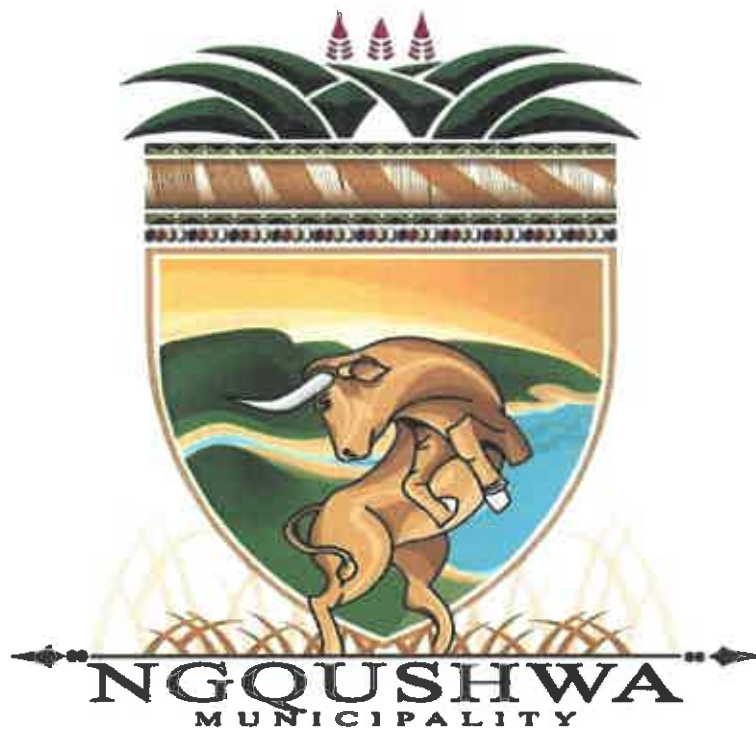


NGQUSHWA LOCAL
MUNICIPALITY



LEAVE POLICY

2022/2023

Summary

Date	11 July 2022
Review Date	19 March 2022
Related Legislation/Applicable Section of Legislation	Municipal Offices Bearers Handbook
Related Policies, Procedures, Guidelines, Standards, Frameworks	Basic Condition of Employment Act, Collective Agreement, Municipal System Act, Employment Equity Act, Municipal Staff Regulations
Replaces/ Repeals (whichever is relevant, if any)	None
Policy Officer (Position)	Director Corporate Services
Policy Officer (Phone)	040 6732 081
Policy Sponsor (Position)	Mkhuseli Mxekezo
Department Responsible	Corporate Services
Unit responsible	Human Resources
Applies to	All staff and External candidates
Key Words	Leave Policy
Status	Reviewed/ Amended
Council approval date	8 July 2022
Version	1

REVISION RECORD

Date	Version	Revision Description
Feb 2020	Version 1	Leave and Overtime Policy 2020

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1. POLICY NAME/TITLE

This policy shall be called the Leave Policy of the Ngqushwa Local Municipality.

2. PURPOSE AND OBJECTIVE

To provide guidelines regarding leave of absence for employees of the municipality

3. COMMENCEMENT AND VALIDITY

The policy shall come into full force and effect upon the date of approval by Council

4. POLICY DEFINITIONS

For the purpose of this policy unless the context otherwise indicates

" annual leave cycle"	Means the period of twelve (12) months employment with council immediately following an employee's commencement of employment or following the completion of that employees' existing cycle
"employers' organisation"	Means any number of employers associated together for the purpose, whether by itself or with other purposes, of regulating relations between employers and employees or trade unions.
"agreement"	Includes a collective agreement.
"bargaining council"	Means a bargaining council registered in terms of the Labour Relations Act, 1995, and, in relation to the public service,

	includes the bargaining councils referred to in section 35 of that Act.
"child"	Means a person who is under 18 years of age.
"collective agreement"	means a written agreement concerning terms and conditions of employment or any other matter of mutual interest concluded by one or more registered trade unions, on the one hand and, on the other hand: <ul style="list-style-type: none"> (a) one or more employers; (b) one or more registered employers' organisations; or (c) one or more employers and one or more registered employers' organisation.
"council"	includes a bargaining council and a statutory council.
"dispute"	includes an alleged dispute.
" emergency"	Means work that must be done without delay because of circumstance for which the employer could not reasonably have expected to make provision and which cannot be performed by employees during their ordinary hours of work.
"earnings"	Refer to the basic salary for the post according to the SALBC Wage Curve Collective Agreement
Employee"	Means person in the service of the Ngqushwa Local Municipality
"medical practitioner"	means a person entitled to practice as a medical practitioner in terms of section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974).

