



LEAVE POLICY

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CONTENTS

1	INTRODUCTION	3
2	LEGAL AND LEGISLATIVE FRAMEWORK.....	3
3	PURPOSE OF THIS POLICY	3
4	SCOPE OF THIS POLICY.....	4
5	POLICY	5
6	PROCESSES.....	20
7	IMPLEMENTATION AND REVIEW OF THE POLICY.....	21
8	REFERENCES	21
9	ACKNOWLEDGEMENT & APPROVAL	21
10	ESS LEAVE TYPES.....	21

1 INTRODUCTION

There are a variety of leave types available (Annexure A) to ensure all possible events that an official needs to attend or leave the workplace for, can be captured on individuals leave records.

2 LEGAL AND LEGISLATIVE FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Employment Equity, 1998 (Act No. 55 of 1998)
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- South African Local Government Bargaining Council: Collective Agreements
- Municipal Staff Regulations
- SALGBC Main Collective Agreement
- SALGBC Collective Agreement on Conditions of Service for the Western Cape Division

3 PURPOSE OF THIS POLICY

This policy serves to guide management and staff regarding the application of the different leave types, as required by the South African Local Government Bargaining Council (SALGBC) Main Collective Agreement and Collective Agreement on Conditions of Service for the Western Cape as well as the Basic Conditions of Employment Act.

4 SCOPE OF THIS POLICY

The policy applies to all staff members of the Municipality, except temporary staff members who work less than 24 (twenty-four) hours a month.

Leave for Senior Managers is dealt with in accordance with the Regulation on the appointment and Conditions of Employment for Senior Managers.

Those employees whose employment contracts are linked to political office bearers and the term of the Council will be dealt with in the Policy on Employees leaving Council.

a. DEFINITIONS

All definitions used in this policy are defined in the Main Collective Agreement of the South African Local Government Bargaining Council (SALGBC), unless stated otherwise with the relevant definition.

Words indicating the masculine gender shall include the feminine gender.

Day – Means Monday to Friday, excluding Public Holidays, unless indicated otherwise by the context and all leave types will be submitted as 1.07 day and Friday will be submitted as 0.75, excluding shift workers.

Days – Working days.

Employee – Means any person, excluding an independent contractor who works for another person or for the state and who receives, or is entitled to receive, any remuneration.

(As per Employment Equity Act 55 of 1998) – (B) Means any other person who in any manner assists in carrying on or conducting the business of an employer.

Employer – Means Garden Route District Municipality

Council – Means Garden Route District Municipality

Municipality – Means Garden Route District Municipality

Remuneration *(As per BCEA Act 75 of 1997)* – Means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the state.

Registered Medical Practitioner *(As per Collective Agreement on Conditions of Service)* – Means a person entitled to practice as a Medical Practitioner in terms of section 17 of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act 56 of 1974).

Senior Management – Shall be those employees employed as Head of Department, Deputy Head of Department and Director or such post as determined by the relevant division of the Council; and excludes section 56 and section 57 managers.

Senior Managerial Employee means an employee who has the authority to hire, discipline and dismiss employees and to represent the employer internally and externally.

Shift Worker, is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

Trade Unions – Means either IMATU and/or SAMWU – Refers to a trade union or employee association recognized by Garden Route District Municipality.

Workplace – The Employer

5 POLICY

5.1 ANNUAL/ANNUAL SHIFT LEAVE

(24 Annual days – Cycle: January to December annually)

(27 Annual Shift days – Cycle: January to December annually)

ESS Leave Type: Annual Leave & Annual Shift

Annual leave will accumulate monthly immediately following an employee's commencement of employment. According to the Basic Conditions of Employment Act, leave does not apply to an employee who works less than 24 hours a month.

An employee must apply for annual leave and obtain approval from his supervisor, **prior** to the commencement of the annual leave by means of Council's leave record system or relevant application form. The supervisor may decline leave for operational reasons and inform employee accordingly. The notice period should equal the leave period, unless annual leave needs to be taken in case of emergency/operational reasons.

