



EMADLANGENI LOCAL MUNICIPALITY

LEAVE POLICY

1. PURPOSE OF THE POLICY

The purpose of this policy is to regulate the taking of leave by employees of the Emadlangeni Local Municipality, having regard to the relevant statutory provisions regarding leave and the relevant collective agreement insofar as it relates to leave.

This policy excludes employees who are appointed in terms Local Government Municipal Systems Act, section 54a and section 56 .

2. APPLICATION OF THE POLICY

This policy applies to all employees of the Emadlangeni Local Municipality and to the following types of leave:

- Annual leave;
- Sick leave;
- Maternity leave;
- Family Responsibility leave;
- Study leave;
- Special leave; and
- Unpaid leave.

3. LEGISLATIVE FRAMEWORK

- Basic Conditions of Employment Act (Act no.75 of 1997)
- Labour Relations Act (Act no.66 of 1995) as amended
- Main Collective Agreement – South African Local Government Bargain Council
- Conditions of Services Collective Agreement – South African Local Government Bargain Council KZN Division
- Municipal Finance Management Act (Act no.56 of 2003)

4. INCORPORATION OF THE COLLECTIVE AGREEMENT

4.1. The ***“Main Collective Agreement”*** hereafter referred to as ***“the Collective Agreement”*** relating to conditions of service, was entered into between the **South African Local Government Association** hereafter referred to as ***“SALGA,”*** the **Independent Municipal and Allied Trade Union** hereafter referred to as ***“IMATU”*** and the **South African Municipal Workers Union** hereafter referred to as ***“SAMWU”***

4.2. The municipality is bound by the provisions of the Collective Agreement.

- 4.3. The Collective Agreement regulates, inter alia, the granting of leave of the kind referred to in 2, above and this policy is intended to give effect to the provisions of the Collective Agreement insofar as it relates to leave.
- 4.4. If there is any conflict between the provisions of this policy and the provisions of the Collective Agreement insofar as they relate to leave, then the provisions of the Collective Agreement shall prevail.
- 4.5. If the Collective Agreement is superseded by another collective agreement dealing with leave which is binding upon the Municipality, or if any provision of the Collective Agreement relating to leave is amended, then this policy shall be amended to give effect to the relevant provisions of such other collective agreement or such amendment.

5. ANNUAL LEAVE

- 5.1. For the purposes of this section, *“leave cycle”* shall mean a period of 12 months immediately following an employee’s commencement of employment with the municipality and each successive period of 12 months thereafter.
- 5.2. An employer must grant an employee at least:
- 5.2.1. **Twenty four (24) days for a five (5) day worker; and**
 - 5.2.2. **Twenty seven (27) days for a six (6) day worker.**
- 5.3. An employee is required to take leave within each leave cycle as follows:
- 5.3.1.1. **A five (5) day worker shall take a minimum of sixteen(16) days** leave; and
 - 5.3.1.2. **A six (6) day worker shall take a minimum of nineteen (19) days** leave.
- 5.4. By agreement, one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid;
Or
- 5.5. By agreement, one hour of annual leave on full remuneration for every 17 hours on which the employee worked or was entitled to be paid.
- 5.6. An employee must take annual leave not later than six months after the end of annual leave cycle.

5.7. Annual leave shall only be accumulated to a maximum of forty eight leave days .Any excess to 48 days shall be forfeited by the employee.

6. FAMILY RESPONSIBILITY LEAVE

6.1. This leave applies to an employee who has been in employment with the Municipality for longer than four months and there are entitled 5 days annually.

6.2. 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 when;

- a) The employee's child is born;
- b) The employee's child is sick;
- c) The employee's spouse or life partner is sick;
- d) In the event of death of:
 - i. The employee's spouse or life partner; or
 - ii. The employee's parents, adoptive parent, grandparent, child, adoptive child, grandchild or sibling.

6.3 An employee must provide the reasonable evidence of Family Responsibility leave taken.

7. MATERNITY LEAVE

7.1. An employee, including an employee adopting a child under 3 months, is entitled to at least four consecutive months maternity leave of which three (3) months will be paid maternity leave with no limits to the number of confinements or adoptions. This leave provision shall apply to an employee whose child is still-born.

7.2. An employee may commence maternity leave at any time from four(4) weeks before the expected date of birth, unless otherwise agreed, or on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of the unborn child.

7.3. No employee may work for six (6) weeks after the birth of her child unless a medical practitioner or midwife certifies that she is fit to do so.

