

MOPANI DISTRICT MUNICIPALITY



LEAVE POLICY

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1.PREAMBLE

That Mopani District Municipality adhere to the types of leave, number of days and conditions where applicable and due as set out and amended from time to time in South African Legislation, Bargaining Council Agreements as well as locally negotiated agreements.

2. DEFINITIONS

- I. All expressions used in this policy which are defined in the Labour Relations Act 66 of 1995, Basic Conditions of Employment Act, 1997 and as amended and the SALGBC Main Collective Agreement and the Collective Agreement on conditions of service for the Limpopo Division of SALGBC shall bear the same meaning as in the act unless the contrary intention appears.
- II. Words importing the masculine gender shall include the feminine, and vice versa.
- III. Unless the contrary intention is started, or it is obvious from the context, words or expressions defined in the "Act" that are used in this Policy will have the same meaning as in the Act.

Annual leave cycle	Means the period of twelve (12) months employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle.
Basic Conditions of Employment Act (BCEA)	Means the basic Conditions of employment Act, 1997 (Act 75 of 1997).
Collective Agreement	Means agreements that are results of the bargaining process that are legally binding on all parties in the employment relationship.
Continuous Service	Means a period of service with the Municipality which is not interrupted for longer than thirty (30) days.
Employee –	Any person, who works for the employer and who receives any remuneration and any other person in any manner assist in carrying on or conducting the business of the employer excluding and independent contractor.

Medical Practitioner	Means a medical practitioner, dentist or traditional healer registered in terms of legislation.
Long Services Bonus	Means remuneration and /or leave in respect of years of services.
Medical Certificate	Means a certificate issued by a Medical Practitioner , Dentist or Traditional Healer.
Municipality	Means the local or district municipality in terms of the Municipal Structure Act , as amendment.
Overtime	Means the time that an employee works during the day or a week in excess of ordinary hours of work.
Permanent Employees	Means an employee appointed to a post on the staff establishment of an employer on an open-ended contract.
Special Leave	Means leave in addition to normal leave.
Working Day	The service required applicable to the employees post and as agreed to in the SALGBC.
Study Course	Studies funded through bursary application or employee's own funds.
SAGBC Collective Agreements	Main the main collective agreement in terms of the labour relation Act 66 of 1995 as amendment.

3. PURPOSE

The purpose of this policy is to facilitate that a sound management of leave prevails at the Municipality at all times, and to regulate leave of absence and to give effect to the South African Local Government Bargaining Council Collective Agreement on Conditions of Services as far as leave is concerned.

4. OBJECTIVES

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. Mopani District Municipality wishes to establish common and uniform application of leave benefits for employees falling within the scope of the policy.

5. SCOPE OF APPLICATION

This policy and procedures are applicable to all Mopani District Municipality employees, excluding Section 54 Managers, Section 56 Manager, temporary employees, casual employees and students. Section 54 and 56 Managers leave will be regulated and administered as per their contract of employment. Temporary employees, casual employees and students will be as per BCEA.

6. LEGISLATIVE FRAMEWORK

The provisions of this policy must be read in-conjunction with the uniform conditions of service determined from time to time at the bargaining council and other relevant collective agreements. This policy contains extracts of the Main Collective Agreement, Divisional Collective Agreement and Government Gazette: Conditions of Employment Agreement Transvaal, no 16047.

- I. *Constitution of the Republic of South Africa 1996.*
- II. *Labour Relations Act, 1995.*
- III. *Basic Conditions of Employment Act, 1997.*
- IV. *Compensation for Occupational Injuries and Deceases Act, 1993.*
- V. *Government Gazette: Conditions of Employment Agreement Transvaal, No 16047.*
- VI. *Main Collective Agreement.*
- VII. *Limpopo Divisional Collective Agreement.*

7. POLICY CONTENT

7.1. TYPES OF LEAVE

All category of leave is to be granted in terms of the Leave Regulations set out in the South African Local Government Bargaining Council (SALGBC) Conditions of Service, which may be amended from time to time, in compliance with the provisions set out in Chapter III of the Act.