Annual leave is applied in accordance with the SALGBC Main Collective Agreement (Clause 8.1):

5.1.1 *"An employer shall grant an employee the following annual leave:*

5.1.1.1 *Twenty-four (24) working days for a five- (5) day worker, provided that leave for an employee that works less than a 5 days week shall be calculated on a pro rata basis; and*

5.1.1.2 *Twenty-seven (27) days for a six- (6) day worker.*

5.1.2 *An employer must grant annual leave not later than six months after the end of the annual leave cycle.*

5.1.3 *An employee is required to take annual leave as follows:*

5.1.3.1 *A five- (5) day worker shall take a minimum of sixteen (16) days leave; and*

- 5.1.3.2 A six- (6) day worker shall take a minimum of nineteen (19) days leave.
- 5.1.4 An employee must take annual leave not later than six months after the end of the annual leave cycle.
- 5.1.5 Annual leave shall only be accumulated to a maximum of forty-eight (48) working days.
- 5.1.6 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.
- 5.1.7 With six months of the end of a leave cycle, an employee may not have more than 48 days annual leave to his credit.
- 5.1.8 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."

Employees will have a grace period of six months after the end of the annual leave cycle to take their total of 16 days annual leave.

Shift workers who work 12 hours shifts, must use the "ASH4" annual leave type to deduct 1.25 per day, because they get more annual leave. For all other leave types, 1 day is used because they get the same amount of days as staff on normal working hours.

Payment of annual leave balance on service exit

An employee can only accumulate leave up to a maximum of 48 days which implies that upon service exit an employee will be paid up to a maximum of 48 days plus the leave not taken in the last leave cycle. The leave balance will be paid as remuneration.

5.2 SICK LEAVE
(80 Sick Leave days – Three year Cycle on pro-rata basis)
ESS Leave Type: Sick Leave

An employee must notify his/her supervisor within three hours after he should have commenced duty on the first day of being absent on sick leave and

must notify the supervisor again if absence is going to be longer than only that day. Shift workers are required to report ill-health/absence within three hours before the start of the shift.

The sick leave application accompanied by the medical certificate must be submitted the first day back at work if such absence exceeds two consecutive days.

Sick leave is applied in accordance with the SALGBC Main Collective Agreement (Clause 8.2):

- 5.2.1 *“With effect from the new sick leave cycle, an employer shall grant an employee eighty 80 days sick leave in a three (3) year leave cycle, provided that in respect of new appointments an employee may not take more than 30 days sick leave in the first year of employment.*
- 5.2.2 *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 an Act of Parliament, if more than two (2) consecutive days are taken as sick leave, provided that the employer may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.*
- 5.2.3 *The employer 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.”*

The eight week cycle starts from the date when the sick leave occurs without a medical certificate and the second eight week cycle is calculated from the last sick leave without a medical certificate.

The Basic Conditions of Employment Act, Section 23(2), confirms the following on Proof of incapacity:

“The medical certificate must be issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act or Parliament.”

5.3 MEDICAL PRACTITIONERS APPOINTMENTS DURING WORKING HOURS

Mancom decided the following regarding medical practitioner's appointments during working hours (Mancom 16/19/03/13 Sick leave):

“That approval is granted for 2 hours time off when employees need to visit a doctor.”

Employees are requested to schedule appointments after hours as far as possible. If one can't be accommodated after hours, a maximum of two hours time off is granted away from the work station. Should the appointment exceed two hours, it is required that the necessary sick leave be submitted with confirmation from the medical practitioner of the appointment during working hours.

