

# **INGQUZA HILL LOCAL MUNICIPALITY**

## **EMPLOYEE LEAVE POLICY AND PROCEDURE**

## POLICY CONTENTS

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## **1. POLICY STATEMENT AND PURPOSE**

Leave without approval is regarded as absenteeism, and absenteeism constitutes misconduct and/or ill-discipline.

Misconduct and/or ill-discipline shall be dealt with in line with the Disciplinary Procedure.

This Policy is aimed at effectively implementing the South African Local Government Bargaining Council Collective Agreement on Conditions of Service which came into effect on 01 January 2004.

This Policy also has been developed for purposes of administering leave for all employees of the municipality.

It also serves as guide for employees to enable them to follow simple procedures when applying for a leave. It promotes common and uniform leave for employees within the Municipality.

These sections of this policy emanated and/or are regulated by the South African Local Government Bargaining Council Collective Agreement on Conditions of Services, therefore cannot be changed, namely:

- annual leave;
- sick leave and Additional paid sick leave;
- Maternity leave; and
- Family responsibility leave.
- Injury on duty Leave

## **2. SCOPE OF APPLICATION**

This policy is applicable to all employees and interns, except employees employed under section 57 of the Local Government: (Municipal Systems Act No, 32 of 2000), Experiential Learners and apprentices.

## **3. POLICY PROVISIONS**

### **3.1 Annual Leave**

- a) Council shall grant an employee the following annual working days leave in a leave cycle:

- b) Twenty-four (24) days for a five- (5) day worker; and
- c) Twenty-seven (27) days for a six- (6) day worker.
- d) An employee is required to take leave within each leave cycle as follows:
- e) A five- (5) day worker shall take a minimum of sixteen (16) days leave; and
- f) A six- (6) day worker shall take a minimum of nineteen (19) days leave.
- g) Leave may be accumulated to a maximum of forty-eight (48) days.
- h) Any leave in excess of forty-eight (48) days may be encashed with the recommendation of the Head of the Department, thereafter the approval of the Municipal Manager should the employee be unable to take such leave as a result of operational requirements (work related obligations) 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.
- i) Employees are therefore encouraged to take their leave periodically when their leave days are more than 48 days.
- j) When employee's leave days are close to 48 days the Departmental Heads will be informed by Human Resources Section through quarterly notifications.
- k) Corporate Services Department is responsible for the approval of forfeited leave.
- l) In the event of the termination of service, an employee shall be paid his/her leave accumulated leave which shall not exceed 48 days. Payment shall be processed a month after the termination date.

### **3.2 Annual Leave Control Measures**

- a) The employee Self Service ( ESS) must be must be used as a means of leave application.
- b) Employee must notify the supervisor of the intention to take leave 7 days before the actual leave days required.

- c) Supervisor, Managers and Head of Departments shall take a maximum 5 days to approve the leave applications. Should there be technical problems which may prevent applications and processing, this must be reported immediately with Human Resources Manager in writing.
- d) Employees must make necessary arrangements with Human Resources to ensure that the system is accessible at all times.
- e) The onus rests with the Supervisors, Managers and Head of departments to ensure that leave applications are submitted on line after an employee has requested a leave of absence.
- f) The Human Resource Section will only process on-line approval when:
  - ✓ The applicant has completed and submitted on line application.
  - ✓ The Supervisor or the Manager of the respective department has approved the on line leave application
  - ✓ The Departmental Head / Assignee has approved the on line leave application.
- g) The Human Resource Section will produce and submit monthly Leave Reports to all Departments for reference should a need arise.
- h) During the termination of employment an employee is entitled to leave credit payment which is calculated using a specific formula, only when a resignation letter, letter of dismissal, retirement notice and death notification accompanied by; death certificate, letter of executorship been received by the Human Resources Section.
- i) This will be dealt with in accordance with applicable agreement reached between employer and employee associations (SALGABC).
- j) The Departmental Manager must inform the Human Resource Section when an employee becomes sick whilst on annual leave to enable the reversal of such annual leave and the employee must reapply for a sick leave.
- k) In the event that an employee requests time off during normal working hours, the time off can only be granted during that day when an employee has already worked 4 hours, otherwise an employee must take annual leave.

