



**MKHAMBATHINI LOCAL MUNICIPALITY: LEAVE MANAGEMENT  
POLICY**

<b>Description</b>	<b>Page number</b>
<ul style="list-style-type: none"> <li><b>1. Purpose of policy</b></li> <li><b>2. Scope of policy</b></li> <li><b>3. Types of leave</b></li> <li><b>4. Additional leave</b></li> <li><b>5. Annual leave</b></li> </ul>	<b>3</b>
<ul style="list-style-type: none"> <li><b>5.1 Accumulation of Leave</b></li> <li><b>5.2 Procedural Matters</b></li> <li><b>5.3 Encashment of leave days</b></li> </ul>	<b>4</b>
<ul style="list-style-type: none"> <li><b>5.4 Reporting and documentation</b></li> <li><b>6. Sick leave</b></li> <li><b>6.1 Policy Statement</b></li> </ul>	<b>5</b>
<ul style="list-style-type: none"> <li><b>6.2 Procedural matters</b></li> <li><b>7. Family Responsibility leave</b></li> <li><b>7.1 Policy Statement</b></li> </ul>	<b>6</b>
<ul style="list-style-type: none"> <li><b>7.2 Procedural matters</b></li> <li><b>8. Study leave</b></li> <li><b>8.1 Policy statement</b></li> </ul>	<b>7</b>
<ul style="list-style-type: none"> <li><b>8.2 Procedural matters</b></li> <li><b>9. Maternity leave</b></li> <li><b>9.1 Policy statement</b></li> <li><b>10. Special leave</b></li> </ul>	<b>7</b>
<ul style="list-style-type: none"> <li><b>11. Unpaid leave</b></li> <li><b>12. Religious and Public holiday</b></li> </ul>	<b>8</b>
<ul style="list-style-type: none"> <li><b>13. Union and Shop steward leave</b></li> <li><b>14. Adoption</b></li> </ul>	<b>9</b>
<ul style="list-style-type: none"> <li><b>11. Unpaid leave</b></li> <li><b>12. Religious and Public holiday</b></li> </ul>	<b>10</b>
<ul style="list-style-type: none"> <li><b>13. Union and Shop steward leave</b></li> <li><b>14. Adoption</b></li> </ul>	<b>10</b>
<ul style="list-style-type: none"> <li><b>13. Union and Shop steward leave</b></li> <li><b>14. Adoption</b></li> </ul>	<b>11</b>

## **1. THE PURPOSE**

The purpose of this policy is to establish mechanisms for the administration and management of types of leave applicable in the Municipality.

## **2. THE SCOPE OF THIS POLICY**

The leave policy applies to all permanent and contract staff that is in the employ of the Municipality and deals with all types of leaves.

## **3. TYPES OF LEAVE**

- Annual leave
- Sick leave
- Family responsibility leave
- Study leave
- Maternity leave
- Paternity leave

## **4. ADDITIONAL LEAVE**

- Union or shop steward leave
- Special leave.

## **5. ANNUAL LEAVE**

An employer may grant the employee the following leave:

Twenty four (24) working days for (5) five day worker and twenty seven (27) working days for six (6)day worker. (This should apply to contract employees and also permanent employees )

Annual leave is intended to provide the opportunity for a period of rest and recreation, so employees are expected to take leave within the leave year, when leave is due. Leave may be taken at any time convenient both to the employee and the employer.

## **5.1 ACCUMULATION**

- Leave can be accumulated at the rate of 24 working days during the annual leave cycle and employees will be required to take a minimum of 16 days leave during each cycle. The balance may be accrued to a maximum of 48 days as it stated on the SALGABC main collective agreement. Any leave that is accrued more than 48 days the municipality will forfeit the leave and be added to annual loss leave. The Human Resource department should implement a leave plan that will assist employees to take the 16 days leave a year.

## **5.2 PROCEDURAL MATTERS**

- (1) To apply for a leave an employee may apply on online (ESS) leave system and submit an application to their Supervisor/Manager at least five (5) days before the start of leave period.
- (2) It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave;
- (3) If an employee applies for leave and the leave days include a weekend, the weekend does not form part of the days counted as due. Weekends are thus not part of the leave days applied for; and
- (4) An employee who leave the work without the approval of supervisor or Manager should be taken as absent at work.

It is the responsibility of supervisor and managers to check the application of leaves that need to be approved.

## **5.3 ENCASHMENT OF LEAVE DAYS**

- (1) Encashment of leave days shall be allowed to all employees (except the interns and contract employees that are appointed on contract that is below six months) and this process should be done once annually, an employee can encash eight (8) days a year.