5.4 ADMINISTRATIVE MEASURES FOR TAKING SICK LEAVE

(Collective Agreement of the Western Cape Division on Conditions of Service – Clause 7)

- 5.4.1 “If an employee to whom annual leave has been granted is certified sick by a registered medical practitioner after his annual leave has commenced, that part of his annual leave during which he was thus certified sick shall be converted into sick leave on submission of the prescribed certificate by such a registered medical practitioner.
- 5.4.2 If due to illness an employee is unable to take annual leave already deducted, he shall be credited with an equal number of days' annual leave.
- 5.4.3 An employee may not during any period of sick leave approved in terms of these conditions resume service without the written approval of a registered medical practitioner. If an employee reports for duty earlier than what is provided for on the sick leave certificate, the employee must provide a letter from the medical practitioner proving fitness for work.
- 5.4.4 If an employee leave the workplace on sick leave within three hours after he has assumed his normal hours of work, the employee shall be granted paid sick leave for the day, provided that he completes a sick leave form in respect of that day, and subject to having sick leave to his credit.
- 5.4.5 An employee who is absent from service because of illness must take all reasonable steps to notify his immediate supervisor (or assignee) within three hours after he should have commenced duty.
- 5.4.6 Any employee to whom the maximum period of sick leave on full pay has been granted shall be granted sick leave without pay, subject to clause 5.7 of the Western Cape Conditions of Service Collective Agreement, provided that the employee is examined by a registered medical practitioner appointed by the Municipality. The cost of such examination shall be borne by the Municipality.
- 5.4.7 Medical certificates must be used by a registered medical or dental practitioner or a Traditional Healer registered with a recognized professional council in terms of legislation.

5.5 ADDITIONAL SICK LEAVE

(Collective Agreement of the Western Cape Division on Conditions of Service – Clause 6)

ESS Leave Type: Sick Leave

“Employees who have not taken more than 20 days’ sick leave at the end of a three year cycle shall receive an additional ten working days’ paid sick leave to which they will be entitled in the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than 120 working days’ sick leave on full pay in a sick leave cycle.”

5.6 MATERNITY LEAVE

ESS Leave Type: Maternity Leave & Unpaid Maternity Leave

The Code of Good Practice on the Protection of Employees During Pregnancy and after the Birth of a Child, as contained in The Basic Conditions of Employment Act, encourage women employees to inform employers of their pregnancy as early as possible to ensure that the employer is able to identify and assess risks and take appropriate preventative measures.

Maternity leave is granted in accordance with the SALGBC Main Collective Agreement (Clause 8.3):

- 5.6.1 a) “An employee, including an employee adopting a child under three (3) 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.
- b) Maternity leave may commence four (4) weeks before confinement.
- c) To qualify for paid maternity leave, an employee must have one (1) year’s continuous service with the employer.”

5.6.1.1 Adoption Leave *(Basic Conditions of Employment Act)*

An employee who is an adoptive parent of a child who is below the age of two will be entitled to adoption leave of at least ten (10) consecutive weeks; or the parental leave. If an adoption order is made in respect of two adoptive parents, one of the adoptive parents may apply for adoption leave and the other adoptive parent may apply for parental leave, provided that the selection of choice must be exercised at the option of the two adoptive parents. (This leave is unpaid)

The Basic Conditions of Employment Act, Section 25(2), confirms that:

5.6.2 (1) An employee is entitled to at least four consecutive months' maternity leave.

- (2) "An employee may commence maternity leave-
- (a) at any time from four weeks before the expected date of birth, unless otherwise agreed; or
 - (b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.
- (3) Should the employee fall ill with any pregnancy-related illness within the 4 weeks prior to her confinement date that date will be regarded as the start of her maternity leave.
- (4) 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.
- (5) An employee who miscarries before the third trimester will not qualify for maternity leave but the employee may utilise sick leave for the period as indicated by a medical practitioner.
- (6) An employee who has a miscarriage during the third trimester of pregnancy is entitled to maternity leave for six weeks after the miscarriage, whether or not the employee had commenced maternity leave at the time of the miscarriage.
- (7) An employee may request to interrupt her/his maternity leave if-
- (a) the baby is born prematurely and is hospitalised during maternity leave; or
 - (b) the baby becomes ill and is hospitalised for a period longer than a month during the maternity leave period.
- (8) 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-
- (a) commence maternity leave; and
 - (b) return to work after maternity leave.
- (9) Notification in terms of subsection (5) must be given-
- (a) at least four weeks before the employee intends to commence maternity leave; or
 - (b) if it is not reasonably practicable to do so, as soon as is reasonably practicable."

