



| Policy Title | Policy Version | Role & Process | Responsible Individual | Name and/or Date | Signature | Corporate Services HOD | Policy Custodian | Policy Author | LLF Consultation Date | LLF Consultation Reference | Council Approval Date | 30 May 2023 | Council Resolution No | C155/05/23 | Corporate Services HOD | Policy Approved | Policy Inception Date | 01 July 2023 | Pre-implementation Checklist | Completed | Policy Maintenance | Review Cycle Period | Annually | Review Start Date | Review Completion Date | Legislative References | Policy Review "Triggers" | Periodic Review | Comments |
|--------------|----------------|----------------|------------------------|------------------|-----------|------------------------|------------------|---------------|-----------------------|----------------------------|-----------------------|-------------|-----------------------|------------|------------------------|-----------------|-----------------------|--------------|------------------------------|-----------|--------------------|---------------------|----------|-------------------|------------------------|------------------------|--------------------------|-----------------|----------|
| LEAVE POLICY | | | | | Accepted | | | | | | | | | | | | | | | | | | | | | | | | |



| Contents | | Page Numbers |
|-----------------|---------------------------------------|---------------------|
| | PURPOSE | 2 |
| | DEFINITION OF TERMS WITHIN THE POLICY | 3 |
| | RELEVANT LEGAL FRAMEWORK | 3 |
| 1. | ANNUAL LEAVE | 4-5 |
| 2 | SICK LEAVE | 6 |
| 3 | MARTENITY LEAVE | 6-9 |
| 4 | PARTENITY LEAVE | 9 |
| 5 | ADOPTION LEAVE | 9 |
| 6 | STUDY LEAVE | 9-10 |
| 7 | FAMILY RESPONSIBILITY LEAVE | 10-11 |
| 8 | SPECIAL LEAVE | 11-12 |
| 9 | RESIGNATION OF EMPLOYEES | 12 |
| 10 | GENERAL | 12 |
| 11 | PUBLIC HOLIDAYS | 12 |
| 12 | LEAVE OF ABSENCE | 12 |

TABLE OF CONTENT

Why Have a Policy?

All employees need a period of rest to recuperate and the taking of leave is not discretionary but must be taken in terms of Basic Conditions of Employment Act of 1997 or any collective agreement or any other legislation that regulates this leave and subject to the municipality operation requirements



PURPOSE

The Dipaleseng municipality Leave Policy has to comply with the Basic Conditions of Employment Act (BCEA), Act 75 of 1997 and the provisions of the LGBC Collective agreement on basic conditions of employment

It is important to manage and communicate this policy to all employees at the municipality to maximize efficiencies. This will require that feedback loops (reporting) be implemented to measure and manage leave in the different departments and the implications thereof.

DEFINITION OF TERMS WITHIN THE POLICY

'Permanent Employees' refers to those employees who are not employed on a contract basis (no end date)

'Management' refers to the Management of the Dipaleseng Municipality and includes any committee of Management or employee of the Municipality mandated by management to carry out Management's functions in terms of these rules.

'Senior Management' refers to the Municipal Manager and all Head of Departments in the municipality

'Line Manager' refers to an employee of the municipality who is accountable for monitoring people, in an area of responsibility.

'Day' refers to a working day unless otherwise specified.

'Sick Leave cycle' refers to period of three (3) years from a specific date determined by Dipaleseng Local Municipality as well as prescripts of Labour Relations Act as amended.

'Medical practitioner' refers to the definition as documented and approved by Government

RELEVANT LEGAL FRAMEWORK

This policy is guided by legislation and complies with the following:

- Basic Conditions of Employment Act (BCEA), Act 75 Of 1997; as amended
- Labour Relations Act (LRA), Act 66 of 1995; as amended
- Income Tax Act (ITA), Act 28 of 1997;
- UIF Act (UIA), Act 63 of 2001;
- Compensation for Occupational injuries and Diseases Act (COIDA), Act 130 of 1993; and
- Occupational Health and Safety Act (OHSA), Act 85 of 1993
- Regulation on Appointment and Conditions of Employment of Senior Managers (Gazette No 37245 of 17 January 20140)
- Collective Agreement on Conditions of Service for the Mpumalanga Division

1. ANNUAL LEAVE

Leave is regulated by the Collective Agreement on Condition of service.

1.1 Dipalasesng 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**

1.2 A "leave cycle" is the 12-month period of **continuous** employment from the date of commencement of the employment or following the completion of the prior leaves cycle.

1.3 Annual leave may only be taken as and when required, subject to the availability of leave days accumulated, unless the Municipal Manager/ Director agrees otherwise.

1.4 Leave may be taken as consecutive days or as separate days

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

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

1.7 Employees may take leave only agreed by the H.O.D or delegated person of the

Directorate, which will not be unreasonably withheld.

