

uMNGENI MUNICIPALITY



LEAVE POLICY

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1. DEFINITIONS

For the purpose of this policy unless the context otherwise indicates:-

- 1.1 uMngeni Municipality” means a Municipal Council referred to in section 157 (1) of the Constitution.
- 1.2 Head of Departments” shall mean the Managers directly accountable to the Municipal Manager in terms of Local Government Municipal Systems Act 32 of 2000
- 1.3 Supervisor” means a person who supervises his/her subordinates in terms of the task job evaluation system.
- 1.4 Employees” means all persons in the Employment of the Municipality.
- 1.5 Days” reference to days shall mean working days.
- 1.6 Family Responsibility” means the responsibility of employees in relation to their spouse or partner, their dependant children or other members of their immediate family who need their care or support.
- 1.7 Incapacity” means a long term or a short term or recurring physical or psychological impairment.

2. GOAL

- 2.1 To ensure that the services rendered by uMngeni Municipality to the community it serves, are efficient and uninterrupted.

3. OBJECTIVES

- 3.1 Ensure continuity in operational requirements of the organization while other employees are on leave.
- 3.2 To develop a better understanding regarding leave policy and procedure.
- 3.3 Ensure the development of clearly written administrative policy and procedure.
- 3.4 To ensure proper and accurate record keeping.
- 3.5 To ensure that the private and confidential information is maintained.
- 3.6 Ensure that leave policy respond effectively to crisis and emergency situations.

4. ANNUAL LEAVE

An employer shall grant an employee the following annual leave within a leave cycle:

- 4.1 Twenty-four (24) days for a five (5) day worker, and
- 4.2 Twenty-seven (27) days for a six (6) day worker.
 - 4.2.1 An employee is required to take leave within each leave cycle as follows:
 - 4.2.2 A five (5) day worker shall take a minimum of sixteen (16) days leave; and
 - 4.2.3 A six (6) day worker shall take a minimum of nineteen (19) days leave.
 - 4.2.4 An employee is entitled to retain a maximum of forty-eight (48) days accrued leave.

5. EXCESS LEAVE

- 5.1 Any leave in excess of forty-eight (48) days may be encashed 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 during this period, such remaining leave shall be forfeited.

6. LEAVE CONVERSION

- 6.1 Annual vacation leave of eight (8) days may be converted into cash at the salary rate applicable on the day of encashment.
- 6.2 Leave conversion shall only be applicable to permanently employed employees as opposed to contract employees who are on performance based contract.
- 6.3 All applications for encashment of leave must be authorized by the respective Head of Department. Employees shall be entitled to encash their leave days once per annum.

7. PAYMENT PROCEDURE

- 7.1 Leave encashment will be paid to employees on the anniversary which is the date of appointment.
- 7.2 All leave encashment will be processed through the payroll and be paid electronically into employee's bank account at the end of the month.

8. ACCRUED LEAVE

- 8.1 An employee is entitled to retain a maximum of forty-eight days accrued leave

9. TERMINATION OF SERVICE

- 9.1 In the event of the termination of service, an employee shall be paid his/her leave entitlement, not in excess of forty-eight days which will be calculated in terms of relevant provisions of the Basic Conditions of Employment Act No 75 of 1997.
- 9.2 The Municipality may not permit or require an employee to take annual leave during any period of notice of termination of employment.

10. Procedure

- 10.1 Granting of leave must first be recommended by the immediate supervisor and approved by the Head of Department.
- 10.2 Before the application for leave is approved by the Supervisor, enquiries should be made to the Human Resources Section as to the number of days of leave due to the employee concerned.
- 10.3 Employees shall apply for leave in advance so as to enable the Departments to ensure that delivery of services is not interrupted. Example, 1 month leave be applied for 1 month in advance, 1 week be applied for one week in advance.
- 10.4 Leave of absence granted to an employee, with the exception of sick leave, may be cancelled, postponed or interrupted at anytime by the Head of Department on the recommendation of the immediate supervisor of the Section concerned. This should however be done only in the interests of the Municipality for service delivery to the community it serves.
- 10.5 If an employee's application for leave of absence is cancelled, postponed or interrupted, the reasons must be recorded and the employee must be credited with such cancelled, postponed or interrupted, on condition that should such leave credit arise from the postponement or interruption of an employee's leave, it is placed to the credit of the employee on the same basis, and the period for which such leave is valid is extended by a maximum of six months.
An employee absent on approved leave, may not voluntarily resume duty before the full period of such leave has expired, unless he/she receives permission to do so beforehand after his/her Supervisor has submitted an application in this regard to the Head of Department. In the event of the employee being unable to apply for

such leave in advance, personal contact by the employee with his/her Department preferably through his/her immediate superior, must be made within 24 hours of taking such leave.

11. SICK LEAVE

- 11.1 An employer shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle.
- 11.2 An employee who exceeds his/her 80 days sick leave within a 3 year cycle will not be paid for days exceeding 80 days. After 80 days have been utilized within a 3 year leave cycle, employees will then be granted sick leave without pay (unpaid sick leave).
- 11.3 Should the whole or part of sick leave in a 3 year cycle not been utilized, those days do not accrue and will be forfeited.
- 11.4 The employer shall require a medical certificate to be produced by an employee from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- 11.5 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's absence on account of sickness or injury.
- 11.6 In the event of there not being the opportunity to apply for such sick leave in advance, personal contact by the employee with his/her Department preferably through his/her supervisor, must be made within 12 hours of taking such leave.