The Basic Conditions of Employment Act, Section 26, explains the Protection of employees before and after birth of a child:

- 5.6.3 (1) "No employer may require or permit a pregnant employee or an employee who is nursing her child to perform work that is hazardous to her health or the health of her child.
- (2) During an employee's pregnancy, and for a period of six months after the birth of her child, her employer must offer her suitable, alternative employment on terms and conditions

- that are no less favourable than her ordinary terms and conditions of employment, if-
- (a) the employee is required to perform night work, as defined in section 17(1) or her work poses a danger to her health or safety or that of her child; and
 - (b) it is practicable for the employer to do so."

The Code of Good Practice on the Protection of Employees During Pregnancy and after the Birth of a Child, as contained in The Basic Conditions of Employment Act, confirms that:

5.6.4 "Arrangements should be made for employees who are breast-feeding to have breaks of 30 minutes twice per day for breast-feeding or expressing milk each working day for the first six months of the child's life."

5.6.5 *Paternity Leave (Basic Conditions of Employment Act)*

An employee who is a parent of a child will be entitled to at least ten (10) consecutive days' parental leave. This leave must commence from the day the child is born; or the date that the adoption order is granted or that a child is placed in the care of a prospective adoptive parent by a competent court pending the finalization of an adoption order in respect of that child; whichever date occurs first. (This leave is unpaid)

5.6.6 *Commissioning Parental Leave (Basic Conditions of Employment Act)*

An employee who is a commissioning parent in a surrogate motherhood agreement will be entitled to commissioning parental leave of at least ten (10) consecutive weeks or the parental leave. (This leave is unpaid)

**5.7 FAMILY RESPONSIBILITY LEAVE
(5 Family Responsibility Leave days – Cycle: January to December annually)**

ESS Leave Type: Family Responsibility Leave

Family Responsibility leave is granted in accordance with the SALGBC Main Collective Agreement (Clause 8.4):

- 5.7.1 "Family responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months.
- 5.7.2 An employer, upon receipt of reasonable proof, 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:
 - 5.7.2.1 the employee's child is born;
 - 5.7.2.2 the employee's child is sick;

5.7.2.3 the employee's spouse or life partner is sick;

5.7.2.4 in the event of death of:

- a) the employee's spouse or life partner; or
- b) the employee's parent, adoptive parent, parents-in-law, grandparent, child, adopted child, grandchild or sibling."

The Basic Conditions of Employment Act, Section 27(4), confirms that an employee may take family responsibility leave in respect of the whole or a part of a day. Section 27(5) confirms that reasonable proof of an event contemplated as for family responsibility leave may be required by the employer. The unused entitlement to family responsibility leave lapses at the end of the leave cycle in which it accrues according to Section 27(6).

5.8 STUDY LEAVE

ESS Leave Type: Special Study Leave

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 5.1):

- 5.8.1 "Study leave shall be granted in accordance with Council policy. Where no policy exists by the Municipal Manager or his assignee which approval shall not be unreasonably refused.
- 5.8.2 Study leave shall be granted on the basis of one day paid special leave for each day that an employee writes an examination plus an equivalent amount of days for preparation, subject to clause 5.8.3. When two subjects/modules are written on one day, study leave shall be granted on the basis of one day paid special leave for the day of the examination plus an equivalent amount of days for preparation per subject/module for preparation for that examination.
- 5.8.3 When an employee is required to write only one examination on one day in a calendar year, he shall be entitled to three days' special paid leave which shall include the day of the examination.
- 5.8.4 The said leave for writing examinations in terms of clause 5.1.1 must be approved in advance by the Municipal Manager or his assignee, and the request for leave must be accompanied by the examination roster or sufficient proof of the examination being written."

For attending the graduation ceremony, time off with full pay for the day of the graduation and the day before the graduation, as applied with the special leave for examination purposes, is granted, subject to authorisation by the Municipal Manager, prior to the graduation taking place.

Amount of days subject to clause 5.13.4 (20 working days in a leave cycle).