- I. Annual Leave
- II. Sick leave
- III. Additional paid sick leave

- IV. Sick leave without pay
- V. Special sick leave for injury on duty and Occupational Diseases
- VI. Maternity leave
- VII. Paternity leave
- VIII. Family Responsibility leave
- IX. Special Leave (Study leave, Sport leave, Court Attendance leave, Attending meetings and conferences, Union)
- X. Long service leave
- XI. Leave Forfeiture

7.2. ALL LEAVE OF ABSENCE

- I. All leave of absence due, granted and taken shall be recorded on the electronic leave system (Employee Self-Services).
- II. An employee must apply for annual leave and obtain approval from his supervisor and vacation leave should be applied 5 days' prior unless it is an emergency.
- III. No employee will go on leave without approval from the supervisor and the head of the section, prior to the commencement of the annual leave by means of Council's leave record system or relevant application form.
- IV. The supervisor may decline leave in a written form for operational reasons and inform employee accordingly.
- V. All disapproved leave must be commutated to the employee (employees without mail) in the form of a letter and copies of disapproved leave form and letter must be placed on the employee file. An arrangement must be made to take the leave at a later stage.
- VI. The notice period should equal the leave period, unless annual leave needs to be taken in case of emergency/operational reasons.
- VII. All units are required to compile leave plans prior to be commencement of the year and be approved by Senior Manager, which must not compromise the functioning of the unit/section
- VIII. In case of emergency, the Manager/Supervisor should make a discretion.
- IX. Sick leave should be submitted not later than 3 days on resumption of work by employee.

- x. Notwithstanding the provisions of any law, leave of absence other than sick leave shall be granted with due consideration to the requirements of the Council's service. Leave of absence shall be subjected to the council's approval.
- xi. Except in the case of sick leave, the period from the date on which an application for
- xii. leave is received until the date on which the leave begins shall not be shorter than the period applied for, provided that a shorter period may be allowed under exceptional circumstances.
- xiii. All Senior Managers, Deputy and Supervisor must access the electronic system on a weekly basis for processing (ESS).

7.3.ANNUAL LEAVE

Leave days are allocated as follows:

- i. Sixteen (16) days Annual leave which must be utilised in a leave cycle;
- ii. Employees must take sixteen (16) days annual leave in a twelve (12) month period.
- iii. The employer must grant an employee six (06) months grace period to take non-Accumulative leave after the end of a twelve (12) months cycle.
- iv. Employees are entitled to the following leave per annual leave cycle.
- v. Leave is accrued on an annual basis on each service anniversary date at a rate of 24 working
- vi. days per completed year of service. During each year of employment, annual leave
- vii. accrues on a pro-rata basis of two (2) calendar days for each month of completed service.
- viii. Of the twenty-four (24) days per year of service, sixteen (16) working days shall be
- ix. regarded as compulsory annual leave, and must be taken and cannot under any circumstances be accrued.

- x. The 48 days' overall maximum is only with regard to annual leave and excludes matters
- XI. such as "overtime converted to annual leave.
- xii. 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
- XIII. of 1997, provided that no employer shall be obliged to encash more than 48 days' annual
- xiv. leave upon the termination of that employee's contract of employment.

- xv. In the event of termination of service overtime leave will be encashed on "pure hourly rate
- xvi. of pay" as the conditions mentioned above, is not applicable to overtime leave.

- xvii. Temporary employees, casual employees and students will qualify for 1 day of leave for every 17 days worked. These days must be taken any time after the 17th day but before the expiry date of their contract.

- xviii. Employee applies for annual leave prior to the commencement of leave.
- xix. The period from the date on which an application for leave is received until the date on
- xx. which the leave begins shall not be shorter than the period of leave applied for: provided
- xxi. that a shorter period may be allowed under exceptional circumstances.

- xxii. No employee shall be forced to take leave during down scaling.

- xxiii. Employees must take normal leave days during downscaling period.