7.4. 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 has commenced maternity leave at the time of the miscarriage or stillbirth.

7.5. To qualify for paid leave, an employee must have one year service with the employer.

7.6. In addition the employee will be required to work back the period of paid maternity leave actually taken.

8. SICK LEAVE

8.1. “*sick leave cycle*” means a period of 36 months employment with the same employer immediately following an employee’s commencement of employment.

8.2. An employer shall grant an employee eighty (80) days sick leave in a three year cycle.

8.3. In respect of new appointments, an employee may not take more than 30 days sick leave in the first year of employment.

8.4. The employer shall require a medical certificate from a registered medical practitioner if more than two consecutive days are taken as sick leave.

8.5. The employer is further not required to pay an employee if any employee is absent on more than two occasions during 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.

8.6. Should an employee exhaust his/her paid sick leave, then he/she will not be entitled to any further paid sick leave during the period concerned. The employer will take sick days as the unpaid leave.

8.7. An employee who needs to be absent from work for reasons of sickness or injury must either personally, or through another person notify the employer before 10:00am of the reasons for the absence and the expected duration of the absence.

8.8. It is the responsibility of the employee to inform the employer of sick leave.

9. STUDY LEAVE

- 8.1 The Emadlangeni Municipality recognizes the need and desirability for employees to improve their knowledge and skills.
- 8.2 Study leave must be planned and organized well in advance and in consultation with the relevant manager.
- 8.3 Employer shall grant the employee 2 days per examination and maximum of 10 days annually.
- 8.4 Employees may take one working day on the day which the actual examination is written or test undertaken.
- 8.5 The employee may take one working day's study leave to prepare for the examination.
- 8.6 In case of preparatory day falls on Friday or before the holiday, the employer will not grant the preparatory day.
- 8.7 An employee shall attached the time table with a letterhead of the tertiary
- 8.8 An employee who had exhausted a maximum days shall use the annual leave days or unpaid leave.
- 8.9 Study leave will not be granted to employees who have failed and who wish to repeat courses and/or examinations.

10. SPECIAL LEAVE

- 9.1 Application for special leave in case of court appearance or sport representation shall be considered and approved by Municipal Manager or Head of Department
- 9.2 The leave is limited to a maximum of 10 days per annum and cannot accumulate
- 9.3 The application for this leave must be accompanied by documentation that supports the application.

11. UNPAID LEAVE

- 11.1. Unless there are acceptable reasons given in applications for unpaid leave, such leave will not normally be granted.
- 11.2. Applications for unpaid leave must therefore be motivated fully and approved by the Head of the Department.

- 11.3. Factors such as, but restricted to, the duration, timing and reason for the unpaid leave requested, will determine whether or not the application can be approved.
- 11.4. Unpaid leave will be used as a penalty in cases of no work no pay.

12. PROCEDURES

- 11.1 The Head of Departments are responsible to monitor the leave books and leave days taken against the attendance register.
- 11.2 An employee who wish to take leave days must collect the leave book at the office of Head Department and check with the Human Resource Office the available leave days then ensure that the Head of Department approve application for leave .
- 11.3 An employee shall not take a leave without the approval signature from the Head of Department. Thus shall be converted to unpaid leave if not signed.
- 11.4 Application for leave shall be signed by all signatories, in case where employee supervised by Head of Department. The Head of Department shall sign as the Supervisor as well as the Head of Department.
- 11.5 The Sick Leave and Family responsibility leave are the only leave types that can be filled at later stage.
- 11.6 Supervisor must indicate in writing when agreed with the employee to return to work while on leave .In order to credit and update leave days .
- 11.7 If an employee falls ill during any period of annual leave, and produces a valid medical certificate to prove the period of illness, then that period of illness must be converted to sick leave and the employee's annual leave entitlement must be credited with the number of days covered by the medical certificate
- 11.8 Each application must be made for each category of leave on the prescribed leave application form.
- 11.9 The employee must only write on the column that indicate the period (From :To) and the date must be written in fully.
- 11.10 Human Resource Office shall write the number of leave days available , number of leave days taken and number of leave days left.
- 11.11 The Human Resource Office shall atleast capture the leave taken days within 2 weeks .
- 11.12 Absence without leave will be viewed as a serious breach of the rules and regulations of the Municipality.

12 . Policy review

The policy will be reviewed bi-annually.

13 Signing of policy

Leave policy was authorized Council on

EFFECTIVE DATE: 2019.06.27

COUNCIL RESOLUTION NUMBER: A59/2019