- (2) An employee needs to complete the first cycle of his/her employment before he /she qualifies for encashment.
- (3) The Human Resource department will print a report listing all employees that qualify for encashment every year and submit to payroll for payments the amount of leave needs to be added on the employee salary.

#### **5.4 REPORTING AND DOCUMENTATION**

- (1) Human Resource department is responsible to print monthly report on leave that will state the opening balance of leave, the leave that is taken within the month and also the closing balance of leave days for all employees this will assist HR to monitor the leave efficiency. And also, the HR department will be responsible for leave provision that will assist in terms of budgeting for leaves value

### **6. SICK LEAVE**

#### **6.1 POLICY STATEMENT**

- (1) Sick leave allocation will be on a cycle of eighty (80) working days over three (3) year leave cycle.
- (2) An employee's sick leave cycle shall be individually determined as per their date of employment with the Municipality.
- (3) In the first year of a cycle an employee may not exceed thirty (30) days of sick leave and in their second year thirty (30) days. and the third year twenty (20) days.
- (4) A sick leave absence of two (2) consecutive days or more shall be supported with a sick note from a Medical Practitioner or a dentist or a Traditional Healer registered with a Recognized Professional Council.
- (5) A valid Doctor's note must be issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an act of parliament. It must state that the employee was unable to perform his or her normal duties as a result of illness (or an injury). It must be based on the professional opinion of the medical practitioner.
- (6) It should include the following information: date of consultation, the name, address and qualification of the practitioner; the name of the patient; the employment number of the patient (if applicable); the date and time of the examination; whether the certificate is being issued as a result of personal observations by the practitioner during an examination, or as the result of information received from the patient and

which is based on acceptable medical grounds; a description of the illness, disorder or malady in layman's terminology with the informed consent of the patient:: Provided that if the patient is not prepared to give such consent, the medical practitioner or dentist shall merely specify that, in his or her opinion based on an examination of the patient, the patient is unfit to work; whether the patient is totally indisposed for duty or whether the patient is able to perform less strenuous duties in the work situation; the exact period of recommended a sick leave; the date of issuing of the certificate of illness; and a clear indication of the identity of the practitioner who issued the certificate which shall be personally and originally signed by him or her next to his or her initials and surname in printed or block letters.

- (7) Notwithstanding the above (statement) Management reserves the right to ask for a sick note from an employee with less than two (2) days of sick absence, should the Municipality have reasonable grounds to do so.
- (8) The Municipality reserves the right to withhold payment for sick absence and in addition disciplinary action may be instituted against the employee.
- (9) It is the responsibility of the employee to inform the manager or supervisor for absence from work within three hours of the first day of sick absence and to submit a Doctor's note within two (2) working days of resuming duties immediately after the sick absent.
- (10) In the case where an employee finish his or her sick leave that is granted for a year the manager can approve to allocate the next leave days for next year while the employee is on the current circle. In the event of where employee finish his or her three (3) year circle before, the employer can grant that employee an additional 30 working days of which 15 must be full pay leave and the other 15 must be half pay leave. If the employees continue with sick the employer can take steps for medical boarding by consulting with qualified practitioners.

## **6.2 PROCEDURAL MATTERS**

1. The Supervisor/Manager shall take the responsibility of ensuring that the employee completes a sick leave on the system as well as attach an original sick note (where applicable), immediately upon returning to work.
2. It is also the responsibility of the employee to submit the sick note to The Human Resources Department for filing purposes.
3. The Human Resources Department will provide Management with sick leave and absenteeism report on a monthly basis and Management will advise their staff accordingly.

## 7. FAMILY RESPONSIBILITY LEAVE

### 7.1 POLICY STATEMENT

- (1) Family responsibility leave applies to an employee who has been in employment with the municipality for longer than four (4) months
- (2) The total number of family responsibility leave permissible in a year is five (5) working days. The following guidelines will assist with the allocation.

<b>Family Responsibility Circumstance</b>	<b>Number of Leave Days</b>
Death of a family member including partner, parents, grandparents and sibling and child	5 days      Proof needed
Sickness of child or partner	5days      Proof needed
General family crisis	1 day      No Proof needed but also employee can take this once a year

- (3) where an employee has exhausted her/his family responsibility entitlement of five (5) days, she/he may apply for additional days from her/his annual leave entitlement bases of the policy provisions of that leave type.
  - a. Where annual leave entitlement is exhausted as well, the employee is free to apply for unpaid leave.

### 7.2 PROCEDURAL MATTERS

In all cases of family responsibility the duty is on the employee to notify his/her immediate supervisor or manager of the pending leave as soon as it is humanly possible after they become aware of the crisis.

All documents and attachments must be forwarded to the Human Resources Department for filling and reporting purpose When issuing the monthly absenteeism report, the Human Resources Department will include the category of family responsibility.