5.9 LEAVE OF ABSENCE FOR OBLIGATORY COURSE/STUDY REQUIREMENTS

ESS Leave Type: Special Study Leave & Annual Leave

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 5.2):

- 5.9.1 "The fields of study must be approved in advance in accordance with Council policy and must be in accordance with the requirements of the curriculum of the approved course. Where no policy exists the fields of study must be approved in advance by the Municipal Manager or his assignee, which approval shall not be unreasonably withheld.
- 5.9.2 An employee attending a training or study course subject to Council policy shall be granted up to ten (10) days' and thereafter one (1) day's paid special leave for every day's leave taken by the employee.
- 5.9.3 Leave referred to in clauses 5.1. and 5.2 shall be granted for a maximum of twice per subject/module to allow for supplementary examinations.
- 5.9.4 Clause 5.2 does not apply to compulsory training initiated by the employer. An employee attending compulsory training initiated by the employer shall be granted paid special leave for the full duration of the obligatory attendance requirements.

Amount of days subject to clause 5.13.4 (20 working days in a leave cycle).

5.10 TIME OFF TO ATTEND CLASSES

ESS Leave Type: Special Study Leave

- 5.10.1 Employees participating in Council's Bursary Scheme, or who are registered with a recognised education institution to acquire a qualification as the Work Skills Plan as part of his/her personal development plan, may be granted time off for exposure (eg. Block releases) or to attend such classes during working hours, limited to the required notional hours as per accredited course.
- 5.10.2 Documentary proof in this regard must be used as proof that attendance, exposure or block releases are a prerequisite and critical for a qualification to be conferred. Such documentary proof must accompany the application for time off in this regard.
- 5.10.3 The granting of time off to attend these classes will result in a service obligation to Council. (Refer to Skills Development Policy).
- 5.10.4 Should an employee take time off to attend classes, but does not write the examination, the time off granted will be deducted from his/her

annual leave entitlement or it will be captured as unpaid leave if he/she does not have annual leave to his/her credit. This requirement is not applicable when the employee was on sick leave on the date of the examination.

Amount of days subject to clause 5.13.4 (20 working days in a leave cycle).

5.11 TO ATTEND A COURT OF LAW TO GIVE EVIDENCE ON BEING SUMMONED AS A WITNESS

ESS Leave Type: Special Court Leave

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 5.3):

- 5.11.1 "On receipt of a written subpoena, an employee who is summonsed to attend a Court of Law as a witness shall be granted paid special leave for the period of absence from duty, provided that any witness fee received, excluding a travel and subsistence allowance, shall be reimbursed or recovered from the employee whatever the case may be.
- 5.11.2 Any employee who is arrested and appears in court as a result of charges laid by his employer and who is later acquitted shall be granted paid leave for the period of incarceration."

5.12 SPORT PARTICIPATION

ESS Leave Type: Special Sport Leave

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 5.4):

"An employee who is elected by a recognised amateur or professional sport association, which sport association must be recognized by the South African Sports Confederation and Olympic Committee (SASCOC), to:

Note: NOCSA was replaced by SASCOC.

- 5.12.1 Represent South Africa or the Province as participant in SASCOC recognized international or national sports competitions inside as well as outside the Republic of South Africa;
- 5.12.2 Accompany teams that will represent South Africa at SASCOC recognized international sports competitions inside as well as outside the Republic of South Africa as coach or manager;

5.12.3 Officiate at SASCOC recognized international sporting event where the employee represents South Africa and a National South African sports team participate;

Shall be granted paid special leave for the duration of the event for these purposes, subject to clause 5.8.4."

Amount of days subject to clause 5.13.4 (20 working days in a leave cycle).

5.13 QUARANTINE AND ISOLATION UNDER MEDICAL INSTRUCTION

ESS Leave Type: Isolation or Quarantine

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 5.5):

"Where a registered medical practitioner has placed an employee under quarantine/in isolation in terms of the Health Act, 1977 (Act 63 of 1977) or any regulations in force thereunder, such an employee shall be granted paid special leave, provided that the medical certificate issued details the period of absence and the reason therefore."