12. MATERNITY LEAVE

- 12.1 To qualify for paid maternity leave, an employee must have served one (1) year of service with the Municipality.
- 12.2 An employee shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements.
- 12.3 An employee who has a miscarriage 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 stillbirth.

13. PROCEDURE

- 13.1 An employee may commence maternity leave after it has been recommended by approved Head of Department at any time from 4 weeks before the expected date of birth or;
- 13.2 On a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.
- 13.3 No employee may work for six (6) weeks after birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

- 13.4 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 return to work after maternity leave.
- 13.5 Notification must be given at least two weeks before the employees return to work or as soon as reasonably practicable.

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 employee may take family responsibility leave in respect of the whole or a part of a day.
- 14.3 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:
- 14.3.1 The employee's child is born
 - 14.3.2 The employee's child is sick
 - 14.3.3 The employee's spouse or life partner is sick
 - 14.3.4 In the event of death of:
 - a. The employee's spouse or life partner
 - b. The employee's parent, adoptive parent, grandchild or sibling.
- 14.4 Employees are required to furnish the employer with the proof of family responsibility leave, failing which the principle of no work no pay will apply. (proof to be attached to the leave form).
- 14.5 An employee's unused entitlement to family responsibility leaves lapses at the end of the annual leave cycle in which it accrues.

15. PROCEDURE

- 15.1 The procedure that will apply in terms of family responsibility leave is as per clause 10.

16. EMERGENCY SITUATIONS

In the event of there not being the opportunity to apply for such leave in advance, personal contact by the employee with his/her Department preferably through his/her supervisor, must be made within 24 hours of taking such leave.

17. STUDY LEAVE

- 17.1 Study leave applies to an employee who has been in employment with an employer for longer than four months.
- 17.2 Employer must grant an employee study leave to undertake examination in order to acquire new skills and to improve productivity in the workplace.

- 17.3 Application of study leave must be supported by the time table, and failure to do so will result to the application not being approved.
- 17.4 Applications for special leave, up to a maximum of 15 days per leave cycle, for examinations must be accompanied by written notification by the institution concerned of the specific day on which the examination shall be written. Special leave shall be granted as follows: One day per subject as study leave plus one day for each paper that must be written provided they are not written on the same day in which case only one day will be granted. Applications for study leave must be submitted simultaneously with the application for examination leave. Study leave shall be granted in terms of the Leave Regulations.
- 17.5 After the examination, applicants must submit written proof of the result of the examination that has been written. If an applicant fails to do so, the days concerned will be debited against the applicant's own vacation leave or be converted into leave without pay where no vacation leave is available.

17.6 Procedure

- 17.6.1 Granting of study leave must first be recommended by the supervisor and approved by the Head of Department.
- 17.6.2 If an employee is writing for one day, one working day study leave and if two days then two days must be granted preceding the actual day of writing such examination.
- 17.6.3 In a case where an employee is writing on Monday, he/she must utilize weekend as study leave as there would be no day.

18. REMUNERATION DURING STUDY LEAVE

- 18.1 Study leave and examination dates will be regarded as paid leave.

19. INCAPACITY LEAVE

- 19.1 Employees who seek assistance from the Employee Assistance Programme for their medical conditions may be granted incapacity leave by the employer.
- 19.2 Should it happen that the employee exceeds his/her 80 days sick leave but is still frail and incapable of resuming his/her duties, the process of applying for an incapacity leave will resume.
- 19.3 Upon recommendation by the Employee Assistance Programme Manager, the employer may grant the employee up to the maximum of ten (10) days incapacity leave in a three(3) year leave cycle;
- 19.4 An employee who exceeds his ten days incapacity leave will then be granted sick leave without pay.
- 19.5 Should the employee fail to apply for the incapacity leave in advance and leave without pay resumes, there will be no retrospective payment.
- 19.6 Should the whole or part of the incapacity leave in a 3 year cycle not be utilised, those days do not accrue and will be forfeited.

- 19.7 If the employee has exceeded his/her sick leave, s/he will not automatically be granted the incapacity leave. The incapacity leave will only be for employees who are,
either frail, bed ridden or requires hospital admission and not for doctor's visits.
- 19.8 The employer will require a detailed medical certificate in order to ascertain if the employee really requires to be granted incapacity leave.

20. PROCEDURE

- 20.1 An employee will notify his/her supervisor about the request to apply for the incapacity leave.
- 20.2 The supervisor will then notify the EAP Manager who will then visit the employee either in hospital or at home where the employee is kept.
- 20.3 A full assessment of the situation will be made and a detailed medical certificate will be sought from all doctors attending to him/her.
- 20.4 The case will then in consultation with the General Manager: Corporate Services be referred to Management Committee, to decide whether to grant the incapacity leave for the particular employee.
- 20.5 The previous sick leave pattern of the employee will be considered when the decision is made.
- 20.6 The employee will then be notified about the decision taken.

21. DISPUTE ABOUT THE APPLICATION AND INTERPRETATION OF THE POLICY

- 21.1 Any dispute regarding the application and interpretation of this policy will be dealt with in terms of South African Local Government Bargaining Council's Constitution.