



NKETOANA LOCAL MUNICIPALITY (FS 193)

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| <u>Policy:</u> LEAVE POLICY | Effective Date: |
| Approved: | Review Date: 31 MARCH 2020 |

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.

1. SCOPE

This policy is applicable to all employees of Nketoana Local Municipality (NLM).

2. OBJECTIVE

The objective of this policy is to regulate all forms of leave that 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 employees and NLM. 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 six (6) working days 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 of leave.
- 3.4 A six (6) day worker shall take a minimum of nineteen (19) days leave
- 3.5 None of the statutory paid public holidays will be regarded as working day for the purpose of leave circulation.
- 3.6 Leave will be calculated from the date of employment

4. Procedure

- 4.1 Application for leave must be made in reasonably good time to allow for planning during an employee's absence. It is recommended unless the line manager determines otherwise in favour of an earlier application, that annual leave for all employees be scheduled in an advance as follows:
 - 4.1.1 Leave for a 4 day working days or less – 5 working days' notice
 - 4.1.2 Leave for 5 working days or more – 10 working days' notice.
- 4.2 It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave.
- 4.3 If an employee applies for leave and the leave day include weekend, the weekend does not form part of days counted as due. Weekend are thus not part of the leave days applied for.
- 4.4 Line Managers shall be responsible for ensuring that leave application forms are submitted to Human Resource (HR) so that accurate records are maintained. The HR section shall keep record of leave days due to all employees and keep the managers informed on regular basis

5. LONG SERVICE BONUS

- 5.1 In addition to normal vacation leave, an employee shall qualify for the following additional leave together with the following monetary award as recognition for continuous service at the completion of the following:

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| 5.1.1 5 years' service | 5 days accumulative leave plus a once off payment equal to 2% of the employees annual salary. |
| 5.1.2 10 years' service | 10 days accumulative leave plus a once off payment equal to 3% of the employees annual salary. |
| 5.1.3 15 years' service | 15 days accumulative leave plus a once off payment equal to 4% of the employees annual salary. |
| 5.1.4 20 years' service | 15 days accumulative leave plus a once off payment equal to 5% of the employee's annual salary. |
| 5.1.5 25 years' service | 15 days accumulative leave plus a once off payment equal to 6% of the employees annual salary. |
| 5.1.6 30 years' service | 15 days accumulative leave plus a once off payment equal to 6% of the employees annual salary. |
| 5.1.7 35 years' service | 15 days accumulative leave plus a once off payment equal to 6% of the employees annual salary. |
| 5.1.8 40 years' service | 15 days accumulative leave plus a once off payment equal to 6% of the employees annual salary. |
| 5.1.9 45 years' service | 15 days accumulative leave plus a once off payment equal to 6% of the employees annual salary |

5.2 On termination of service, an employee shall be paid his leave entitlement, including the leave mentioned in terms of clause above, calculated in terms of the relevant provisions of the Basic Condition of Employment Act 75 1997 of 1997.

5.3 The initial date of appointment of an employee shall be maintained for the purpose of determining the actual service period of the employee and for calculation of the long service bonus.

- 5.4 The long service leave must be taken within one year of receiving such leave.
- 5.5 Long service may further be acknowledged by a symbolic occasion.
- 5.6 On termination of service, an employee shall be paid his leave entitlement ,including the leave mentioned in terms of clause above, calculated.

6 ANNUAL SERVICE BONUS

A pro rata payment of a leave bonus in respect of an uncompleted year of service shall be made in the case of resignation, discharge, retirement, death.

6. MATERNITY LEAVE

- 6.1 An employee shall be entitled to receive three months paid maternity leave, with no limit to the number of confinements
- 6.2 To qualify for paid maternity leave, an employee must have one (1) years' service with the employer.
- 6.3 In addition, the employee will have work back the period of paid maternity leave actually taken.
- 6.4 Employees who have been employed with NLM for less than a year are entitled to four months unpaid maternity leave.
- 6.5 An individual who does not qualify for maternity leave for some or other reason, and has to utilise their vacation and or take unpaid leave instead, may be granted sick leave in respect of any illness that the employee contracted during such period of absence, or the period of confinement to bed or an institution
- 6.6 Once an employee has given birth, she can return and commence duties if a doctor certifies that she is fit to commence normal duties after a period of six (6) weeks after birth.
- 6.7 Security of employment is protected during the period of maternity leave.
- 6.8 Maternity leave must in all cases be uninterrupted and continuous with the confinement. It may furthermore be extended with additional annual leave.