“midwife”	means a person registered or enrolled to practice as a midwife in terms of section 16 of the Nursing Act, 1978 (Act No. 50 of 1978).
“month”	Means a calendar month.
“Municipality”	Means the Ngqushwa Local Municipality (also referred to as “NLM”). A local government and legal entity with full legal capacity as contemplated in section 2 of the Systems Act read with the provision of the Chapter 7 of the Constitution and Section 12 and 14 of the Structures Act.
“Overtime”	Means the time that the employee works during a day or week in excess of the employee’s ordinary hours of work, as regulated by the Overtime Policy.
“ leave”	Refers to paid time off
“remuneration”	means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person.
‘threshold earnings’	Refer to regular annual remuneration of an employee before deductions such as income tax, pension and medical payments, but excluding similar contributions made by the employer, subsistence and transport allowances, achievement awards and intermitted payments for occasional overtime

5. LEGISLATIVE FRAMEWORK

This policy is established within the framework of the following legislation and related regulations, namely :

- 5.1 Labour Relations Act, 19195 (Act 66 of 1995) as amended from time to time,
- 5.2 Basic Conditions of Employment Act, 1997 (Act 75 of 1997) as amended
- 5.3 Local Government: municipal Systems Act ,2000 (Act 32 of 2000) as amended
- 5.4 All collective agreements as amended, concluded in the South African Local Government Bargaining Council (SALGBC),
- 5.5 Employment Contracts in terms of Proclamation R805 of 1st August 2006 as amended,
- 5.6 Local Government: Regulations on Appointment of Conditions of Employment of Senior Management, promulgated in the Government Gazette on 17 January 2014, No. 37245.
- 5.7 In the event of any conflict, the provisions of the Labour Relations Act and the relevant SALGBC Collective agreement on leave shall take precedence.

6. POLICY /PROCEDURE AND TARGET AUDIENCE

This policy shall apply to all employees employed by Ngqushwa Local Municipality who fall within the registered scope of the Bargaining Council in the Republic of South Africa.

7. GENERAL PROVISIONS

- 7.1 The Municipal Manager is responsible for the implementation of this Policy and may delegate some or all of his responsibilities in this regard to any other Senior Manager.

7.2 All leave shall be granted by the Municipal Manager or his/her authorised representative,

7.3 Leave for the Municipal Manager shall be granted by the Mayor.

8. POLICY PROCEDURES

8.1 Annual Leave

8.1.1 Ngqushwa Local Municipality employees are entitled to 24 working days for 5 days worker or 27 days for a 6 days worker, per annual leave cycle

8.1.2 A "leave cycle" is a 12-month period commencing January to December. Employees joining during the cycle will be awarded leave based on a pro-rata basis.

8.1.3 Annual leave may only be taken on completion of the employee's probationary period and after 12 months in service of the Ngqushwa Local Municipality, unless the Municipal Manager agrees otherwise.

8.1.4 Leave may be taken as consecutive days or as separate days.

8.1.5 A 5 day worker is required to take a minimum of 16 days within each leave cycle.

8.1.6 A 6 day worker is required to take a minimum of 19 days within each leave cycle.

8.1.7 If they do not take 8.1.5 or 8.1.6, the relevant days will be forfeited. Only 8 days may be carried over.

8.1.8 Employees may take leave only if agreed and approved by the Head of Department, which will not be unreasonably withheld.

8.1.9 Employees are responsible for completing the Leave Application Form (available from the Human Recourse Department), getting it authorized by the relevant Head of Department and submitting it to the HR Manager, at least one week prior to their going on leave.

8.1.10 Employees may accrue not more than 48 working days' paid leave.

8.1.11 Encashment of unutilized leave will only be permitted once per financial year or on termination of employment subject to the Collective Agreement on Conditions of Service. Employees may encash all his / her leave, but have to maintain a credit of 5 days.

8.1.12 On termination of employment an employee will only be allowed to encash 48 accrued days. All leave above 48 days will be forfeited.

8.1.13 The Municipal Manager and his/her immediate delegates are entitled to set a cutoff date for employees to submit leave forms during the Easter and Christmas holidays. This is to ensure that decisions regarding leave are fair and take current workload into account.

