



# **LEAVE MANAGEMENT POLICY**

**2023/24**

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## **1. DEFINITIONS**

- 1.1 All expressions used in this policy which are defined in the Labour Relations Act, 1995, Basic Conditions of Employment Act, 1997 and Bargaining Council Collective Agreements shall bear the same meaning as in these pieces of legislation unless the contrary intention appears.
- 1.2 Words importing the masculine gender shall include the feminine.
- 1.3 All references to days shall be working days.
- 1.4 An annual leave cycle means the period of twelve (12) months employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle.
- 1.5 Medical Practitioner shall mean all practitioners as defined by the Health Professionals of South Africa (Medical and Dental Practitioners).

## **2. PURPOSE OF THE POLICY**

- 2.1 To regulate leave, including, annual leave, sick leave, family responsibility leave, special leave, special sick leave and encashment of leave.
- 2.2 To regulate leave conditions as provided for in the main Collective Agreement on Conditions of Service and Divisional Collective Agreement

## **3. SCOPE OF OPERATION**

This policy applies to all permanent employees excluding Section 54A and Section 56 employees and employees working less than 24 hours per month

## **4. ANNUAL LEAVE**

- 4.1 An employer shall grant an employee the following annual leave in a leave cycle:
  - 4.1.1 Twenty-four (24) days for a five (5) day worker; and
  - 4.1.2 Twenty-seven (27) days for a six (6) day worker.
- 4.2 An employee is required to take leave within each leave cycle as follows:
  - 4.2.1 A five (5) day worker shall take a minimum of sixteen (16) days leave; and
  - 4.2.2 A six (6) day worker shall take a minimum of nineteen (19) days leave.
  - 4.2.3 An employee must take annual leave not later than six months after the end of the annual leave cycle.

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- 4.2.4** Annual leave shall only be accumulated to the maximum of forty-eight (48) working days
- 4.2.5** Any leave in excess of forty – eight (48) working day may be encashed should the employer be unable to take such leave, despite applying and because the employer refused to grant him/her provided that the municipality has made provision in its annual budget. 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 leave shall fall away.
- 4.2.6** Within six months of the end of a leave cycle, an employee may not have more than 48 days annual leave to his credit.
- 4.2.7** The Human Resources Office will issue leave balance communique to Departments every beginning of May to all employees who have leave in excess of forty-eight (48) working days to take their annual leave in order to avoid forfeiture.
- 4.2.8** In the event of the termination of service, an employee shall be paid his leave entitlement in terms of this agreement, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997, as amended.
- 4.2.9** That In-service Trainees and Interns are entitled to 2 (two) days a month without any encashment and should the leave be not utilized within an annual leave cycle it will be forfeited.
- 4.2.10** Any leave taken without prior approval shall be treated as unpaid leave.

## **5. SPECIAL LEAVE**

- 5.1** In accordance with the South African Local Government Bargaining Council (SALGBC) KZN Division, special leave on full pay shall be granted to an employee.
- 5.2** This leave may only be granted for the following reasons:
- 5.2.1** Court appearance.
- 5.2.2** National and provincial sport representation by recognized sporting bodies.
- 5.2.3** Study purposes- one day study leave of writing examination and the one day before writing the examination) for each enrolled module for the academic year for a maximum of (ten) 10 days
- 5.2.4** The application for Special Leave must be accompanied by relevant documentation that supports the application.

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5.3 The Special leave referred to above, that is paragraphs 5.2.1 and 5.2.2 is limited to the maximum of 15 days per annum and may not be accumulated.

## **6. NO RESUMPTION OF DUTIES BEFORE LEAVE HAS EXPIRED**

6.1 After the authorized vacation leave of an employee has commenced, he shall not resume his duties until the full period of such leave has expired, unless the head of department or his representative so instructs or authorize him.

## **7. LONG SERVICE LEAVE**

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

7.1.1 5 years' service - 5 days

7.1.2 10 years' service - 10 days

7.1.3 15 years' service - 20 days

7.1.4 20 years' service - 30 days

7.1.5 25 years' service - 30 days

7.1.6 30 years' service - 30 days

7.1.7 35 years' service - 30 days

7.1.8 40 years' service - 30 days

7.1.9 45 years' service - 30 days

7.2 The employee may elect to either take or encash the days. The election to take the days is subject to the employer's operational requirements.

7.3 The encashment or taking of the leave must take place in the same year that employee qualifies for the recognition/long service leave.

7.4 An employee with five (5) or more years' service with the Municipality for any reason whatsoever, excluding reasons relating to misconduct, shall receive a prorate long service bonus for any uncompleted period stipulated in clause (7.1) above.

## **8. APPLICATION FOR LEAVE PROCEDURE**

8.1 For compulsory 16 or more leave application, the employee must first discuss the leave applied for with the immediate supervisor, at least 10 days prior to the date

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of commencement of such leave. If both parties are in agreement regarding the taking of such leave, an application for leave form will then be completed by the employee after checking with Human Resources Section the availability of such leave days he wishes to apply for.

- 8.2 For less than 16 days, the employee must first discuss the leave applied for with the immediate supervisor within a reasonable time prior to taking such leave. If both parties are in agreement regarding the taking of such leave, an application for leave form will then be completed by the employee after checking with Human Resources Section the availability of such leave days he wishes to apply for.
- 8.3 The completed application for leave form must be submitted to Human Resources Section for confirmation of current leave days available, after which it is initiated by the immediate supervisor and submitted to the head of department for approval.
- 8.4 An employee shall not proceed on leave unless the head of department in which he is working has approved such leave, provided that application for leave must not be unreasonably denied.