#### **4. SICK LEAVE**

- a) Council shall grant an employee eighty (80) days sick leave in a three (3) years cycle.

- b) Council shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- c) When an employee is sick for less than 2 days within the 8 week period, and have reported the illness to the Supervisor/Manager, these employees are not obliged to bring in the Doctor's certificate however, the employee must apply for the sick leave in respect of the days taken.
- d) Council shall be in a position to consult the employees' Doctor(s) for information verification and enquiries in the event that there are serious anomalies regarding the sick leave taken.
- e) Council is further not required to pay an employee if an employee is absent on more than two (2) 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 sick or injury.
- f) In terms of SALGBC Collective Agreement on Conditions of Services which came into effect on 01 January 2004, The Sections of Council at SALGBC 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 (See the following section 4.1).
- g) Sick leave credits are not subject to payment by the employer during termination, resignation, dismissal, retirement or death.

#### **4.1 Additional Paid Sick Leave**

- a) Employees who have a balance of at least 60 working days unused sick leave at the end of a three year cycle, shall receive an additional 20 working days paid sack leave to which he will be entitled in the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than 100 working days sick leave on full pay.
- b) If the maximum period of sick leave to which an employee is entitled has been granted to him and, owing to reasons of ill health, he is not able to resume duty, the Municipality must grant

such employee an additional 60 working days sick leave in respect of chronic illnesses and/or illnesses requiring hospitalization, which shall be made up as follows:

- c) 30 working days on full pay;
- d) 30 working days on half
- e) The following conditions shall apply:
- f) Provided that the employee has submitted a satisfactory certificate from a registered medical or dental practitioner, or a Traditional Healer registered with a recognized professional council in terms of legislation; and
- g) If the employer is satisfied that the employee is at that moment not permanently incapacitated to resume his normal duties
- h) Such additional sick leave must be granted in respect of separate periods of absence and in respect of illnesses of different kinds.
- i) On written application by an employee, who has exhausted his/her full paid sick leave and additional full paid sick leave, annual leave which he has to his credit must be granted to supplement sick leave on half pay or no pay at the discretion of the employee concerned.

#### **4.2 Sick Leave Control Measures**

- a) The Departmental Supervisors and or Managers must ensure that employees returning to work from sick leave must within 24 hours complete, sign and submit the leave form for recommendations, approval and capturing.
- b) If an employee to whom annual leave has been granted is certified sick by a registered medical or dental practitioner after his annual leave has commenced, that part of his annual leave during which he was thus certified sick shall be converted into sick leave on submission of the prescribed certificate by such medical or dental practitioner or a Traditional Healer registered with a recognized professional council in terms of legislation.
- c) If, due to illness, an employee is unable to take annual leave already deducted, he shall be credited with an equal number of annual leave days.
- d) An employee may not during any period of sick leave approved in terms of these conditions, resume service without the approval of a registered medical practitioner.

- e) An employee who is absent from service because of illness must take all reasonable steps to notify his immediate supervisor (nominee) as soon as possible.
- f) An employee to whom the maximum period of full and has paid sick leave has been granted, may be granted sick leave without pay for not more than 250 working days in any cycle if the Municipality is satisfied that such an employee is not permanently incapacitated to resume his duties, provided that were sick leave without pay 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 paid by the Municipality.
- g) The Municipality may, prior to granting additional paid sick leave, require an employee to submit himself to an examination by a registered medical or dental practitioner appointed by the Municipality and the cost of such examination shall be paid by the Municipality.