8.1.14 All applications for leave will be recorded in a leave register.

8.2 Sick Leave

8.2.1 Ngqushwa Local Municipality employees are entitled to eighty (80) days' paid sick leave during each sick leave cycle of 36 continuous months,

- 8.2.2** If more than 80 days sick leave needs to be taken in a 36 month cycle, the employee will be granted unpaid leave on special permission from council,
- 8.2.3** The special permission will have to be re-applied for every 30 working days.
- 8.2.4** Where an employee takes more than two consecutive day's sick leave, the employee must produce a certificate signed by a registered medical practitioner stating the duration of the employee's illness.
- 8.2.5** The employer is 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,
- 8.2.6** Where the Municipal Manager or his/her immediate delegates suspects that an employee may be abusing the sick leave system, he/she may, with due warning, request that employee to produce a certificate signed by a registered medical practitioner stating the duration of the employee's illness, even where only one day sick leave has been taken. Traditional healers must be registered with the Health council before any sick notes will be accepted from them. A sick note must still be provided where an employee visited a traditional healer,
- 8.2.7** It is the employee's responsibility to inform their Supervisor and the HR Officer that they are taking sick leave on the day(s) that they are away from the office. (I.e. if you are ill, you need to phone the direct supervisor before 10H00 on your day of absence), and tell your line manager that you are taking sick leave,
- 8.2.8** All leave of absence due to illness/ sickness must be recorded in a leave register.

8.3 Maternity Leave

8.3.1 This section of the policy applies to full-time employees, who will be entitled to three months maternity leave, part of which will be paid subject to all the conditions below

8.3.1.1 Provided that the employee has been employed by the Ngqushwa Local Municipality for less than one year, the Ngqushwa Local Municipality will grant unpaid leave to the employee

8.3.1.2 Nothing in this policy affects the employee's right to claim any maternity benefits in terms of the Unemployment Insurance Fund Act.

8.3.1.3 Provided that the employee has been employed by the Ngqushwa Local Municipality for one year or more, the Ngqushwa Local Municipality will pay the employee:

8.3.1.4 100% of the employee's normal monthly remuneration calculated at the date on which her maternity leave commences for any period of maternity leave taken, subject to a maximum period of:

- a. three months for the purposes of confinement, birth, and post-natal care;**
- b. three months in the event of a miscarriage in the third trimester or stillbirth;**
and
- c. three months for the purposes of adoption. (Babies 3 months and younger).**

8.3.1.5 The employee will be required to continue to work for the Ngqushwa Local Municipality for:

- a. three months or equivalent if less leave was taken for the purposes of confinement, birth, and post-natal care);**

- b. three months or equivalent if less leave was taken in the event of a miscarriage in the third trimester or stillbirth; and
- c. three months or equivalent if less leave was taken. for the purposes of adoption. (Babies 3 months and younger).

8.3.1.6 Should the employee not comply with the provisions of section above, she will be required to repay any moneys received from the Ngqushwa Local Municipality during maternity leave, on a pro rata basis

8.3.1.7 Nothing in this policy affects the employee's right to claim any maternity benefits in terms of the Unemployment Insurance Fund Act.

8.3.2 Maternity Leave Arrangements

8.3.2.1 Employees are encouraged to come to a mutually acceptable arrangement, within the parameters of this policy, with their Head of Department and in consultation with the Corporate Services Manager regarding maternity leave. Such arrangements may include, but are not limited to:

- a. Flexi-time work for a defined period after the birth of the child.
- b. Reduction of ordinary working hours for a defined period after returning to work.
- c. "Banking" additional hours prior to the birth of the child (as calculated against the targets set for each employee).
- d. Use of annual leave.

8.3.2.2 When applying for maternity leave, the following should be taken into account:

8.3.2.3 The timing of the maternity leave application should be given 4 months prior to the commencement of the leave.

8.4 Family Responsibility Leave

- 8.4.1 Family responsibility leave applies to an employee who has been with the Municipality for longer than four months; and who works at least 5 days a week.
- 8.4.2 Family Responsibility leave will be granted for a maximum of 5 days per leave cycle and does not accumulate. Leave in excess of this amount can only be granted at the discretion of the Municipal Manager.
- 8.4.3 An employee may take family responsibility leave in respect of the whole or part of a day.
- 8.4.4 The Human Resource section will require satisfactory proof before granting Family Responsibility Leave. Family Responsibility Leave will only be considered when an employee's:
- a. Child is born (only applies to male employees – paternity leave); or
 - b. Child is sick; or
 - c. Immediate family member, spouse, life partner, parent, adoptive parent, grandparent, adopted child grandchild or sibling dies; or
 - d. The employee spouse or life partner is sick.

