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| **UMDONI LOCAL MUNICIPALITY**  **C:\Users\mshange\Desktop\logo.png** | |
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**OBJECTIVE**

To provide clear guidelines to all employees the conditions under which leave will be granted in order to ensure that there is uniformity and consistency in the awarding of such leave and to prevent Departmental staff shortages

1. **LEAVE: GENERAL PROVISIONS** 
   1. An employee retains all his/her annual leave credits, when he/she is transferred within or

between departments, due to him/her at that point in time.

1.2 If an employee transfers to an occupational class to which a different leave category applies,

he/she adopts the new leave category for that occupational class.

1.3 The employee will retain the leave credits due to him/her of the old occupational class.

1.4 The utilisation of these leave credits is subject to the provisions of this Determination and

Directive.

1. **ANNUAL LEAVE**
   * 1. Employees are entitled to annual leave with full pay during each leave cycle 12 Months, commencing on the day the employee employed.
     2. Annual leave should be planned and scheduled at least at the start of a leave cycle.
     3. For the purpose of granting annual leave, working days shall mean Monday to Friday except for a shift worker for whom a working day means the day(s) she/he is schedules for a shift in terms of their shift roster inclusive of Public Holidays, Saturdays & Sundays.
     4. At least 16 Working days must be taken as a leave days during the annual leave cycle

NOTE: Annual leave should, as far as possible, be taken as consecutive working days.

* + 1. The remaining leave days, if any, must be taken no later than 6 months after the expiry of the relevant leave cycle, where after unused leave credits shall be forfeited.
    2. The employee should apply for his/her annually leave at least 10 days prior for approval
    3. An employee must submit his/her application for annual leave in advance, unless unforeseen circumstances prevent him/her from doing so. If confirmed with unforeseen circumstances which necessitate the utilization of annual leave, the employee must personally notify his/her supervisor/manager immediately. A verbal message to the supervisor /manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the unforeseen circumstances prevents the employee from informing the supervisor/manager personally.
    4. Notify the employee that if such application is not received within 2 working days, the leave period will be regarded as unpaid leave; and inform the Human Resource division, should the employee default on the notification, and the relevant authority shall approve such absence as unpaid leave.
    5. Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light and disciplinary steps against the employee and/or supervisor/manager should be taken.
    6. Employees must be cautioned timeously if, at the end of the relevant leave cycle, they have not utilized their leave entitlements.
    7. An employee’s application for annual leave should not be unreasonably refused.If the employer refuse an application for annual leave on operational reasons or requirements of the Municipality into account.
    8. Any refusal of annual leave must be confirmed in writing, may be encashed should the employee be unable to take such leave, dispite applying and because the employer refuse to grant him such leave. If, dispite being afforded an opportunity to take leave, an employee fails, refuse or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away.
    9. In the event of the termination of service, an employee shall be paid his leave entitlement in terms of this agreement, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997, as amended.

1. **SICK LEAVE**

3.1 An employee is entitled to 80 working days sick leave with full pay over a three-year cycle. Any unused sick leave credits shall lapse at the expiry of the three-year cycle.

3.2 It is incumbent on the employee to utilise and manage his/her normal sick leave responsibly and with circumspect.

3.4 An employee must submit his/her application for sick leave in respect of clinical procedures in advance, unless the treating practitioner certifies that such procedures have to be conducted as an emergency.

3.5 If overcome by a sudden illness or injury, the employee must personally notify his/her supervisor/manager immediately. A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness/injury prevents the employee to inform the supervisor/manager personally.

3.6 An employee must submit an application for sick leave personally or through a relative, fellow employee within 5 working days after the first day of absence.

3.7 The employee’s supervisor/manager/ Head of Department and/or his/her delegate/must within two working days from receipt of the leave application form recommend/not recommend and/or approve/disapprove the application and submit to the relevant Human Resource division or office.