## **5. MATERNITY LEAVE**

- a) The employee must be employed with the municipality and have completed a qualifying period of service of 12 calendar months (one year's service) continuous service at the municipality before any provision in this policy may be utilized by such employee;
- b) An employee shall provide the employer with four weeks' notice of the intention to take maternity leave prior to the commencement date of employee's maternity leave i.e. at least four weeks before and six weeks after the confinement as provisions of the Basic Conditions of Employment Act 1997;
- c) An employee shall be entitled to receive three (3) months paid maternity leave which includes weekends and public holidays, with no limit to the number of confinements;
- d) An employee shall retain her normal benefits and normal incremental date for a period of absence due to maternity leave;
- e) An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or still birth.
- f) Should an employee not qualify for the benefit in terms of the conditions in Clause a), she may exercise a choice in respect of the utilization of available annual leave with full payment or annual leave without payment.

- g) An employee without broken service but also has undergone a natural movement (recruitment, promotion, termination, transfer etc) within the service of the same employer and meets the requirements of clause a) shall be entitled to paid maternity leave as per provisions of clause b) and/or e) above.
- h) Should an employee be willing to work until it is closer to the confinement date, such an employee must submit a Doctor's documentation which confirms the safety/fitness for work during these days.
- i) The Doctor who books the above employee fit for work during the confinement period should be the same Doctor to book this employee off for sick leave on pregnancy related illnesses.

## **6. FAMILY RESPONSIBILITY LEAVE**

This section applies to all employees who have been in employment with an employer for longer than four [4] months;

An employer must grant an employee, during each annual leave cycle, at the request of the employee, five days' paid leave, which the employee is entitled to take-

- [a] when the employee's child is born;
- [b] When the employee's child is sick; or
- [c] The employee's spouse or life partner is sick
- [d] In the event of the death of-
  - [i] The employee's spouse or life partner; or
  - [ii] the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling (a child in relation to another or others of the same parent; a brother or sister).

Subject to subsection [7.4], an employer must pay an employee family responsibility leave as follows:-

- [a] the wage the employee would ordinarily have received for work on that day; and
- [b] on the employee's usual pay day.

An employee may take family responsibility leave in respect of the whole or a part of a day.

- a. Before paying an employee for leave in terms of this section, an employer may require reasonable proof of an event contemplated in subsection [7.1] for which the leave was required.
- b. An employee's unused entitlement to leave in terms of this section lapses at the end of the annual leave cycle in which it accrues.
- c. Departmental Managers and Supervisors must ensure that employees applying for their Family responsibility leave attach the proof thereof and or submit it within 7 days on return.
- d. Employees must provide the employer with an affidavit from the commissioner of oath stating the relationship between the employee and the person for whom the leave is applied.

## **7. SPECIAL SICK LEAVE (INJURY ON DUTY)**

- a. An employee who in the process of doing an official duty becomes involved in an accident or contract disease resulting in physical injury/disease shall be entitled to a special sick leave with full pay for the duration or period she/he is receiving medical treatment until she/he recovers.
- b. The employee concerned shall, during the time/period off duty on special sick leave, provide the employer with progress medical report indicating that she/he is receiving medical treatment.
- c. When an employee recovers fully, she/he shall provide a final medical report from the doctor who has been giving medical treatment to her/him. A resumption report must be completed by the departmental head when an employee has resumed duty on the date reflected on the final medical report.
- d. An employee should not receive medical treatment for an occupational injury/disease for a period exceeding 24 months from the date of accident / disease diagnosed. If that happens, the employer shall consult the Compensation Commissioner for an advice in considering

compensation award on the basis of permanent disability as a result of occupational injury/disease in terms of the Compensation of Injuries and Diseases Act, No. 130 of 1993 as amended (COIDA).

## **8. UNPAID LEAVE**

- a. Any leave taken by the employee without approval subsequent to an enquiry becomes unpaid leave.
- b. Participation in an illegal or legal industrial action constitutes unpaid leave i.e. no work no pay policy shall apply.
- c. Failure of the employee to provide the employer with a medical certificate on request after having absent from work on more than two (2) consecutive working days in an eight week period constitutes unpaid leave.
- d. Failure of the employee to provide the employer on request with supporting documents (death, birth certificates etc.) in relation to family responsibility constitutes unpaid leave.