8.5 Study Leave

- 8.5.1 The Ngqushwa Local Municipality values the personal development of all employees as a key to accomplish business objectives. Personal development is a shared responsibility and should be organized to maximize each employee's potential,
- 8.5.2 Study leave must be arranged by agreement between the Head of Department and the employee individually,
- 8.5.3 Such agreement will be reduced to writing and a signed copy shall be attached to the employee's appointment letter or contract,

8.5.4 Leave will be granted for study purposes where an employee is enrolled for a course that has been approved by the Municipal Manager and Corporate Service Manager,

8.5.5 The employee's Supervisor must approve study leave applications,

8.5.6 One day per subject, plus the day of the examination, i.e. a total of two days' leave will be granted per subject. If the exam falls on a Monday, only one day will be granted,

8.5.7 A maximum of 10 days will be granted in any calendar year. 10 days may be granted only if the person is writing five or more subjects,

8.5.8 Employees are responsible for completing the Leave Application Form (available from the Human Recourse Department), getting it authorized by the Supervisor and submitting it to the HR Manager, at least one week prior to their going on study leave,

8.5.9 If an employee is rewriting a failed subject, he/she may not apply for study leave, but may be granted annual leave,

8.5.10 Study leave may not be accrued or carried over to the next year,

8.5.11 Leave may not be taken whilst the employee is serving their notice period.

8.6 Unpaid Leave

8.6.1 Unpaid leave is discouraged and will only be granted in exceptional circumstances at the discretion of the Corporate Service Manager,

8.6.2 All annual leave should ideally be exhausted before unpaid leave may be taken.

8.6.3 Annual leave will not be accrued during unpaid leave, and any bonus or incentive on returning from unpaid leave, will be prorated to reflect the period of absence.

8.6.4 Unpaid leave should be handled on VIP as follow:

- a. Under Termination Rate type in BCEA;**
- b. The rate that is shown is the termination rate a day and includes unpaid leave.**
- c. Calculate the unpaid leave amount to be deducted from the employee's salary by multiplying the termination rate by the amount of days the employee took unpaid leave.**
- d. This amount should be captured on the earnings screen under unpaid.**
- e. The amount should be a negative to ensure that the TAX is calculated correctly. (Note: The IRP5 code to be used is 3601)**

9. DELEGATION OF POWERS

9.1 All delegations in terms of this policy document must be recorded in writing,

9.2 Line managers and or supervisors are responsible to monitor and sign attendance registers/time sheets on a monthly basis

9.3 Disconnections/reconnections of services by employees, which might necessitate the working of emergency overtime, shall be authorized in writing by the delegated official in the Budget and Treasury Office.

10. IMPLEMENTATION OF THIS POLICY

10.1 This policy will be effective from the date the policy is approved by council.

10.2 The implementation of this policy cannot be backdated and all sections thereof will only be implemented from date of approval

11. RECORD AND REPORTING

11.1 Data related to the implementation of the policy should be captured, analysed to determine trends to facilitate improvements. This information should be registered and evaluated by the municipality ,

11.2 This information must be reported to develop improvement in workload allocations that can be maintain the required service delivery objectives and outputs,

11.3 Overtime approvals must be aligned with budget allocations and increase performance management

11.4 All leave records shall be kept by the Director Corporate services and he/she shall keep all proper audit trials and information data

12. REVIEW OF POLICY

This policy may be reviewed annually by Council or as and when needed.

APPROVED BY COUNCIL ON 08TH JULY 2022 UNDER AGENDA ITEM NO 5.1

A handwritten signature in black ink, consisting of several loops and a horizontal line, positioned above a solid horizontal line.

MUNICIPAL MANAGER

A handwritten signature in black ink, appearing to read 'Franklin', enclosed in a circle and positioned above a solid horizontal line.

MAYOR OBO COUNCIL

ANNEXURE A:



LEAVE APPLICATION FORM

LEAVE APPLICATION

NAME AND SURNAME : _____
DEPARTMENT : _____
PAY NR : _____

TYPE OF LEAVE

TIPE/ TYPE	TICK APPLICABLE	FROM	TO	DAYS
ANNUAL				
SICK				
FAMILY RESPONSIBILITY				
STUDY LEAVE				
UNPAID				
MATERNITY				
OVERTIME				

Attach necessary documentation where applicable.

I certify that I will return after my leave for service.

Signature

Datum/ Date

Leave approved:

Supervisor

BTO use:

Posted by:

Datum/ Date _____ / _____