3.8 If the employee fails to submit an application within the period indicated in paragraph 3.6 above, the following arrangements apply:

3.9 The employee’s manager/supervisor must immediately notify the employee that if such application is not received within 2 working days, the leave period will be regarded as unpaid leave. If the employee fails to submit the application on time or compelling reasons why an application cannot be submitted, the supervisor/manager must immediately inform the Human Resource division and the relevant authority shall approve such absence as unpaid leave if the employee consents.

3.10 The employee’s supervisor/manager/ Head of Departments and/or his/her delegate must within two working days from receipt of the leave application form recommend/not recommend and/or approve/disapprove this leave application and submit to the relevant Human Resource division in the Municipality.

3.11 An employee must submit a medical certificate in respect of his/her sick absence for every occasion of 3 or more sick leave days, issued and signed by a practitioner or person listed in paragraph 3.1 hereunder.

If –

* the employer establishes a pattern/trend in the employee’s utilisation of sick leave, the employer must require the employee to submit a medical certificate from a practitioner or person listed in paragraph 3.1 hereunder, for periods of sick absences of less than 3 days; and an employee during his/her sick leave period, who has been absent from work on more than two occasions during an eight-week period, must regardless of the duration of the sickness or injury, submit 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.

3.12 The employer is not required to pay an employee of an absent on more than two occasions during an 8-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 off sickness or injury.

3.13 If the employee fails to submit the medical certificate on time, the relevant absence must be covered by annual leave (with the employee’s consent) and/or unpaid leave if insufficient annual leave credits are available or if the employee failed to notify the Head of Department of his/her choice. Failure by the employee to submit his/her medical certificate within the stated period must be viewed in a serious light and disciplinary steps against the employee should be taken.

3.14 If an employee falls ill while on annual leave with full pay, such leave may be converted to sick leave provided that a certificate from a registered medical practitioner

**4 INCAPACITY LEAVE**

If an employee has only taken 20 days of sick leave in a 3 year cycle then the employee will receive an

additional 15 days sick leave subject to maximum of sick leave of 120 per sick leave cycle.

**TEMPORAL/PERMANENT INCAPACITY LEAVE**

4.1 If the maximum period of sick leave to which an employee is enttled has been grated to him/her, owing to reasons of ill health, and he is not able to resume duty, the municipal manager shall grat such employee an additional 60 working days sick leave in respect of chronic illiness and or illiness requiring hospitalization which shall be made up as follws:

* 30 working days on full pay
* 30 working days on half pay

The following conditions shall apply:

* The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professions council established by ab Act of Parliament.
  + 1. If an employee has exhausted all the sick leave to which he is entitled, the municipality will appoint a medical practitioner to evaluate the employee and will submit a report as to whether the medical condition has resulted in permananet or temporaray Incapacity
    2. Should the employer be convinced that the employee will never be able to render an effective service at his/her rank, the employee may proceed with an application for termination of service due to ill health or may initiate the procedures in terms of procedures on Incapacity leave and iII health retirement
    3. If the employee is found to be permanently incapacitated, the municipality may convene an incapacity hearing in terms of Schedule 8 clause 10(1) of LRA. If it is determined that the incapacity is of a temporary nature, the municipality many grat additional sick leave on application by any party for exemption to the Divisional Barganing Counci; in terms of the exemption’s provisions in this agreement.

1. **SPECIAL LEAVE**
   1. The Head of Department shall ensure that his/her department has approve a special leave to the

maximum of 15 days per annum and may not be accumulated.

The mentioned in 5.1 above shall define:

* Circumstances and conditions under which special leave is granted; and As far as possible, events for which employees shall be granted special leave. The special leave may provide paid leave for such requirements as,
* collective bargaining or other labour relations requirements or court appearances
* National and Provincial sport participation in within the municipality or by recognized sporting bodies

6**. STUDY LEAVE**

6.1. An employee is entitled to examination leave with full pay, subject to a maximum of 15 working days per calendar year, in pursuit of studies that are approved

6.2. An employee should, under normal circumstances, apply for leave at least 10 working days before the proposed date of examination leave.