7.4. SICK LEAVE

- I. Sick leave cycle means the period of 36 months' employment with the same employer (Municipality).
- II. The Council shall grant an employee eighty (80) days sick leave on full pay in a three (3) year leave cycle.
- III. The employee shall be required to submit a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- IV. The Council is not required to pay an employee in terms of section 9.1, if an employee is absent on more than two occasions during an eight-week period, and on the request by the Council 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. In the event of abuse of sick leave, the Municipality may request that an employee must produce a sick certificate on each occasion of sick absence.
- V. No employee will be allowed to take sick leave within the first 20 working days of service. Any sick leave taken during this period will be regarded as unpaid leave.
- VI. The Council may require a certificate referred to in clause 3.2 (Main Collective Agreement) to be submitted in respect of a period of three (3) days or less.
- VII. Temporary employees, casual employees and students will be entitled to one (1) sick day leave for every twenty-six (26) days worked.
- VIII. Any leave more than forty-eight (48) working days may be encashed should the employee be unable to take such leave, despite applying and because the employer refused to grant him /her such leave, because 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/her during this period, such remaining leave shall fall away.

7.5. ADDITIONAL PAID SICK LEAVE

- I. An employee is entitled to a further eighty (80) working days on half pay per sick leave cycle of 36 months commencing on date of appointment.
- II. If the maximum period of sick leave to which an employee is entitled has been granted to him/ her and due to reasons of health he/ she is not able to resume duty the Municipality may:
- III. On submission of a satisfactory certificate from a registered medical practitioner of dentist, or a traditional healer registered with a recognised professional council in terms of legislation.
- IV. If it is satisfied that the employee is at that moment not permanently incapacitated to resume his/ her normal duties.
- V. If the employee has no vacation leave to his/ her credit, grant to such employee further sick leave on half pay for not more than 66 working days in any cycle.
- VI. If an employee has exhausted his/ her full paid sick leave, Council may on written application by the employee grant vacation leave to his/ her credit instead of sick leave on half remuneration or no pay. Vacation leave can be converted to sick leave and can be utilised to supplementary half sick leave.
- VII. An employee who is absent from service because of illness must take all reasonable steps to notify the employer, departmental head or supervisor as soon as possible
- VIII. An employee may not during any period of sick leave approved in terms of these condition, resume service without the approval of a registered Medical Practitioner.
- IX. An employee may not during any period of additional sick leave, leave his/her normal place of residence except for medical consultations or treatment.

- x. If an employee whom vacation leave has been granted is certified hospital or bed bound by a registered medical practitioner ,dentist or a traditional healer registered with a recognized professional council in terms of legislation due to illness after his or her vacation leave has commenced that part of his her vacation leave during which he or she was thus certified hospital or bed bound shall be converted into sick leave on submission of the prescribed certificate by such registered medical practitioner or traditional healer registered with a recognised professional council in terms of the legislation.

7.6. SICK LEAVE WITHOUT PAY

- i. An employee, to whom the maximum period of full and half pay sick leave has been granted, may be granted sick leave without pay for not more than 250 working days in any cycle if the municipality is satisfied that such employee is not permanently incapacitated to resume his/ her duties. Where the unpaid sick leave exceeds 40 consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality. The cost of such examination will be for the Municipality.

7.7. SPECIAL SICK LEAVE FOR INJURY ON DUTY CASES AND OCCUPATIONAL DISEASES

- i. An employee who is absent from duty due to an injury out of his/ her duties and occurring in the course thereof or due to an illness contracted during and as a result of his /her duties. Shall be granted special sick leave on full pay for the period during which he/ she is unfit to perform his/ her duties.
- ii. Sick leave may only be granted if the Municipality was notified of an accident or disease as required in terms of Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993, (COIDA) and that a satisfactory medical certificate from a registered medical practitioner is submitted to the Municipality.

- III. If the period of special sick leave in terms of Clause 7.6.1 exceeds three hundred and sixty-five (365) calendar days, the employer may take any decision it deems appropriate in line with ill health / or incapacity of the Labour Relation Act.