5.14 COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES

ESS Leave Type: IOD Leave

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 5.6):

"An employee who sustains an injury or contracts an illness in the course of his official duties such as to entitle the employee to compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993, shall be granted paid special leave for the period of incapacitation."

5.15 LEAVE WITHOUT PAY

ESS Leave Type: Unpaid

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 5.7):

"(Remuneration for this purposes as referred to in the Basic Conditions of Employment Act, 1997.)

Leave without pay as approved by the Municipal Manager or his assignee, which approval shall not be unreasonably withheld, shall be subject to the following conditions:

- 5.15.1 Leave without pay shall be granted only when all available vacation and/or sick leave has been exhausted.
- 5.15.2 For the period of leave without pay Council shall continue to make employer's contributions only to the employee's group life insurance scheme, pension and medical aid fund, provided that the employee also makes his contributions to the said funds, as well as any payment in terms of a collective agreement."

ESS Leave Type: Unauthorized Leave

Leave without pay shall be granted by the Municipal Manager or his assignee, subject to Council only contributing towards the employee's group life insurance scheme, pension and medical aid fund, provided that the employee also makes his/her contributions to the said funds, as well as any payment in terms of a collective agreement.

5.16 APPLICATION FOR SPECIAL LEAVE

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 5.8):

- 5.16.1 "Exigencies of the service must be taken into consideration.
- 5.16.2 Supporting documents, where required, must be provided with the application.
- 5.16.3 Application for special leave, must be approved by the Municipal Manager or his assignee, shall be considered in a bona fide manner, and shall not be unreasonably refused.
- 5.16.4 Special leave shall not exceed 20 working days in a leave cycle – this limitation does not apply to quarantine and injury on duty situations and unpaid sick leave."

5.17 LONG SERVICE RECOGNITION

ESS Leave Type: Long Service leave & Long Service leave sold

Collective Agreement of the Western Cape Division on Conditions of Service (Clause 11):

- 5.17.1 In addition to normal vacation leave, an employee shall qualify for the following additional leave as recognised for continuous long service at the same employer which shall be credited once only on the date on which the various periods of continuous service are completed. The long-service leave must be taken within one (1) year of receiving such leave or may be wholly or partially encashed.

After 10 years	10 working days
15 years	15 working days
20 years	20 working days
25 years	25 working days
30 years	30 working days
35 years	35 working days
40 years	40 working days
45 years	45 working days

5.17.2 In addition to the above, an employee shall be entitled to a 14th cheque for continuous employment on 30, 35, 40 and 45 years."

- *An employee with 10 (ten) or more year's service with the municipality and who retires, is retrenched, medically boarded or in case of death, will be paid a pro rata long service bonus for any uncompleted period stipulated in (5.17.1) above. The pro rata long service bonus will be calculated on continuous years of service and remuneration of employee. (Also subjected to the Remuneration and Conditions of Service Policy)*
- *Calculation of Pro Rata Long Service Leave:
A months/60 months x B days
A = Completed full calander months since last long service award
B = Next level up from last long service award
Eg. For official who started employment on 1 January 1980 and is retiring on 18 April 2017:
- Received long service award after 35 years service 31 December 2015
- Pro rata calculation:
15 months/60 months x 40 days*

5.18 TIME OFF FOR UNION ACTIVITIES

ESS Leave Type: Union Leave IMATU/SAMWU & Shop Steward Leave

Time off for Union Activities is applied in accordance with the SALGBC Main Collective Agreement (Section 2, Organizational Rights Agreement):

5.18.1 Election of Shop Stewards

- 5.18.1.1 Once agreement has been reached on the delimitation and demarcation of constituencies, the trade union concerned shall be given access to the employer's premises to conduct shop steward elections.
- 5.18.1.2 Such access shall allow the trade union 3 (three) hours during working time, per constituency, to explain the role and duties of shop stewards, to receive nominations and to conduct elections.

The 3 (three) hours need not be continuous but shall be held prior to lunch breaks or knocking-off time.