- 6.9** Maternity leave may not, subject to the provision below, be converted to any other kind of leave after it has commenced.
- 6.10** Sick leave may granted with regard to absences from duty as a result of miscarriage, still birth or termination of pregnancy after maternity leave has commenced in which case the period of maternity leave which has been already taken immediately prior to any of the said incidents, should not be taken into account for purposes of the restriction above.
- 6.11** Maternity leave should be applied for at least four (4) weeks in advance to allow adequate planning for the employee's absence.
- 6.12** Failure to return to work on the due date, without notification of the reason for the delayed return, may be regarded as misconduct and dealt with in terms of disciplinary procedure.
- 6.13** Where a salary review takes place during paid maternity leave, the employee will receive any relevant increase from the effective date due to them.
- 6.14 Paid maternity leave is recognised as continuous service.
- 6.15 The policy for multiple births is the same as for single births.

7. FAMILY RESPONSIBILTY LEAVE.

- 7.1** Family responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months.
- 7.2** 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:
- 7.2.1** the employer's child is born;
 - 7.2.2** the employee's child is sick;
 - 7.2.3** the employee's spouse or life partner is sick;
 - 7.2.4** in the event of death:
 - 7.2.4.1** the employee's spouse or life partner; or
 - 7.2.4.2** the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
- 7.3** Such leave is to be taken within three (3) months of the birth of the employee's biological baby or legal adoption of a child under six years of age.

7.4 Family responsibility leave will not accrue if not taken in any year

7.5 On return service by an employee, proof of birth, death, sickness or adoption will be required for the approval of family responsibility leave.

8. SICK LEAVE

8.1 NLM shall grant an employee eighty (80) working days sick leave in a three (3) year cycle.

8.2 NLM shall require a medical certificate from a registered medical practitioner if more than two consecutive days are taken sick leave.

8.3 NLM is not required to pay an employee if an employee is absent on more than two occasions during eight week period, and on request employer, does 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.

8.4 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.

8.5 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.

8.6 Where sick leave days have been used up, and employee has not been granted additional leave, any absence from office will be treated as unpaid leave.

8.7 Sick leave application forms, with medical practitioner's certificates attached must be submitted to Human Resource immediately upon return to work.

8.8 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.

8.9 Employee 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.

9. SICK LEAVE

9.1 An employee may apply for a special leave for activities not classified under the normal leave provisions.

9.2 Special leave may not be accumulated.

9.3 Line managers are to control and keep record of all special leave granted to their subordinates.

9.4 The following situations may warrant the granting of special leave:

9.4.1 Relocation up to two working days as a result of transfer.

9.4.2 Injury at work after exhausting the employee's normal sick leave.

9.4.3 Relocating residence for a reasons other than transfer.

9.4.4 National and provincial leave on production an invitation by relevant sporting code or organising authority up to 10 working days per annum.

10. STUDY AND EXAMINATION LEAVE

10.1 Employees undertaking approved courses to study, privately and on a part time basis, which in the opinion of the NLM will be of benefit to the NLM and to the employee, may, subject to the convenience of the NLM be granted paid study leave to attend such courses. The number working days will not normally exceed then 16 working days per annum.

10.2 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 NLM with the application for leave. The number of such days will not normally exceed ten 16 working days per annum.

10.3 Where the day of the examination immediately follows a weekend (i.e falls on a Monday) or paid public holiday, only the day of the examination will be granted.

10.4 Leave must not be applied for at least three (3) weeks in advance on the prescribed form and a copy of the examination timetable must be attached.

11. UNPAID LEAVE

11.1 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 request.

11.2 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. PAYEMENT IN LIEU OF LEAVE DUE

Employees will be entitled to payment in lieu of leave which is in excess of 48 days as a result of operational requirements. Employees need to be aware that when they leave the NLM, only leave not taken up to a maximum of 48 working days accrued per year will be paid out. The rest of leave days, if not taken at the point of termination will be forfeited.

14 APPLICATION FOR LEAVE

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

15 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 NLM may also, at its discretion, prescribe special leave privileges for an employee or classes of employee, and also make recommendations and give directions that are not covered by the above policies.

16. AUTHORITY

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| Formulation policy | : | Head of Corporate Services |
| Authorisation Policy | : | Council |
| Maintenance Manager | : | Manager: Human Resource |