## **8. STUDY LEAVE**

### **8.1 POLICY STATEMENTS**

- (1) Employees undertaking courses of study privately and on a part time basis, which in the opinion of the Municipality will be of benefit to the Municipality and to the employee, may, subject to the convenience of the Municipality be granted paid study leave to attend such courses.
- (2) Paid leave for purposes of writing examinations for approved courses will be granted on the basis of one day leave to write examination and one day preceding examination for each enrolled module for the academic year. Proof of registration and an examination timetable need to accompany the leave application.
- (3) Where the day of the examination immediately follows a weekend (i.e. falls on a Monday) or a paid public holiday, only the day of the examination will be granted;
- (4) For employees that pursues postgraduate studies they will be granted special leave of 10 days on submission of proof on enrollment from the tertiary institution.
- (5) Postgraduate studies means that the employee must have successfully completed an undergraduate degree level course at a college or university and is undertaking further study at a more advanced level.
- (6) As there is no provision for tests in the collective agreement, employees must note that annual leave may be taken for the purpose of writing tests and assignments.
- (7) Leave may be applied for at least three (3) weeks in advance on the prescribed system (ESS ) and a copy of the examination timetable attached

### **8.2 PROCEDURAL MATTERS**

- (1) All study leave applications must be made on a formal Municipality system, at least three (3) weeks before the date of the required leave.
- (2) An employee must wait for approval before going to the study leave.
- (3) The Human Resources Department will keep records of all approved leave transactions.

## **9. MATERNITY LEAVE**

### **9.1 POLICY STATEMENTS**

- (1) Maternity leave shall apply to employees who, at the time requiring this leave, have completed 12 months service with the Municipality to qualify for full paid maternity leave.



- (2) A special leave of 30 days for employee who is not complete the year with the municipality and the two months remaining can apply to department of labour an intern can qualify for only one month of Maternity leave.
- (3) No employee shall lose her job or be subjected to a disciplinary enquiry on the grounds of being pregnant.
- (4) All permanent female employees including an employee adopting a child under three (3) months, shall be entitled to a maximum of three (3) months maternity leave with full pay.
- (5) Maternity shall commence, at least one (1) month before the birth of the child.
- (6) Maternity leave may not, either in part or in full, be converted into any other type of leave after it has commenced.
- (7) The Municipality guarantees that a staff member returning from maternity leave will be placed at same position, at the same salary level and salary benefits as before the maternity leave.
- (8) Male staff members will be entitled to a maximum three (3) day's paid leave per birth of their biological or adoptive children.

## **10. SPECIAL LEAVE**

- (1) An employee may be granted up to five (5) days special leave per year. Special leave may not be accumulated. Line managers are to control and keep record of all special leave granted to their subordinates. The following situations may warrant granting of special leave:
  - Relocation because of new appointment
  - Religious ceremonies not catered for under the Public Holidays Act, 1994.
  - An employee who is jailed or taken as suspect in any case.
  - An employee who has been subpoenaed as a state witness.
  - An employee who has a child with a disability who required special care.
- (2) Employees who are away from the office for traditional ceremonies (e.g. attendance at initiation school, qualifying as a traditional healer “ukuthwasa”, etc) may be granted special leave for the period that they are away provided that an affidavit is produced within three days of their return to the office.

## **11. UNPAID LEAVE**

Leave without pay may be granted on good cause, only to those employees who have used their full leave entitlement. This will be assessed by the relevant manager, or any person delegated by them, who will approve or deny such a request; and

In all cases of unpaid leave, provision is to be made for deductions from the employee's salary to maintain contributions to Provident/Pension and Medical Aid funds.

## **12. RELIGIOUS AND PUBLIC HOLIDAYS**

Employees are not required to work on a public holiday except in accordance with an agreement. If a public holiday falls on a day on which an employee would ordinarily work, the municipality will pay the employee according to section 18 of the Basic Conditions of Employment Act, 1997. Employees that require leave for religious holidays that are not covered by the Public Holidays Act, 1994, should apply for special leave at least one (1) week in advance.

## **13. UNION LEAVE/SHOP STEWARD LEAVE**

In terms of the collective Agreement an elected Shop Steward is entitled to fifteen (15) days per year with full pay during working hours for trade union activities.

The Notice from the Union is to be submitted to the HR Department who will advise the relevant supervisor/ manager who will approve such leave prior to the employee embarking on such leave. The employer may not unreasonably deny an elected Shop Steward to attend an official Union meeting.

The notice from the Union must be attached to the leave application and submitted to the HR Department for record purposes.

## **14. ADOPTION AND APPROVAL**

***The amendments to the policy were adopted by Council at its meeting held on 27 June 2024 through resolution number: LC9.5/27.06.2024***