5.18.2 Meetings and Facilities

5.18.2.1 The shop stewards shall be entitled to meet with members in their respective constituencies for a period of 2 (two) hours per month.

5.18.2.2 The shop stewards' committee shall be entitled to hold four (4) general meetings with members per year. Any such meeting shall be held during working hours for not more than 2 (two) hours during working time on a date to be approved by the employer, which approval shall not be unreasonably withheld. The meeting shall take place either before lunch break or knock-off time. The shop stewards committee may request additional meetings/time and such request shall not be unreasonably refused.

5.18.2.3 A shop stewards' committee shall be entitled to meet for a period not exceeding 2 (two) hours per month during working time.

5.18.3 Time Off for Trade Union Activities and Training

5.18.3.1 Shop stewards shall be entitled to 15 (fifteen) days per year with full pay during working hours for trade union activities and training.

5.18.3.2 Six (6) days of each shop steward's annual entitlement of time off shall be pooled and re-allocated at the trade union's discretion to the shop stewards at the employer concerned, provided that no single shop steward may take more than 21 (twenty-one) days off per year and that the total days in the pool are not exceed.

5.18.3.3 Further requests or time off for shop stewards shall not be unreasonably refused.

5.18.3.4 The necessary leave forms must be submitted and approved by the Supervisor and Head of Department prior to taking time off for union leave.

5.19 APPLICATION OF DIFFERENT LEAVE TYPES FOR SECTION 56 MANAGER ***(Municipal Manager and Managers (Section 56) directly accountable to Municipal Manager)***

(Government Gazette Vol. 583 Nr. 37245, 17 January 2014)

5.19.1 Annual Leave

- 5.19.1.1 "A senior manager is entitled to not more than two working days leave on full remuneration for every month which the senior manager worked in any annual leave cycle.
- 5.19.1.2 A senior manager does not accrue leave during any period of unpaid leave or if the senior manager is absent from work without permission.
- 5.19.1.3 A senior manager must take at least 10 working days annual leave in each annual leave cycle: Provided that the remaining days must be taken before the end of the following annual leave cycle, failing which they are forfeited.
- 5.19.1.4 A senior manager may only take annual leave with the prior written approval of the mayor or municipal manager, as the case may be.
- 5.19.1.5 A senior manager's application for annual leave may not be unreasonably disapproved."

5.19.2 Sick Leave

- 5.19.2.1 "A senior manager is entitled to 36 working days paid sick leave during each sick leave cycle.
- 5.19.2.2 A senior manager who is appointed after 1 January will be entitled to paid sick leave on a pro rata basis.
- 5.19.2.3 Sick leave may not be carried over from one sick leave cycle to the next sick leave cycle.
- 5.19.2.4 A senior manager whose-
 - (a) sick leave is depleted within a sick leave cycle may take annual leave in lieu of sick leave for the purposes of recovery;
 - (b) sick leave and annual leave are depleted, May, at the discretion of the municipality and to a maximum of 30 days, be granted unpaid leave."

5.19.3 Proof of sickness or injury

"A senior manager who takes sick leave for more than two consecutive days or on more than two occasions during an eight week period must provide an original medical certificate that complies with sub-regulations 2 and 3."

5.19.4 Reporting sickness or injury

5.20.4.1 "A municipal manager who is unable to report for duty due to sickness or injury must, as soon as reasonably possible, inform the mayor about his or her absence and expected duration of absence.

5.20.5.2 A manager directly accountable to a municipal manager who is unable to report for duty due to sickness or injury must, as soon as reasonably possible, inform the municipal manager about his or her absence and expected duration of absence."

5.19.5 Sickness or injury during leave

“A senior manager who falls sick or who is injured during any period of leave other than sick leave must complete that period of leave before sick leave may be granted.”

5.19.6 Maternity leave

“A senior manager is entitled to at least four consecutive months maternity leave.”

5.19.7 Family Responsibility Leave

“A senior manager is entitled to five working days family responsibility leave per annual leave cycle for utilization if the senior manager's-

- (a) Spouse or life partner gives birth to the senior manager's child;
- (b) Child, spouse or life partner is sick; or
- (c) Child, spouse or life partner, or a senior manager's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling, dies.”