7.7. MATERNITY LEAVE

- I. The employee is entitled to three (3) months fully paid maternity leave with no limitation to the number of confinements.
- II. The employee must be employed for at least a period of one (1) year before maternity leave commences to qualify for paid maternity leave.
- III. If the employee has less than one-years' service then the employee can claim from UIF, the Municipality will not pay the employee during this period.
- IV. Should the employee receive 100% of salary, then the employee cannot claim from UIF.
- V. The benefits that the employee currently enjoys continue during period of confinement.
- VI. The employee may extend her three (3) months full pay maternity leave with one-month vacation leave with prior agreement and on the condition that the employee has vacation leave to her credit. Should the employee have no vacation leave to her credit she will be allowed to take one (1) month unpaid maternity leave.
- VII. No employee may work for six (6) weeks after the birth of the child, unless a medical practitioner or midwife certifies that she is fit to resume her duties.

7.8. PATERNITY LEAVE

- I. An employee, who is a parent of a child, is entitled to at least ten (10) consecutive days' parental leave, when the employee's child is born, or adoption is granted or the child is placed in the care of a prospective adoption parent by a competence court, pending the finalization of an adoption order.

7.9. FAMILY RESPONSIBILITY LEAVE

- I. Family Responsibility leave applies to an employee who has been in the employment with the Municipality for longer than four (4) months
- II. Family Responsibility leave with full pay of five (5) working days per annual leave cycle may be granted to an employee on the following conditions:
 - a) When the employee's child is sick;
 - b) When the employee's child is born
 - c) When the employee's spouse or partner is sick;
 - d) In the event of death of:
 - i. the employee's spouse or partner; or
 - ii. the employee's parent, legally adoptive parent, grandparent, child, legally adopted child, grandchild or sibling.
- III. For the purpose of family responsibility leave, immediate family member or next of kin is regarded as an employee's spouse/ partner, children (including legally adopted children), own parents, grandparents, grandchildren and siblings.
- IV. The employee concerned will be required to produce, in due course, proof in support of an application for family responsibility leave (death certificate, medical certificate). An employee's unused entitlement to family responsibility leave lapses at the end of the annual leave cycle in which it accrued.

8. SPECIAL LEAVE

8.1. STUDY LEAVE FOR EXAMINATION PURPOSES

- I. Study leave may be granted based one day paid study leave for each day that an employee
- II. writes an examination plus two (2) days per paper for preparation for the examination, total is three days.
- III. Employees shall be required to submit proof in the form exam timetable for the student /employee requiring study leave (examination leave) as provided by the relevant educational

- IV. institution before such leave can be granted.
- V. Examination leave must be approved in advance.

8.2.STUDY LEAVE FOR POST GRADUATE STUDIES

- I. Special leave for a dissertation or thesis will be granted with full pay to a maximum of ten (10) working days' leave

8.3.STUDY LEAVE FOR ATTENDING CLASSES DURING OFFICE HOURS

- I. An employee who studies part time through correspondence in a field relevant to the Municipality and who, as a result of his/her studies, is required to attend classes from time to time will be granted vacation and special leave on a 50:50 bases.

8.4.SPORT, ART CULTURE LEAVE

- I. An employee who is selected by recognised amateur or professional sport, art and culture association, which association may qualify for special leave provided that such association be recognized by NOCSA or the Council of Sport Africa and the council for Art and Culture.

8.5.SPECIAL LEAVE FOR UNION ACTIVITIES

- I. An employee should apply for special leave relating to Union activities prior to the commencement of the leave. All supporting documents should be recorded and attached on the electronic leave system (ESS).

9. LONG SERVICE RECOGNITION LEAVE

- I. An employee shall qualify for the following additional leave as recognition of service at the same employer, which shall be paid out respectively once on which the various periods of continuous service has been contemplated as follows:

After 05 years of service : 5 working days

After 10 years' of service : 15 working days

After 15 years of service : 25 working days

After 20 years of service : 35 working days
After 25 years of service : 35 working days
After 30 years of service : 35 working days
After 35 years of service : 35 working days
After 40 years of service : 35 working days
After 45 years of service : 35 working days

- II. Long Service Leave may be taken or sold / encashed.
- III. The value of leave is based on Rate of pay per day x (multiplied) amount of long service leave days sold.
- IV. The Long Service Recognition leave maybe wholly or partially converted to payments on the date, which the employers qualify for it or at any stage thereafter subject to budget provision.
- V. When an employee exits the services of the Mopani District Municipality, Long Service Leave balances which are due to employees, does not form part of the 48-day maximum days of leave to be paid out, as the 48 days only refer to vacation leave.
- VI. The maximum of 48 days of leave will be increased with the amount of days of long service leave to be paid out to the employee at termination of service.