1.8 Employees are responsible for completing the request form (available from their

H.O.D or the Corporate Service Directorate), getting it authorized by the relevant H.O.D submitting it to the HR section for recorded purposes, at least one week prior going on leave.

1.9 All leave must be recommended by line Managers/ Supervisors and approved by the Director of that particular department.

1.10 Clause 3.1.5 of the main collective agreement stipulates that any leave in excess of forty – eight (48) days may be encashed should the employee be unable to take such leave, despite applying and because the employer refused to grant him such leave, as a result of the employer's operational requirements. If despite, being afforded refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away.(8 days to be encashed to employees who were denied leave due to operational requirements) .

At the end of the leave cycle, an employee may not have more than 48 days Annual leave to his credit. In the event of termination of service, an employee shall be paid his leave entitlement calculated in terms of the relevant provision of the Basic Conditions of Employment Act 75 of 1997 as amended, provided that no employer shall be obliged to encash more than 48 days annual leave upon the termination of that employee's contract of employment.

1.11 The Municipal Manager or his/her immediate may use their discretion to grant

An employee shall be granted special leave for the duration specified provided that a valid Medical Certificate issued by a registered Medical Practitioner placing the employee under isolation or quarantine, in terms of the National Health Act (Act 61 of 2003), regulations regulating Communicable Diseases.

2.7 ISOLATION OR QUARANTINE

- 2.6 Sick leave for Senior Managers will be granted in line with the Regulations on Appointment and Conditions of Employment of Senior Managers.
- 2.5 Where employees choose to use their traditional or alternative practitioners, Certificates from said practitioners, who are registered with the appropriate Professional body, will be accepted for a maximum of five days continuous sick leave, after which a certificate from a registered medical practitioner will be required.
- 2.4 It is the employee's responsibility to inform their Line Manager 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 office before 10H00 on your day of absence), and tell your line manager that you are taking sick leave. The HR Officer will maintain a sick leave register after having been informed by the line manager.
- 2.3 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 nature and duration of the employee's illness, even where only one day sick leave has been taken.
- 2.2 Where an employee takes more than two consecutive days sick leave, the employee must produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's illness.
- 2.1 Dipaleseng Municipality employees are entitled to eighty (80) days paid sick leave cycle of 36 continuous months.

2. SICK LEAVE

NB: All employees who do not form part of collective agreement are exempted from encashment of leave days.

- 1.11.2 Annual leave for Senior Managers will be granted in line with the Regulations on Appointment and Conditions of Employment of Senior Managers.
- 1.11.1 The Municipal Manager and his/her immediate delegates are entitled to set a cut-off date for employees to submit leave forms during the Easter and Christmas holidays. This is to ensure that the decisions regarding leave are fair and take current workload into account.
- 'free' occasional leave to employees who are not paid overtime, in recognition of long hours or weekend work. (Occasional leave refers to a day or two taken at a time, rather than a longer leave period). Where an employee is paid overtime, or days taken will be deducted from the annual leave entitlement.

- four months for the purpose of confinement, birth and post – natal care;
 - i. 100% of the employees 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-
 - (b) Provided that the employee has been employed by the Dipaleseng municipality for at least one year, the Dipaleseng municipality will pay the employee:
 - (a) This section of the policy applies full time employees, who will be entitled to four months maternity leave, part of which will be paid subject to all the conditions below.
- Paid maternity leave**
- v. Employee, who has legally adopted a child up to the age of one year, will be entitled to two months maternity leave for the reception of the child. The employee is required to notify the Dipaleseng municipality as soon as reasonably possible that she has applied to adopt a baby.
 - The employee's work involves work between 18H00 and 23H00 or
 - The employee's work poses a danger to the health or safety of the employee or the health or safety of the child.
- iv. During the pregnancy of an employee and for a period of 3 months after the birth of a child, the Dipaleseng municipality will as far as is reasonably practicable, offer suitable alternative employment on terms and conditions not less favourable than the terms and conditions of employment normally applicable to that employee if –
 - iii. An employee, who has a miscarriage during the third trimester of pregnancy or Bears a stillborn child, will be entitled to maternity leave of six (6) weeks after the Miscarriage or stillbirth, irrespective of whether or not the employee had already Commenced maternity leave at the time of the miscarriage or stillbirth.
 - ii. No employee may work for six weeks after the birth of her child, unless a medical Practitioner or midwife certifies that she is fit to do so.
 - i. The employee is required to notify the Dipaleseng municipality in writing, at least Four weeks before proceeding on maternity leave, and to work after maternity leave.
- (a) This policy applies to all **Full time** female employees regarding **payment** for maternity leave, subject to the conditions below, but do not detract from the right of all other female employees to four months unpaid maternity leave. All employees are required to comply with the requirements set out in 3.1.1 to 3.1.5 below when applying for maternity leave:

Application of this policy

3. MATERNITY LEAVE

- six weeks in the event of a miscarriage in the third trimester or stillbirth; and
 - Two months for the purpose of adoption
- (c) The employee will be required to continue to work for the Dipaleseng Municipality
- i. Two months after her maternity leave which was taken for the purposes of ordinary maternity leave (confinement, birth and postnatal care)
 - ii. Three weeks after maternity leave taken in the event of a miscarriage during the third trimester, or stillbirth; and
- (d) Should the employee not comply with the provisions of clause 3.44 above, she will be required to repay any moneys received from the Dipaleseng Municipality during maternity leave, on a pro rata basis
- (e) Nothing in this policy affects the employee's right to claim any maternity benefits in Terms of the Unemployment Insurance Fund Act.
- (f) Where the employee has been employed by the Dipaleseng Municipality for more than one year but less than three years, the Dipaleseng Municipality will pay the employee 100 % of her normal monthly remuneration calculated at the date on which her maternity leave commences, subject to a maximum period of:
- i. Eight weeks of ordinary maternity leave taken, in which event she will be required to work back a period of no less than four weeks.
 - ii. Three weeks in the event of a miscarriage in the third trimester, or stillbirth, in which event she will be required to work back a period of less than ten days.
 - iii. One month for the purposes of adoption, in which event she will be required to work back a period of no less than two weeks;
 - iv. Should the employee fail to comply with the provision of 3.1 above, she will be obliged to repay any moneys to the Dipaleseng Municipality received during maternity leave, on a pro rata basis.
- (g) Where the employee has been employed by the Dipaleseng Municipality for more than three years, the Dipaleseng Municipality will pay the 100% of her normal monthly remuneration calculated at the date on which her maternity leave commences, subject to a maximum period of:
- i. Twelve weeks of ordinary maternity leave taken, in which event she will be required to work back at least two weeks;
 - ii. Four weeks in the event of a miscarriage in the third trimester, or stillbirth, in which event she will be required to work at least two weeks,
 - iii. Six weeks for the purpose of adoption, in which event she will be required to work back at least three weeks,
 - iv. Should the employee fail to comply with the provision of 3.8 above, she will be required to repay to the Dipaleseng Municipality any moneys received during maternity leave, on a pro rata basis.

- 6.1 The Dipaleseng Municipality values the personal development of all employees as a key to accomplish business objective. Personal development is a shared responsibility and should be organized to maximize each employee's potential.
- 6.2 Study leave must be arranged by agreement between the Dipaleseng Municipality and the employee individually. The said employee will be expected to fill in a leave form before he takes a study leave.
- 6.3 Leave will be granted for study purposes where an employee is enrolled for a course at an accredited institution and proof of registration or exam time table has been submitted to the relevant Line Manager/ H.O.D.
- 6.4 The employee's line manager/ H.O.D must approve study leave application and such approval will not be unreasonably withheld.
- 6.5 Two working days special leave on full pay shall be granted to an employee in order to prepare for every examination prescribed or approved by the employer. Provided that if the results of the examination are not submitted to the relevant manager or department within six months of the examination, the special leave will be converted to annual leave or leave without pay.

6. STUDY LEAVE

- In both events referred to in bullet 1 and 2 above the child's birth certificate and adoption order must be submitted to the employer
- When a child from 0 to 6 is adopted, adoption leave will be granted to an adopting employee. A female employee is entitled to receive three (3) months paid adoption leave after the legal adoption procedure.
 - When a child older than 6 years is adopted, adoption leave will be granted to an adopting employee. A female employee is entitled to receive three (3) weeks paid adoption leave after the legal adoption procedure.

5. ADOPTION LEAVE

Notification must be at least one month before the employee's child is expected to be .

- (a) Commence parental leave; and
 - (b) Return to work after parental leave
- 4.2 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-
- 4.1 An employee who is a parent of child, is entitled to at least ten consecutive days unpaid parental leave annually, which may commence on the day that the employee's child is born or date or the adoption order is granted or a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption the order whichever date occurs first.

4. PARTENITY LEAVE

- (h) Nothing in this policy affects the employee's right to take the remainder of her Maternity leave entitlement as unpaid maternity leave.

6.6 Employees are responsible for completing the study Leave request form (available from the Corporate support directorate) getting it authorized by the Line manager and H.O.D and supporting it to the HR Section at least one week Prior to their going on study leave.

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

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

6.9 Employee who have been employed by the Local Government for a period of 5 years and more; and are studying towards an MBA,PHD or NQF level 10 qualification may apply for paid sabbatical leave of 22 days per leave cycle which shall not be unreasonably withheld, such employee shall remain an employee of Local Government upon completion of the said leave for at least 12 months.