## **9. PAYMENT OF ANNUAL LEAVE DAYS**

A cash payment in respect of the leave days will be made to all employees on resignation, death (payable to the deceased employee dependent), discharge or retirement or at the end of the fixed term contract whichever comes first except for EPWP seasonal workers.

The Municipality may transfer leave credit to a new record instead of making payments when an employee resigns a contract position for a permanent position depending on the availability of funds.

## **10. LONG SERVICE BONUS LEAVE**

- a. An employee who has completed a period of continuous service shall be entitled to an additional leave as follows:-
  - i. 5 days of accumulated leave for 5 years of service;
  - ii. 10 days of accumulated leave for 10 years of service;
  - iii. 15 days of accumulated leave for 15, 20, 25, 30 or more years of service.

## **11. SPECIAL LEAVE FOR EXAMINATION PURPOSES.**

- a. The employer shall grant an employee a paid Special Leave for Examination Purposes, at the request of an employee, for purposes of preparing and writing examinations.
- b. An employee shall be entitled to two days for each examination day (i.e. a day for preparation, and the day of the examination).

## **12. GENERAL PROCEDURE ON APPLICATION AND APPROVAL OF LEAVE**

- a) At the beginning of each year and/or leave cycle both the employer and the employee shall plan when an employee shall take annual leave in the current leave cycle for operational arrangement purposes.
- b) When an employee requires to take short leave (one or two days leave) during the leave cycle, such employee shall advise the employer (immediate supervisor) of the intention in advance ( not less than two working days prior the commencement of the leave day applied for ) by completing the application form except for emergencies..
- c) The immediate supervisor will access the on line leave application for approval / non approval with valid reasons thereof.
- d) The leave application shall be accessed on line by the Departmental Manager to approve or not approve with valid reasons communicated to the applicant.
- e) All leave applications approved / not approved will go through the system for processing by Human Resources.
- f) Human Resources determines if the leave application meets the stipulated guidelines. If the application for leave meets all the necessary requirements, the leave application will then be processed.
- g) The onus rests with the immediate supervisor to advise the employee when a leave of absence is not granted and shall furnish the applicant with reasons thereof.

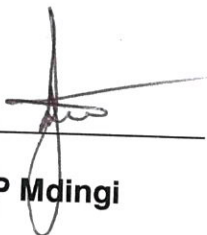
- h) Ingquza Hill Local Municipality reserves the right to reverse the leave provided, should it be found at a later stage that the leave did not conform to the leave requirements.
- i) In such cases the employee shall be required to pay back the leave days taken by reducing available leave days of such employees by the equal number of leave days taken and or deducting from employees salary the equal amount of leave days taken in terms.

### 13. DISPUTE RESOLUTION PROCEDURES

Any dispute relating to both the interpretation of the provisions of this policy as well as the Municipal decision on any specifics in leave case(s) shall be dealt with in accordance with the dispute resolution mechanism provided for in the applicable SALGBC Collective Agreement and/or Labour Relations legislation.

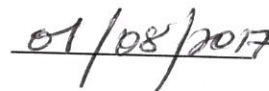
### 14. POLICY WAIVING AND IMPLEMENTATION PROVISIONS

- a) This policy may be partly or completely waived by the Municipality in consultation with the Trade Unions.
- b) This policy shall be superseded by a Bargaining Council Resolution, legislation and enforceable legal order.
- c) This policy takes precedence over all other leave provisions that exist.
- d) This policy shall be reviewed as and when a need arises and in accordance with the Ingquza Hill Local Municipality Organizational Developmental changes and the Collective Agreement amendments.



**J.P Mdingi**

**The Mayor**



Date