10. LEAVE FORFEITURE

From the twenty-four (24) annual allocated leave days;

- I. Sixteen (16) days Annual leave must be utilised in a leave cycle;
- II. The employer must grant an employee six (06) months grace period to take non-accumulative
- III. leave after the end of a twelve (12) months cycle.
- IV. Non-accumulative leave days not utilized after twelve (12) months grace period, any

- V. accumulated days in excess of 48 shall be forfeited, unless if it is the responsibility of the employer for not approving/granting leave.

11. PAY-OUT ANNUAL LEAVE AND THE PRORATE BONUS WHEN AN EMPLOYEE GOT A PROMOTION.

- I. Payment must be made to the employee for all outstanding leave and that he/she has not yet taken –irrespective of when it was accrued as per the report from the Payday System to start a new cycle.
- II. All leave annual leave and the prorated bonus shall be submitted to finance for payment as part of the month's salary.
- III. Employees who are promoted within MDM, will be paid a maximum of 15 Annual leave days only.
- IV. A staff member who is promoted does not forfeit his or her years of service and the benefits which accrued from those years of service.

12. RESPONSIBILITY

12.1. COMMUNICATION

- I. This policy and related information pertaining to leave matters will be communicated to all Mopani District Municipality employees using the full range of communication methods available to the Municipality by Human Resources Administration.
- II. This policy shall be made available to all staff members of the Mopani District Municipality, and all employees shall be work-shopped on this policy after it has been adopted by council.

12.2. BUDGET AND RESOURCES

- I. Adequate budget provisioning must be made by the Budget and Treasury Department of Mopani District Municipality.

12.3. MONITORING AND EVALUATION

- I. That Council through the HR Administration Officers conducts monthly reports to ensure that the contents of this policy are adhered to.
- II. That the HR Administration Officer through daily leave activities identifies non-compliance and report it to the HR Manager remedy the situation.
- III. That the Human Capital Manager through HR Administration officer keeps this policy updated and inform Council of any amendments.

13. DEFAULT

- I. Disciplinary measures will be applied to any official who fail to comply with the contents of the policy.

14. NON-COMPLIANCE

- I. Non –compliance to any of the stipulated contained in this policy relating to misconduct or fraud will be dealt with in terms of the Disciplinary code of council.

15. DISPUTE RESOLUTION

- I. Dispute about the application and interpretation of this policy shall follow the normal internal
- II. grievance procedure of the Municipality and where such has failed the dispute resolution procedure as determined by the South African Local Government Bargaining Council shall be followed.

16. POLICY REVIEW

- I. The Policy shall be reviewed annually or when there is a need to do so.
- II. the evolving, changing circumstances and Legislation and the Senior Manager: Corporate Services will be responsible for this matter.

17. REPEAL

- I. The Policy shall repeal all previous policies formulated before its approval.

18. AVAILABILITY OF THE POLICY

- I. This policy shall be put on Mopani District Municipality's website and policy workshop for all;
- II. employees shall be conducted annually after the policy has been reviewed

19. COMMENCEMENT

- I. This policy shall come into effect on the date of adoption by Council.

20. STAKE HOLDER'S CONSULTATION

All Stakeholder's were consulted on the 22-25 April 2024.

21. ADOPTION BY CCOUNCIL:

Resolution NO: SCD/16/2024	Approved Date: 16 May 2024
Effective Date : 01 July 2024	Review Date: ANNUALLY

22. AUTHORITY



MUNICIPAL MANAGER
MR T.J MOGANO



COUNCIL SPEAKER
CLLR N.M MASWANGANYI