5.19.8 Clause 60 (b) of the Municipal Systems Act allows the Executive Mayor inter alia:

“the determination or alteration of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager”

6 PROCESSES

6.1 APPROVAL OF LEAVE NOT CONTAINED WITHIN THE LEAVE POLICY OR COLLECTIVE AGREEMENT: OTHER LEAVE

That in the event or circumstances that is not covered in the leave policy, such as a State of National Disaster/State of Emergency or leave occasioned/necessitated by any pandemics, Strike action, the Municipal Manager or his assignee have discretion to consider such leave not covered by the leave policy or collective agreement, as “Other Leave” and maximum 20 days.

The process of Leave will be coordinated by employees by capturing leave on ESS or by a direct supervisor. The Conditions of Service Sub-Section will do an update to payroll before the monthly leave report is drawn.

7 IMPLEMENTATION AND REVIEW OF THE POLICY

This policy will be implemented and effective once approved by Council, and the policy will be reviewed annually or as and when acts/regulations changes.

8 REFERENCES

Main Collective Agreement

Conditions of Service Collective Agreement

Basic Conditions of Employment Act

9 ACKNOWLEDGEMENT & APPROVAL

10 ESS LEAVE TYPES

THE FOLLOWING LEAVE TYPES ARE AVAILABLE ON THE EMPLOYEE SELF SERVICE SYSTEM TO PROCESS LEAVE APPLICATIONS:

<u>LEAVE TYPE</u>	<u>USAGE OF LEAVE</u>
Annual leave	Annual leave
Annual Shift leave (ASH4 1.25)	Annual leave specifically for 12 hour shift workers, including all other leave types (manual update)
Sick leave	Sick leave with/without medical certificate
Family Responsibility leave	Child is born Child is sick Spouse of life partner is sick Death of spouse or life partner Death of employee's parent, adoptive parent, parents-in-law, grandparent, child, adopted child, grandchild or sibling
Maternity leave	Child is born Employee adopting a child under three months Employee who has a miscarriage during the third trimester of pregnancy

Unpaid Maternity leave	Additional month unpaid maternity leave
Adoption Leave	Ten (10) consecutive weeks unpaid
Paternity Leave	Ten (10) consecutive days' unpaid parental leave or Family Responsibility Leave (subject to balance)
Commissioning Parental Leave	Ten (10) consecutive weeks unpaid leave
Court Attendance leave	To attend a court of law to give evidence on being summoned as a witness
Special Study leave	Examination/Graduation
Class Attendance leave	When Council nominates employee to attend short course
Conference leave	Attendance of conferences/seminars
Meeting leave	Attendance of meetings/conferences
Injury on Duty leave	Booked off by a registered medical practitioner due to an injury on duty
Long Service leave	Additional vacation leave for continuous employment
Long Service leave Sold	Encashment of additional leave for continuous employment
Special Sport leave	Employee who is elected by a recognized amateur or professional sport association, which sport association, must be recognized by the South African Sports Confederation and Olympic Committee.
Unpaid leave	When all available vacation and/or sick leave has been exhausted
Unauthorized leave	Leave without pay
Shop Steward leave	Trade Union activities and training
Union leave IMATU/SAMWU	Shop Stewards are entitled to meet with members in their respective constituencies for a period of 2 hours per month.
Isolation / Quarantine leave	Where a registered medical practitioner has placed an employee under quarantine/in isolation in terms of the Health Act, 1977 (Act 63 of 1977) or any regulations in force thereunder, such an employee shall be granted paid special leave,

	provided that the medical certificate issued details the period of absence and the reason therefore."
Overtime-off	Submitted Overtime-off on ESS to take approved overtime off.
Working from Home	Approval for working from home must be in place
Special Leave	Maximum of 20 days for examinations, court attendance, class attendance (as per Leave Policy for Special Leave)
Other Leave	National Disaster/State of Emergency/Pandemics/Strike Action prohibiting employee to attend work