



MAPHUMULO LOCAL MUNICIPALITY

LEAVE POLICY

Date Approved by Council	
Date Implemented	
Date of next review	
Policy owner	

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1. DEFINITIONS

- 1.1 All expressions used in this policy and not defined will have the same meaning as defined in Labour Relations Act, 66 of 1995 and also in Basic Conditions of Employment Act 75 of 1997.
- 1.2 Words importing masculine shall include the feminine and vice versa.
- 1.3 Unless the contrary intention is stated or it is obvious from the context, words or expressions defined in the “Act” that are used in this policy will have the same meaning as in the Act.

“Act” means Labour Relations Act and Basic Conditions of Employment Act

“Agreement” means Collective Agreements

“Bargaining Council” means the South African Local Government Bargaining Council

“Calendar days” refers to a period from Monday to Sunday

“Days” refers to working days (Monday to Friday)

“Employee” means:

- a) Any person, excluding an independent contractor who works for a Municipality and who receives, or is entitled to receive any remuneration; and
- b) Any other person who is in any manner assists in carrying on or conducting the business of the municipality.

“Employer” means Maphumulo Municipality

“Month” means a calendar month

“Salary” means an employee's usual monetary compensation for services rendered to the municipality and excluding any allowance, bonus, housing benefit, payment for overtime or monetary fringe benefit

“Sec 54 & 56 Employees” means a Municipal Manager or Manager reporting direct to Municipal Manager.

“Leave cycle” means twelve (12) months period from the date when employee was appointed

“Executive Committee” means Executive Committee of Maphumulo Municipality

“Service” means a period which an employee has worked at the Municipality

2. APPLICATION OF THE POLICY

The policy is applicable to all employees excluding section 54 and 56 managers because their conditions of service are regulated in terms of Government Gazette number: **37245**.

3. POLICY OBJECTIVES

To regulate and manage leave in a uniform manner across the Municipality, and also ensuring adherence to Collective Agreements relating to leave management.

4. LEAVE

a) Annual leave

An employer shall grant an employee twenty four (24) days annual leave in a leave cycle. An employer must grant annual leave not later than six months after the end of annual leave cycle. An employee is required to take annual leave as follows:

- 1) Minimum of sixteen (16) days not later than six months after the end of the annual leave cycle, and accrue the balance of eight (8) days.
- 2) Annual leave shall not be accumulated to a maximum of forty-eight (48) working days.
- 3) Any leave accrual in excess of forty-eight days (48) 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 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 fall away.
- 4) Within the six months after the end of a leave cycle, an employee may not have more than 48 days' annual leave to his credit.
- 5) In the event of termination of service, an employee shall be paid his leave entitlement in terms of this policy and collective agreement, calculated in terms of relevant provisions of the Basic Conditions of Employment Act 75 of 1997, as amended.

b) Sick leave

An employer shall grant an employee eighty (80) days sick leave in a three year leave cycle. The employee shall be required to submit a medical certificate from registered medical practitioner if more than two consecutive days are taken as sick leave, and also where a day before and after the weekend and holiday is taken.

The employer is not required to pay an employee if he is absent on more than one occasions during an eight (8) week period or on conditions mentioned on the above paragraph, 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 for sickness or injury.

c) Special sick leave

This leave covers two broad areas relating to sicknesses which are:

i. *Injury on duty (IOD) or Occupational diseases leave*

If an employee suffers an injury on duty or contracts an occupational disease arising out of or in course of his duty, the Municipality shall grant such employee injury on duty or occupational disease leave, at the salary value of 100% of normal pay during the period of temporal disablement as provided for in the Compensation for Occupational Injuries and Diseases Act. Medical certificate must also be attached to the application for leave.

ii. *Additional sick leave*

If an employee has exhausted all sick leave days, but has applied for medical boarding, twenty (20) additional sick leave days shall be granted.

d) Maternity leave

A female employee including a male employee adopting a child under three (3) months, shall be entitled to receive three months paid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still born. To qualify for paid maternity leave, an employee must have one (1) year service with the employer. Attachment to the application is also required.

e) Family Responsibility leave

This leave applies to an employee who has been in employment with an employer for longer than four months. The leave form must be accompanied by the supporting document. 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 employee is entitled to take, either when:

- i.** the employee's child is born;
- ii.** the employee's child is sick;
- iii.** the employee's spouse or life partner is sick;

iv. in the event of death of:

- the employee's spouse or life partner; or
- the employee's parent, adoptive parent, grandparent, child, adopted child, grand child or sibling

f) Special leave

Application for special leave shall be made to the Municipal Manager or his nominee for consideration and approval. This leave may only be granted under the following circumstances:

- i. Court appearances by employee as a witness
- ii. Study purposes
- iii. National and provincial sport representation

The application for this leave must be accompanied by documentation that supports the application. The leave is limited to a number of ten (10) days per annum and cannot accumulate.

g) Long Service Leave

An employee shall qualify once for the following long service leave at the completion of the following periods in the service of the employer.

<u>Years of service</u>	<u>Number of days</u>
10 year's service	10 days
15 year's service	20 days
20 year's service	30 days
25 year's service	30 days
30 year's service	30 days
35 year's service	30 days
40 year's service	30 days
45 year's service	30 days

The encashment or taking of the leave must take place in the same year that the employee qualifies for the long service subject to operational requirements where the employee elects to take leave. An employee with ten (10) or more year's service with the Municipality and who reaches pensionable age, who is medically boarded or retrenched, will be paid a pro rata long service bonus for any uncompleted period stipulated above.

5. CONCLUSION

The compliance and monitoring with the leave policy shall be done departmentally with the aid from human resources office which must make all documents required by various departments available.