6.3. Examination Leave will be granted as follows:

6.3.1 two days prior to the examination for preparation, and

6.3.2 one day on which the examination is taken.

Approved studies include:

6.3.4. all employees assisted by umdoni Employee Education Assistance policy or studies undertaken by the employee for a course of study that is not sponsored by umdoni, provided that such course of study has been declared by the employee and accepted by the employee’s supervisor and the Human Resources at the commencement of the course of study and declared at the beginning of each calendar year where relevant and time-table with the letter head must be attached

1. **ACCEPTANCE OF MEDICAL CERTIFICATES**

For purposes of sick leave medical certificates issued and signed by the practitioners and persons who are certified to diagnose and treat patients and who are registered with the following professional councils established by an Act of Parliament shall be accepted:

The Health Professions Council of South Africa.

The Allied Health Professions Council of South Africa.

The South African Nursing Council.

The registration details of service providers could be confirmed with the above-mentioned councils.

The name, address and qualifications of the practitioner or person.

The name of the patient.

The date and time of examination.

* Whether the practitioner is issuing the certificate as a result of personal observations during an examination or as the result of information received from the patient and which is based upon acceptable medical grounds.
* If the patient has given informed consent for it to be disclosed, a description of the nature and extent of the illness or injury in layperson’s language.

Whether the patient is totally indisposed for duty or whether the patient will be able to perform less strenuous duties in the work situation.

The exact period of recommended sick leave.

The date of issue of the certificate of illness.

* A clear indication of the identity of the practitioner or person who issued the certificate.
* The initial and surname in block letters, and the registration or practice practitioner who issued the certificate.
* If the practitioner or person uses pre-printed medical certificates, wording not applicable to the patient must be deleted.
* The Head of Department must accept medical certificates that do not describe the nature and extent of an employee’s illness for sick leave taken during the normal sick leave cycle, i.e. 80 working days in a 3-year cycle. The employer may request from the employee a medical certificate describing the nature and extent of the illness before granting sick leave, if the employee abuses the system during the sick leave period of 80 working days (e.g. a pattern of regular sick leave on Paydays, Mondays or Fridays).
* The employer must, in accordance with the constitutional rights to privacy, the Code of Conduct in the local government Regulations treat at all times any information regarding the medical condition of an employee with the necessary respect and confidentiality. Such information may therefore not be disclosed to any other person(s) not authorised to receive such information.
* If an employee discloses such confidential information of one employee to any other unauthorized person, it must be viewed in a serious light and disciplinary steps against the transgressing employee should be taken.

1. **LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES**

8.1 An employee who, as a result of his/her work, suffers an occupational injury or contracts an occupational disease, shall be granted occupational and disease leave for the duration of the period they cannot work.

8.2 If an employee suffers a work-related injury as a result of an accident involving a third party, the Head of Department shall grant him or her occupational injury leave provided that the employee:

Brings a claim for compensation against the third party; and undertakes to use compensation (in terms of the Compensation for Occupational Injuries and Diseases Act of 1993) received to recompense as far as possible for the cost arising from the accident.

* 1. The Head of Department shall take reasonable steps to assist an employee to claim compensation

according.

* 1. When an employee is injured on duty or contracted an occupational disease the employer must pay the employee’s medical expenses in terms of the provisions of the Compensation on Occupational and Injury and Disease Act, The employer may, depending on the circumstances, recover certain expenses in the event where a third party was involved in the accident. Please refer to the guide: “Application of the Compensation for Occupational Injuries and Diseases Act (COIDA) In the Workplace: A Guide for Government Departments” for further details.

1. **PRE-NATAL LEAVE**

9.1 A pregnant employee will be entitled to 8 working days pre-natal leave, per pregnancy, allowing the employee to attend medical examinations by a medical practitioner or midwife, and tests related to the pregnancy.

