



HUMAN RESOURCE POLICY LEAVE

Policy No: NLMHREB007	Effective Date: 01 April 2008
Approved:	Review Date: 01 April 2009

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, subject to Labour Law Dispensation, operational requirements and review requirements contained in the Authority section of this policy document.

1. SCOPE

This policy applies to all existing and new positions within Ngwathe Local Municipality.

2. PREAMBLE

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. POLICY

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 Ngwathe. 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 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 a working day for the purpose of leave calculation.
- 3.6 Leave will be calculated from the date of employment.
- 3.7 Employees will not accrue full annual leave benefits whilst absent from work on sick leave, maternity leave or paternity 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.
- 3.8 Ngwathe will shut its offices between Christmas and New Year. 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 shall be dealt with as follows, and any encashment shall be in line with the encashment of leave policy:

4.1.1 An employee is entitled to retain a maximum of forty-eight (48) days of accrued leave.

4.1.2 Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave as a result of operational requirement. If, despite being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him or her during this period, such remaining leave shall fall away.

4.1.3 In the event of the termination of service, an employee shall be paid his or her leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act.

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.

5.2 It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave.

5.3 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.

5.4 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. LONG SERVICE LEAVE

Group A	Municipal Manager and Post levels 1 – 5	: 35 working days per annum
Group B	Post levels 6 – 18	: 30 working days per annum

6.1 Employees that fall under Group A for leave purposes, are annually credited with 7 working days special leave on the date of appointment, provided that the fore-mentioned leave may not be taken before completion of five (5) years uninterrupted service, and on condition further that employees be allowed to commute such accumulated leave or a portion thereof after completion of five (5) years service.

6.2 After employees mentioned under subparagraph (2.3.1) have completed five (5) years service and after promulgation of these terms, they be credited annually with 7 working days special long leave and be allowed to take commute or accumulate such leave to a maximum of thirty-five (35) working days.

Special long leave not taken within one year after completion of a cycle of five years or commuted will be forfeited.

6.3 Employees that for leave purposes fall under Group B are annually credited with six (6) working days special long leave on date of appointment, provided that the fore-mentioned leave is not taken before completion of five (5) years uninterrupted service, and provided further that employees be allowed to commute such accumulated leave or a portion thereof after completion of five (5) years service.

6.3.1 After completion of five (5) years service by employees mentioned under subparagraph (7.3.3), such employees are credited annually, with 6 working days special long leave and are allowed to take or commute or accumulate such leave to a maximum of 30 working days.

Special long leave not taken within one year after completion of a cycle of five years or commuted will be forfeited.

6.3.2 Special long leave accredited to employees in terms of subparagraphs (7.3.1) and (7.3.3), is forfeited should an employee resign from Council's service before the expiry of the five years period mentioned in the fore-going paragraphs.

6.3.3 In addition to the provisions of clauses 7.3, 7.3.1 and 7.3.3 an employee shall qualify for the following additional leave as recognition for service with the municipality which shall be paid out respectively once only on the date on which the various periods of continuous service have been completed, as follows:

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

6.3.4 The leave mentioned in clause 7.3.6 may be wholly or partially converted to cash on the date on which the employee qualifies

therefore or at any stage thereafter, notwithstanding the provisions of clause 6.3.4.

6.3.5 The recognition of service at the same employer or its legal successor shall be calculated as from the date of appointment of the employee.

7 MATERNITY LEAVE

- An employee shall be entitled to receive three (3) months paid maternity leave, with no limit to the number of confinements.
- To qualify for paid maternity leave, an employee must have one (1) year's service with the employer.
- In addition, the employee will have to work back the period of paid maternity leave actually taken.
- Employees who have been employed with Ngwathe for less than a year are entitled to 4 (four) months unpaid maternity leave.
- Maternity leave may be granted to both male (in which case it will be referred to as paternity leave) and female employees who have the sole responsibility of raising their newly born babies or adopted children under the age of six (6) years.
- 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.
 - 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.
 - Security of employment is protected during the period of maternity leave.
 - Maternity leave must in all cases be uninterrupted and continuous with the confinement. It may furthermore be extended with additional annual leave.

