



## LEAVE POLICY

### 1. SCOPE

This Policy is applicable to all employees of Dihlabeng Local Municipality.

### 2. OBJECTIVE

The objective of this policy is to regulate all forms of leave that are accrued and due to employees as a benefit, and to outline procedures to be followed for the granting and taking of such leave. Policy provisions apply to all employees, that is, permanent employees, temporary employees and casual employees.

### 3. ANNUAL LEAVE

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 Dihlabeng Local Municipality. Business need and personal need should be carefully balanced.

- 3.1 All employees who work for five (5) working days a week are entitled to 24 days annual paid leave.
- 3.2 All employees who work for six (6) working days a week are entitled to 27 days annual paid leave.

- 3.3 A five (5) day worker is required to take a minimum of sixteen (16) days within a leave cycle.
- 3.4 A six (6) day worker shall take a minimum of nineteen (19) days within a leave cycle.
- 3.5 None of the statutory paid public holidays will be regarded as a working day for the purpose of leave calculation.
- 3.6 Leave will be calculated from the date of employment.
- 3.6.1 Employees will not accrue full annual leave benefits whilst absent from work on sick leave, maternity leave which extends beyond the normal maximum of such leave, except in the case of extended absence due to injury during the course of their duties.
- 3.7 The Dhlabeng Local Municipality may close its offices between Christmas and New Year with the approval of Council. Under exceptional circumstances where an employee, under the direction of his/her manager, has to report to work during this period, the employee may be credited with leave.

#### **4. ACCRUAL OF LEAVE**

- 4.1 All leave accrued as at 31 December 2003 shall be dealt with as follows:
  - 4.1.1 The value of such accrued leave shall be determined at the rate of pay as at 31 December 2003.
  - 4.1.2 Employees shall either take or encash such leave within a period of two (2) years calculated from 1 January 2004.
  - 4.1.3 Notwithstanding **the provision of clause 4.1.2** above, an employee is entitled to retain a maximum of forty-eight (48) days of accrued leave.
  - 4.1.4 Leave accumulated subsequent to 1 January 2004 may be accumulated to a maximum of forty-eight (48) days inclusive of those days referred to in clause **4.1.3** above.
  - 4.1.5 As a general rule the employees are not allowed not to take leave on the primacy that they would apply for encashment of the same. The encashment of leave is prohibited unless under exceptional circumstances.

- 4.1.6 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 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.
- 4.1.7 **At the end of a leave cycle, an employee may not have more than 48 days annual leave to his credit.**
- 4.1.8 In the event of the termination of service, an employee shall be paid his leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997, **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.**

## 5. PROCEDURE

- 5.1 Application for leave must be made in reasonably good time to allow for planning during an employee's absence. It is recommended that annual leave for all employees be scheduled in advance as follows:
- 5.1.1 For 1 working day - 1 corresponding working day notice  
The above notice requirement shall apply proportionally to all other leave days intended to be taken by an employee.
- 5.1.2 It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave.
- 5.1.3 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.
- 5.1.4 The Managers shall be responsible for ensuring that leave application forms are submitted to Human Resources (HR) so that accurate records are maintained. The HR department shall keep record of leave days due to all employees and keep the managers informed on a regular basis.

## 6. FAMILY RESPONSIBILITY LEAVE

- 6.1 Family responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months.
- 6.2 An employer shall grant an employee during each annual leave cycle at the request of an employee, a total of five (5) working days paid leave, which the employee is entitled to take, either when:
  - 6.2.1 the employee's child is born;
  - 6.2.2 the employee's child is sick;
  - 6.2.3 the employee's spouse or life partner is sick;
  - 6.2.4 in the event of death of:
    - 6.2.4.1 the employee's spouse or life partner; or
    - 6.2.4.2 the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
- 6.3 Proof of birth or adoption or death will be required before family responsibility leave is approved.

## 7. MATERNITY LEAVE

- 7.1 An employee, **including an employee adopting a child under three months**, shall be entitled to receive three (3) 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.**
- 7.2 To qualify for paid maternity leave, an employee must have one (1) year's service with the employer.
- 7.3 Employees who have been employed with the Dikhalabeng Local Municipality for less than a year are entitled to unpaid maternity leave.
- 7.4 Maternity leave should be applied for at least four (4) weeks in advance to allow adequate planning for the employee's absence.