## **9. ENCASHMENT OF LEAVE (CASH IN LIEU)**

- 9.1 As stated in clause (4.2.5) above, any leave in excess of 48 days may be encashed should the employee be unable to take such leave as a result of operational requirements. If, despite being afforded opportunity to take leave, an employee fails, refuses or neglects to take leave due to him or her, such remaining leave shall fall away and be forfeited by the employer.
- 9.2 Employees shall, after taking the compulsory 16 days leave, be allowed to encash the accrued balance of 8 days in the same year it accrues.

## **10. APPLICATION FOR CASH-IN-LIEU PROCEDURE**

- 10.1 All applications for cash-in-lieu must be motivated by the employee and together with the completed leave form submitted to Human Resources Section for checking the availability of leave days that can be encashed
- 10.2 Once checked by the Human Resources Section the application for cash-in-lieu form will be submitted to the head of department for approval.
- 10.3 Once approved by the head of the department, the application for cash-in-lieu must be approved by the Chief Financial Officer who after his or her approval will submit to the Municipal Manager for final approval.

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## 11. SICK LEAVE

- 11.1 An employer 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.
- 11.2 The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professions council established by an Act of Parliament, if more than two (2) consecutive days are taken as sick leave, provided that the employer may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.
- 11.3 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.
- 11.4 An employee who has been granted the maximum available period of sick leave and who, when this has expired is still not fit to perform his duties properly by reason of poor health, may be granted a further period of sick leave for a period of six (6) months at half pay on production of satisfactory medical evidence that further leave is required. After the expiry of the six month period, an employee may be granted a further period of sick leave without pay on the production of satisfactory medical evidence that further leave is required.
- 11.5 An employee granted maximum available period of sick leave, and who has necessary period of vacation leave to his credit, may elect to take such vacation leave instead of sick leave.
- 11.6 After giving a resignation letter, the employee shall not submit a sick note of more than one week, failing which those days will be deducted from employee's annual leave.
- 11.7 That the medical certificate shall be submitted on the third day for operational reasons and sick leave shall be applied for on system within 72 hours upon return failing which the sick leave shall be treated as unpaid.

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## **12. SPECIAL SICK LEAVE**

### **12.1 INJURED ON DUTY (IOD) OR OCCUPATIONAL DISEASES LEAVE**

**12.1.1** If an employee suffers an injury on duty or contracts an occupational disease arising out of or in course of his/her official duties such as to entitle the employee to compensation in terms of the Compensation for Occupational Injuries and Diseases Act 1993, shall be granted paid special leave for the period of incapacitation.

**12.1.2** The Municipality shall grant such employee who was injured on duty or suffers from an or occupational diseases, special leave at the salary value of 100% of his normal pay during a period of incapacitation or total disablement as provided for in the OHS Act.

### **12.2 ADDITIONAL PAID SICK LEAVE**

**12.2.1** 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 sick leave cycle.

**12.2.2** If the maximum period of sick leave to which an employee is entitled has been granted to him/her, owing to reasons of ill health, and he is not able to resume duty, the municipal manager shall grant such employee an additional 60 working days sick leave in respect of chronic illness and or illness requiring hospitalization which shall be made up as follows”

12.2.2.1 30 working days in full pay

12.2.2.2 30 working days on half pay

The following conditions shall apply:

12.2.2.3 The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a profession's council established by an Act of Parliament.

**12.2.3** If an 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.

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12.2.4 If the employee is found to be permanently incapacitated, the municipality may convene an incapacity hearing in terms of Schedule 8 of the Labour Relations Act. If it is determined.

### **13. MATERNITY LEAVE**

13.1 An employee, including an employee adopting a child, shall be entitled to receive three (3) months paid maternity or adoptive leave with no limit number of confinements or adoptions. This leave provision shall also to an employee whose child is still-born.

13.2 An employee shall be entitled to receive three (3) months maternity leave, with no limit to the number of confinements.

13.3 Maternity leave may commence four (4) weeks before confinement.

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

### **14. FAMILY RESPONSIBILITY LEAVE**

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

14.2 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 (5) working days paid leave, which the employee is entitled to take, either when:

14.2.1 the employee's child is born;

14.2.2 the employee's child is sick;

14.2.3 the employee's spouse or life partner is sick;

14.2.4 in the event of death of:

14.2.4.1 the employee's spouse or life partner; or

14.2.4.2 the employee's parent, adoptive parent, grandparent, parent-in-law, child, adopted child, grand child or sibling

### **15. ADMINISTRATION OF THIS POLICY**

The Municipal Manager shall be responsible for the administration of this policy, including consideration of all leave applications; provided that the Municipal Manager may delegate

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all or any of his or her responsibilities and functions hereto to such manager or managers of the Municipality as he or she deems appropriate.

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**PREPARED BY: NW MAKHOBA**

**DATE OF ADOPTION BY COUNCIL: 31/08/2023**

**COUNCIL RESOLUTION NO: C18**

  
**MUNICIPAL MANAGER**

01/09/2023  
**DATE:**

**SG KHUZWAYO**