9.2 An employee can utilise a full day or part of a day for pre-natal leave. The Head of Department shall maintain a system to record episodes where the employee utilised part of a day. One day’s pre-natal leave shall be deducted once the duration of absences equates the employee’s prescribed daily working hours.

9.3 An employee must submit her application for pre-natal leave in advance, unless unforeseen

circumstances prevent her from doing so.

9.4 An application for pre-natal leave should be supported by reasonable proof that the employee attended a doctor’s appointment and/or went for tests related to the pregnancy.

9.5 An employee who has used all her pre-natal leave may, subject to the approval of the Head of Department, apply to use available annual leave and/or unpaid leave.

9.6 Absences related to medical complications during the pregnancy will be covered by sick leave.

9.7 All other maternity leave provisions, as defined in this Determination and Directive on Leave of Absence, remain applicable.

**10 PATERNITY LEAVE**

Employees shall be granted three (3) working days paid leave if an employee’s spouse or life partner gives birth or adopts a child younger than 24 months

11 **MATERNITY LEAVE**

11.1 Employees are entitled to 4 consecutive calendar months’ maternity leave to commence and to qualify for paid maternity leave, and employee must have one (1) year’s continuous service with the employer:

11.2 At any time from four weeks before the expected date of birth; or on a date from which the attending medical practitioner certifies that it is necessary for the employee’s health or that of the unborn child.

11.3 It is preferable that an employee commences her maternity leave at least two weeks prior to the expected date of birth. However, the service delivery requirements of a particular section may require different arrangements with regard to the period and stage at which maternity leave, with due consideration of the employee and her unborn child’s health and safety, should commence.

11.4 For at least six weeks after the birth, no employee may commence with normal official duty unless the attending practitioner certifies that the employee is fit to do so.

Maternity leave may only be interrupted if-

* the baby is born prematurely and is hospitalised during maternity leave; or the baby becomes ill and is hospitalised for a period longer than a month during the maternity leave.

Maternity leave may be extended upon application by:

* the granting of sick leave as a result of a medical complication;
* the granting of annual leave.

11.5 Employees, who, during the third trimester of their pregnancy, experience a miscarriage, still birth or termination of the pregnancy on medical grounds, shall be eligible for six consecutive week’s maternity leave,

11.6 Provisions in above shall also apply to an employee who experiences a miscarriage, stillbirth or termination of pregnancy on medical grounds after the commencement of maternity leave. The period prior to the miscarriage, stillbirth or termination of pregnancy shall be regarded as special leave with full pay.

12 **ADOPTION AND SURROGACY LEAVE**

12.1 An employee, who adopts a child that is younger than two years, shall qualify for adoption leave to a maximum of 45 working days.

12.2 If both spouses or life partners are employed in the municipality, both partners will qualify for adoption leave provided that the combined leave taken does not exceed the 45 working days

13 **FAMILY RESPONSIBILITY LEAVE**

13.1 Employees shall be granted 5 working days leave per annual leave cycle for utilisation if:

* The employee’s spouse or life partner gives birth to a child; or dies
* The employee’s child, spouse or life partner is sick or dies

13.3 The number of family responsibility leave days taken shall not exceed five (5) days in an annual leave cycle, unless special circumstances warrant further leave at the discretion of the Head of Department.

13.4 Immediate family member for purposes of this leave, respectively, means the employee’s parent, adoptive parent, parents-in-law, sister- and brother-in-law, grandparent, child, adopted child, stepchild, grandchild or sibling. For the purposes of this provision “child” means the employee’s son or daughter, and where applicable son- or daughter-in-law, of any age. The granting of family responsibility leave must be taken with due consideration of the employee’s cultural responsibilities.

13.5 Employees who have used all their family responsibility leave may, subject to the approval of the Head of Department, apply to:

Use available annual leave; or Use up to 184 calendar days of unpaid leave.