6.10 Employees who are employed on part-time basis to officiate during National, Provincial and local government elections shall be granted paid special leave for the duration of the elections as specified in the letter of appointment issued by the Independent Electoral Commission of South Africa (IEC).

6.11 The line manager and the Head of human Resources must approve any additional study leave

6.12 Study leave for Senior Managers will be granted in line with the Regulations on Appointment and Conditions of Employment of Senior Managers.

N.B Study leave may not be taken whilst the employee is serving their notice, except with the approval of the Head Human Resources.

7. FAMILY RESPONSIBILITY LEAVE

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 weeks.

Family responsibility leave will be granted for a maximum of five days per leave cycle and does not accumulate.

An employee may take family responsibility leave in respect of the whole or part of a day.

The Human Resource section will require satisfactory proof before granting Family Responsibility. Leave will only be considered when an employee's:

- Child is born (only applies to male employees- paternity leave)
 - Child or adopted child is sick
 - Immediate family member, spouse, life partner, parent, adoptive parent, grandparent, adopted child, or sibling dies.
 - The employee spouse or life partner is sick
- Immediate family members refer to one's spouse/the person with whom one co-habits, parents, adoptive parents, grand parent, child adopted, grand child and sibling.

8. SPECIAL LEAVE

- Management may grant special leave subject to such conditions as it may determine from time to time. Special leave with full pay may be granted to an employee for various reasons, inter alia:

- If he/she is absent from duty as a result of segregation or isolation on medical instruction if he/she has been in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease, provided that the granting of such special leave is subject to the submission of a certificate by a registered medical practitioner indicating the period of and reason for segregation or isolation,

- If he/she is absent from duty as a result of his/her appearance in court on a criminal charge and he/she is subsequently acquitted or the charge is withdrawn, for the period of detention and trial only,

- If he/she is subpoenaed to provide testimony in a court of law,

- Attendance of workshop, conferences, seminars or training.

- Special Leave granted may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

All application for special leave must be submitted to the HR Section via the H.O.D concerned within three (3) weeks before an applicant is due to go on special leave.

8.1 OTHER SPECIAL LEAVE

Other special leave will be granted in line with the Collective Agreement on Conditions of service for the Mpumalanga Division. (Employer empowered to exercise the discretion when granting such leave)

8.2 SPECIAL SICK LEAVE FOR INJURY ON DUTY CASES AND OCCUPATIONAL HEALTH AND SAFETY DISEASES

Special Sick leave for injury on duty cases and occupational health and safety will be granted in line with the Collective Agreement on Conditions of service for the Mpumalanga Division. (Employer empowered to exercise the discretion when granting such leave)

9. RESIGNATION OF EMPLOYEES

- Immediate upon an employee giving notice of resignation, any leave granted will lapse with effect from the date of such notice, absence from duty after that date may be deemed to be leave without pay except in the case of sick leave or special leave. Employee will be required to serve thirty days' notice.

- If an employee who has retired from a permanent post, or who has relinquished a permanent post for any reason whatsoever, is re-appointed in a temporary capacity, with or without a break in service, such re-appointment shall be regarded as a new appointment for all purposes of these rules.

10. GENERAL

- Except for sick leave, application for leave must normally be made well in advance of the intended commencement date of such leave.

- Employees who are absent from work without having obtained prior written approval for leave, except in the case of sick leave, will be deemed to be absent without leave and may be disciplined for such conduct. Any unauthorized absence from work shall be regarded as leave without pay, not withstanding any disciplinary measures, which may be instituted against such employee.

- Not withstanding any provisions in terms of any law or regulation made there under, leave of absence as provided for in these rules cannot be claimed as of right and will only be granted after considering the needs of the Municipality.

- The granting of all leave of absence is subject to approval by management and leave already granted may be withdrawn by it at any time. The Manager/H.O.D shall approve the application for leave of absence within two days of submission by an employee

11. PUBLIC HOLIDAYS

All public holidays as promulgated in the Government Gazette are recognized by the Dipaleseng Municipality.

Public holidays are not taken into account in calculating annual, study, maternity or family responsibility leave.

12. LEAVE OF ABSENCE

All leave of absence shall be recorded in the leave register under the control of the Director concerned and submitted to the Human Resource Management section. The leave record of an employee shall be available for inspection by the employee at all reasonable times during working hours.

Notwithstanding the provisions of any law, leave of absence, other than sick leave shall be granted with due consideration of the requirements of any municipality's commitment to service delivery.

This policy was signed by _____ in his/her capacity as the Acting Municipal Manager of the Dipaleseng Local Municipality on the _____ and the policy takes effect as from 01 July 2023

Signature


DATE OF Council Approval

30 May 2023