## **8. RELIGIOUS AND PUBLIC HOLIDAYS**

8.1 Employees are entitled to take vacation leave to observe their religious occasions where these are not designated as national public holidays (e.g. Eid-UI-Adha, Diwali, Rosh Hashanah and Yom Kippur).

8.2 The public holidays referred to are the following:

New Years Day	1 January
Human Rights Day	21 March
Good Friday	Friday before Easter Sunday
Family Day	Monday after Easter Sunday
Freedom Day	27 April
Worker's Day	1 May
Youth Day	16 June
National Women's Day	9 August
Heritage Day	24 September
Day of Reconciliation	16 December
Christmas Day	25 December
Day of Goodwill	26 December

## **9. SICK LEAVE**

9.1 Dihlabeng Local Municipality shall grant an employee eighty (80) working days sick leave in a three (3) year cycle.

9.2 Dihlabeng Local Municipality shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.

9.3 Dihlabeng Local Municipality is not required to pay an employee if an employee is absent on more than two occasions during an 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.

9.4 In the event of an illness or other unforeseeable circumstances, it is the responsibility of the employee to notify their supervisor before 10h00 on the date of absence or, where possible, before then.

9.5 Absence from work without approval and/or without a valid reason shall be regarded as misconduct and be dealt with in terms of the disciplinary procedure

- 9.6 Where sick leave days have been used up, and an employee has not been granted additional leave, any absence from office will be treated as unpaid leave.
- 9.7 Sick leave application forms, with medical practitioner's certificates attached must be submitted to Human Resources immediately upon return to work.
- 9.8 Should an employee become ill whilst on annual leave, such portion of their vacation leave may, subject to the submission of the medical aid certificate or affidavit, be converted into sick leave.
- 9.9 Employees who are away from the office and who are being treated in an institution for the rehabilitation of alcoholism, or drug addiction may be granted sick leave for the period that they are away, provided that a sufficient number of days sick leave are available to the employee in the current sick leave cycle.

## **10. SPECIAL LEAVE**

- 10.1 An employee may apply for special leave for activities not classified under the normal leave provisions.
- 10.2 Special leave may not be accumulated.
- 10.3 Line managers are to control and keep record of all special leave granted to their subordinates.
- 10.4 The following situations may warrant the granting of special leave:
  - 10.4.1 To enable the employee or a family member to undergo medical examinations or medical treatment in large centres.
  - 10.4.2 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 (3) days of their return to the office.
  - 10.4.3 Relocation as a result of transfer.
  - 10.4.4 Relocating residence for reasons other than transfer.

## **11. STUDY AND EXAMINATION LEAVE**

- 11.1 Employees undertaking approved courses of study, privately and on a part time basis, which in the opinion of the Dihlabeng Local Municipality will be of benefit to the Dihlabeng Local Municipality and to the employee, may, subject to the convenience of the Dihlabeng Local Municipality be granted paid study leave to attend such courses.
- 11.2 Paid leave for purposes of writing examinations for approved courses will be granted on the basis of the day of the examination and the working day preceding it. Proof of registration and an examination timetable need to be submitted to Dihlabeng Local Municipality with the application for leave.
- 11.3 Where the day of the examination immediately follows a weekend (i.e on a Monday) or a paid public holiday, only the day of the examination will be granted.
- 11.4 Leave must be applied for at least three (3) weeks in advance on the prescribed form and a copy of the examination timetable must be attached.

## **12. UNPAID LEAVE**

- 12.1 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.
- 12.2 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.

## **13. APPLICATION FOR LEAVE**

All forms of leave are to be applied for on the prescribed Leave Application Form obtainable from the HR department and submitted to the direct supervisor of the employee for approval and sent to HR for capturing.

**14. VARIATIONS FROM POLICIES**

In the event of circumstances arising, which justify a departure from the provisions of the above policies, the Municipal Manager will use his/her discretion regarding those alternative provisions and measures. The Dihlabeng Local Municipality may also, at its discretion, prescribe special leave privileges for an employee or classes of employees, and also make recommendations and give directions that are not covered by the above policies.

**15. POLICY REVIEW**

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary

**16. AUTHORITY**

Formulation Policy	:	Director Corporate Services
Authorization Policy	:	Council
Ownership & Maintenance Manager	:	Director Corporate Services

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