.1 An employee shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements. This include holidays and weekends.

21.2 To qualify for paid maternity leave, an employee must have one (1) year service with the employer.

21.3 Employees, who do not yet qualify for paid maternity leave, will qualify for unpaid maternity leave.

21.4 In addition the employee will be required to work back the period of paid maternity leave actually taken. Should the employee's employment contract not be renewed / extended no work-back will be applicable. The work-back is applicable to all contracted employees in the case of resignations.

21.5 The employee is required to notify the Municipality in writing, and provide the Municipality with a valid medical certificate at-least 4 (four) weeks before proceeding on maternity leave, of the date on which the employee intends to:

21.5.1 Commence maternity leave.

21.5.2 Return to work after maternity leave.

21.6 Shorter notice may be given if it is not reasonably practical to give the required notice period, for instance when a medical practitioner or midwife recommends that the employee commence maternity leave at an earlier date.

21.7 The commencement and duration of maternity leave shall be granted in accordance with the Basic Conditions of Employment Act, 1997 and Main Collective Agreement as amended, as follows.

- At any time from 4 weeks before the expected date of birth, unless otherwise agreed;

- On a date from which a medical practitioner or midwife certifies that it is necessary for the employee's health and that of her unborn child.
- An employee is entitled to 3 (three) consecutive months' paid maternity leave. An employee is not required to remain away from work for the entire 3 (three) month period and may choose to return earlier if the well-being of mother and child are not compromised. However, she may not work within 6 (Six) weeks of the birth of her child unless a medical practitioner or midwife certifies that she is fit to do so.
- An employee who has a miscarriage during the third trimester of the pregnancy or gives birth to a still born child is entitled to 6 (six) weeks maternity leave after the miscarriage or birth of a stillborn child.

21.8 On or before commencement of unpaid maternity leave, employees contributing to the Unemployment Insurance Fund will be provided with documentation necessary to permit them to claim benefits as defined under the provisions of the UIF Act.

21.9 Any salary increases and / or improvements in the conditions of employment that may be implemented for employees of the Municipality will automatically apply to any employee who is away on maternity leave.

21.10 The Municipality's approval of maternity leave will automatically carry with it a guarantee of re-employment in the same job category. The guarantee will be valid for a period of 4 (four) months after the expiry of maternity leave.

21.11 The validity of any disciplinary action in force at the commencement of maternity leave will be suspended and recommence on the date of return from maternity leave.

22. ILLNESS / INJURY DURING MATERNITY LEAVE.

In general, should the employee fall ill (whether due to pregnancy complications or illness not connected with pregnancy) during maternity leave, the illness shall be regarded as forming part of maternity leave and shall not be extended. In other words, no sick leave can be taken in this period.

23. ENCASHMENT OF MATERNITY LEAVE

- Under no circumstance/condition shall maternity leave be en-cashed. The act does not provide for encashment of maternity leave therefore, maternity leave not taken shall not accumulate or taken later or en-cashed.

- It is the responsibility of all officials intending to go on maternity leave to ensure that their leave is approved by the Head of Department or Municipal Manager in case of Head of Department or Executive Mayor in case of Municipal Manager.

24. FAMILY RESPONSIBILITY LEAVE

24.1 Family responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months.

24.2 An employer shall grant an employee during each annual leave cycle at the request of an employee, a total of five (5) days paid leave, which the employee is entitled to take, either when;

24.2.1 The employee's child is born;

24.2.2 The employee's child is sick.

24.2.3 The employee's spouse or life partner is sick;

24.3 In the event of death of:

24.3.1 The employee's spouse or life partner; or

24.3.2 The employee's parent, adoptive parent, grandparent, child, adoptive child, grandchild or sibling.

24.4 Before paying an employee for leave in terms of this policy, the Municipality may require reasonable proof of an event contemplated in section 25.2 and 25.3 for which the leave was required.

24.5 The Municipality will require the following proof in respect of applications for family responsibility leave –

Situation	**Proof Required (Any one)**	**When Required**
Death of immediate family member	Death Certificate Proof that Deceased is Immediate Family Member Funeral program	Within 7 days of returning to work
Birth of child	Birth Certificate Proof of Paternity Notification of birth	Upon returning from FR leave
Illness of child	Proof of Parenthood Medical certificate specifying name of child	Upon returning from FR leave

24.6 Requests for Family Responsibility Leave must be in writing on the Municipality's Leave Application form, which must be recommended by the supervisor and authorised (approved) by the Head of Department.

24.7 Once authorised, the original leave application must be filed on the employee's personal file and the duplicate returned to the employee.

24.8 An employee's unused family responsibility entitlement to leave in terms of this policy lapses at the end of the annual leave cycle in which it accrues.

24.9 Employees who have used all their Family Responsibility leave may, subject to the approval of the Head of Department, apply to-

24.9.1 Use available annual leave; or

24.9.2 Use unpaid leave.

25. ENCASHMENT OF FAMILY RESPOSIBILITY LEAVE

25.1 Under no circumstance/condition shall family responsibility leave be en-cashed. The act does not provide for encashment of family responsibility leave therefore, leave not taken shall not accumulate or en-cashed.

26. PENALTIES

Non-compliance of any of the stipulations contained in the Policy will be viewed as misconduct and will be dealt with in terms of the Disciplinary Procedure Collective Agreement or as prescribed by the municipality's Disciplinary Code. Favoritism is totally discouraged and should it be practiced will be dealt with in terms of the grievance procedure.

27. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication or otherwise for interpretation at the SALGBC.

28. IMPLEMENTATION AND MONITORING

This policy will be implemented and become effective from the signing of this policy and once consultation with the Local Labour Forum and Management is done and approved by Council. All policies/practices regarding leave management are rescinded.

29. COMMUNICATION

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

30. POLICY REVIEW

This policy may be reviewed annually and revised as necessary.

31. AUTHORITY

ADOPTED BY COUNCIL OF THE 30 May 2017

COUNCIL RESOLUTION NUMBER A078/2017

SIGNED IN MODIMOLLE ON THE 03 July 2017

DATE OF IMPLEMENTATION 01 July 2017

MUNICIPAL MANAGER

Waterberg District Municipality

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on the Go for Growth

APPLICATION FOR LEAVE

Full names and surname _____

Department _____ Employee No _____

Date of Appointment _____ Designation _____

Residential Address _____

Duration	From	Till	Days
(a) Annual leave			
Non-Accumulated			
Accumulated			
(b) Sick leave			
(c) Special leave			
(d) Unpaid leave			
(e) Leave Payout			
(f) Overtime			

Name of medical practitioner _____

Medical certificate ☐ Yes ☐ No

State reason in case of 5 (c) _____

_____

Address during leave period _____

_____

Applicant signature _____ Date _____

☐ Recommended ☐ Not Recommended

Immediate Supervisor _____ Date _____

☐ Approved ☐ Not Approved

Exec Mayor/Municipal Manager/Manager _____ Date _____

FOR OFFICIAL USE ONLY
Captured in leave register **YES / NO**
Senior Salary Officer _____ Date _____
Form checked and filed

HR Officer _____ Date _____