1**4. LEAVE FOR OFFICE BEARERS OR SHOP STERWARDS OF RECOGNISED EMPLOYEE**

14.1 Office bearers or shop stewards of recognised employee organisations shall receive up to 15 working days paid leave per annum for activities related to his/her union position.

14.2 The 15 working days shall be pooled per recognised trade union. Office bearers or shop stewards belonging to the same recognised trade union may apply for leave days from the pool.

14.3 The administrator should preferably be the Human Resource Manager of the Municipality. The HR

shall develop standard operating procedures to ensure that the utilisation of the pool is properly managed, recorded and monitored to ensure that the leave days available in the pool is not exceeded and/or abused.

14.4 An individual shop steward may apply due to the union activities attached to his/her union position for either less than or more than 15 working days in a leave cycle. However, the shop stewards accessing the same pool of leave may not exceed the total number of leave days available in the pool.

14.5 Shop steward leave may only be utilised for activities related to the employee’s union position. All applications for this type of leave must be submitted in writing on the prescribed leave application form, together with supporting documentation.

14.6 The employee’s supervisor shall liaise with the Human Resource Manager to validate the employee’s involvement in a union activity/business and whether sufficient credits are available in the leave pool.

14.7 Approved applications shall be captured on VIP.

**15 UNPAID LEAVE**

15.1 If an employee has utilised all his/her annual leave with full pay, the Head of Department may grant him or her unpaid leave.

15.2 Only in exceptional circumstances shall the Municipal Manager grant the employee more than 184 calendar days of unpaid leave in a period of 6 months.

15.3 Unpaid leave should be regarded as calendar days.

For purposes of calculating unpaid leave, the following formula applies:

A X B

365

Where –

A = represents the employee’s remuneration annual basic salary, the all-inclusive package)

B = represents the number of days annual leave without pay (i.e. calendar days)

365 = represents the number of calendar days in a year

**16 LEAVE PROVISIONS FOR TEMPORARY EMPLOYEES**

A temporal employee is eligible to the following types of leave on a pro rata basis linked to duration of his/her contract. The utilization of these leave types is subject to the rules that govern the relevant type of leave:

**Annual Leave**

A temporary employee shall at the beginning of his/her contract period be granted 1 day annual leave for every 17 days worked.

**Sick Leave**

A temporary employee shall at the beginning of his/her contract period be granted 1 day sick leave for every 26 days worked

**Maternity Leave :**

A temporary employee shall be granted paid maternity leave that is proportional to her term of contract at a rate of 10 calendar days maternity leave with full pay calculated at each calendar month of her term of contract to a maximum of 4 calendar months, where after maternity leave without pay shall be granted. The total period granted in respect of maternity leave shall not exceed four consecutive calendar months.

Adoption leave

A temporary employee who adopts a child that is younger than two years, shall qualify for adoption leave at a rate of 4 working days paid leave for each calendar month of his/her term of contract to a maximum of 45 working days.

**Pre-Natal Leave**

A temporary employee who adopts a child that is younger than two years, shall qualify for adoption leave at rate of 4 working days paid leave for each calendar month of his/her term of contract to a maximum of 45 working days.

**Study leave**

A temporary employee who’s writes exams shall qualify for 1 day preparation and 1 day exam date up to the maximum of 10 days

**Paternity Leave**

A temporary employee who’s spouse or life partner gives birth to a child or adopts a child not older than two (2) years shall qualify for paternity leave at a rate of 1 working day paid leave for each calendar month of his/her term of contract to a maximum of 3 working days

**DOCUMENTATION**

All leave indicative and leave balances as verified by Human resources is to be recorded

In the respective Departmental leave books in the appropriate category, be duly authorized and have the necessary supporting documentation attached.

**AMMENDMENT**

The Municipality reserves the right to amend the provisions of this policy, as it may deem appropriate.

**COMPLIANCE**

Should any provision of this Policy be in conflict with existing or future legislation, the said legislation shall take precedence.

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