- Maternity leave may not, subject to the provision below, be converted to any other kind of leave after it has commenced.
- Sick leave may be granted with regard to absences from duty as a result of a miscarriage, still birth or termination of pregnancy after maternity leave has commenced in which case the period of maternity leave which has already been taken immediately prior to any of the said incidents, should not be taken into account for purposes of the restriction above.
- During the period of maternity leave normal annual leave benefits do not accrue.
- Maternity leave should be applied for at least four (4) weeks in advance to allow adequate planning for the employee's absence.
- 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 within terms of disciplinary procedure.
- Where a salary review takes place during paid maternity leave, the employee will receive any relevant increase from the effective date due to them.
- Paid maternity leave is recognised as continuous service.
- The policy for multiple births is the same as for single births.

8 FAMILY RESPONSIBILITY LEAVE

- 8.1 Family responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months.
- 8.2 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:
- the employee's child is born;
 - the employee's child is sick;
 - the employee's spouse or life partner is sick;
 - in the event of death of:
 - the employee's spouse or life partner; or

- the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
- 8.3 Such leave is to be taken within three (3) months of the birth of the employee's biological baby or the legal adoption of a child under six (6) years of age.
- 8.4 Family responsibility leave will not accrue if not taken in any year.
- 8.5 Proof of birth or adoption will be required before family responsibility leave is approved.

9 RELIGIOUS AND PUBLIC HOLIDAYS

- 9.1 Employees are entitled to take annual 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).

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

10 SICK LEAVE

- 10.1. Ngwathe shall grant an employee eighty (80) working days sick leave in a three (3) year cycle.

- 10.2. Ngwathe shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- 10.3. Ngwathe 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.
- 10.4. 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.
- 10.5. 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
- 10.6. 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.
- 10.7. Sick leave application forms, with medical practitioner's certificates attached, must be submitted to Human Resources immediately upon return to work.
- 10.8. 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.
- 10.9. 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.

11. SPECIAL LEAVE

- 11.1. An employee may apply for special leave for activities not classified under the normal leave provisions.
- 11.2. Special leave may not be accumulated.

- 11.3. Line managers are to control and keep record of all special leave granted to their subordinates.
- 11.4. The following situations may warrant the granting of special leave:
 - 11.4.1. To enable the employee or a family member to undergo medical examinations or medical treatment in large centres.
 - 11.4.2. 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.
 - 11.4.3. Relocation as a result of transfer.
 - 11.4.4. Relocating residence for reasons other than transfer.

12. STUDY AND EXAMINATION LEAVE

- 12.1 Employees undertaking approved courses of study, privately and on a part time basis, which in the opinion of Ngwathe will be of benefit to Ngwathe and to the employee, may, subject to the convenience of Ngwathe be granted paid study leave to attend such courses. The number of working days will not normally exceed ten (10) working days per annum.
- 12.2 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 NGWATHE with the application for leave. The number of such days will not normally exceed ten (10) working days per annum.
- 12.3 Where the day of the examination immediately follows a weekend (i.e. falls on a Monday) or a paid public holiday, only the day of the examination will be granted.
- 12.4 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.

13 UNPAID LEAVE

13.1 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.

13.2 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.

14 SPECIAL ACCUMULATED DAYS GRANTED ANNUALLY TO OFFICIALS WHO ARE ON POST LEVEL 1 – 3 AS COMPENSATION FOR OVERTIME WORKED WITHOUT PAYMENT AND ATTENDANCE OF MEETINGS AFTER HOURS

14.1 The following accumulative special leave is credited annually on the 1st July to officials, as compensation for attendance of meetings after hours and overtime worked without payment:

- Post Level 1 : 14 working days
- Post Level 2 : 12 working days
- Post Level 3 : 12 working days
- Special leave as compensation for the attendance of meetings and overtime worked is only granted to officials that do not receive overtime payment, i.e. post level 3 and upwards.

15 PAYMENT IN LIEU OF LEAVE DUE ON TERMINATION

Employees need to be aware that when they leave Ngwathe, only leave not taken up to a maximum of 8 working days accrued per year will be paid out. The rest of the leave days, if not taken at the point of termination will be forfeited.

16 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.

17 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. Ngwathe 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.

18 AUTHORITY

Formulation Policy	:	Municipal Manager
Authorisation Policy	:	Council
Ownership and Maintenance Manager	:	Director Corporate Services