



# **INGQUZA HILL LOCAL MUNICIPALITY**

## **EMPLOYEE LEAVE POLICY AND PROCEDURE**

REVIEW DATE: 2019

## **1. POLICY STATEMENT AND PURPOSE**

Leave without approval is regarded as absenteeism, and absenteeism constitutes misconduct and/or ill-discipline.

Misconduct and/or ill-discipline shall be dealt with in line with the Disciplinary Procedure.

This Policy is aimed at effectively implementing the South African Local Government Bargaining Council Collective Agreement on Conditions of Service which came into effect on 01 January 2004.

This Policy also has been developed for purposes of administering leave for all employees of the municipality.

It also serves as guide for employees to enable them to follow simple procedures when applying for a leave.

It promotes common and uniform leave for employees within the Municipality.

These sections of this policy emanated and/or are regulated by the South African Local Government Bargaining Council Collective Agreement on Conditions of Services, therefore cannot be changed, namely:

- annual leave;
- sick leave and Additional paid sick leave;
- Maternity leave; and
- Family responsibility leave.
- Injury on duty Leave

## **2. SCOPE OF APPLICATION**

This policy is applicable to all employees and interns, except employees employed under section 57 of the Local Government: (Municipal Systems Act No, 32 of 2000), Experiential Learners and apprentices.

- k) Corporate Services Department is responsible for the approval of forfeited leave.
- l) In the event of the termination of service, an employee shall be paid his/her leave accumulated leave which shall not exceed 48 days. Payment shall be processed a month after the termination date.

### **3.2 Annual Leave Control Measures**

- a) The employee Self Service (ESS) must be must be used as a means of leave application.
- b) Employee must notify the supervisor of the intention to take leave 7 days before the actual leave days required.
- c) Supervisor, Managers and Head of Departments shall take a maximum 5 days to approve the leave applications. Should there be technical problems which may prevent applications and processing, this must be reported immediately with Human Resources Manager in writing.
- d) Employees must make necessary arrangements with Human Resources to ensure that the system is accessible at all times.
- e) The onus rests with the Supervisors, Managers and Head of departments to ensure that leave applications are submitted on line after an employee has requested a leave of absence.
- f) The Human Resource Section will only process on-line approval when:
  - ✓ The applicant has completed and submitted on line application.
  - ✓ The Supervisor or the Manager of the respective department has approved the on line leave application
  - ✓ The Departmental Head / Assignee has approved the on line leave application.
- g) The Human Resource Section will produce and submit monthly Leave Reports to all Departments for reference should a need arise.
- h) During the termination of employment an employee is entitled to leave credit payment which is calculated using a specific formula, only when a resignation letter, letter of dismissal, retirement notice and death notification accompanied by; death certificate, letter of executorship been received by the Human Resources Section.

- g) Sick leave credits are not subject to payment by the employer during termination, resignation, dismissal, retirement or death.

#### **4.1 Additional Paid Sick Leave**

- a) Employees who have a balance of at least 60 working days unused sick leave at the end of a three year cycle, shall receive an additional 20 working days paid sick leave to which he will be entitled in the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than 100 working days sick leave on full pay.
- b) If the maximum period of sick leave to which an employee is entitled has been granted to him and, owing to reasons of ill health, he is not able to resume duty, the Municipality must grant such employee an additional 60 working days sick leave in respect of chronic illnesses and/or illnesses requiring hospitalization, which shall be made up as follows:
- c) 30 working days on full pay;
- d) 30 working days on half
- e) The following conditions shall apply:
- f) Provided that the employee has submitted a satisfactory certificate from a registered medical or dental practitioner, or a Traditional Healer registered with a recognized professional council in terms of legislation; and
- g) If the employer is satisfied that the employee is at that moment not permanently incapacitated to resume his normal duties
- h) Such additional sick leave must be granted in respect of separate periods of absence and in respect of illnesses of different kinds.
- i) On written application by an employee, who has exhausted his/her full paid sick leave and additional full paid sick leave, annual leave which he has to his credit must be granted to supplement sick leave on half pay or no pay at the discretion of the employee concerned.

#### **4.2 Sick Leave Control Measures**

four weeks before and six weeks after the confinement as provisions of the Basic Conditions of Employment Act 1997;

- c) An employee shall be entitled to receive three (3) months paid maternity leave which includes weekends and public holidays, with no limit to the number of confinements;
- d) An employee shall retain her normal benefits and normal incremental date for a period of absence due to maternity leave;
- e) An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or still birth.
- f) Should an employee not qualify for the benefit in terms of the conditions in Clause a), she may exercise a choice in respect of the utilization of available annual leave with full payment or annual leave without payment.
- g) An employee without broken service but also has undergone a natural movement (recruitment, promotion, termination, transfer etc) within the service of the same employer and meets the requirements of clause a) shall be entitled to paid maternity leave as per provisions of clause b) and/or e) above.
- h) Should an employee be willing to work until it is closer to the confinement date, such an employee must submit a Doctor's documentation which confirms the safety/fitness for work during these days.
- i) The Doctor who books the above employee fit for work during the confinement period should be the same Doctor to book this employee off for sick leave on pregnancy related illnesses.

## **6. FAMILY RESPONSIBILITY LEAVE**

This section applies to all employees who have been in employment with an employer for longer than four [4] months;

An employer must grant an employee, during each annual leave cycle, at the request of the employee, five days' paid leave, which the employee is entitled to take-

- [a] when the employee's child is born;

## **7. SPECIAL SICK LEAVE (INJURY ON DUTY)**

- a. An employee who in the process of doing an official duty becomes involved in an accident or contract disease resulting in physical injury/disease shall be entitled to a special sick leave with full pay for the duration or period she/he is receiving medical treatment until she/he recovers.
- b. The employee concerned shall, during the time/period off duty on special sick leave, provide the employer with progress medical report indicating that she/he is receiving medical treatment.
- c. When an employee recovers fully, she/he shall provide a final medical report from the doctor who has been giving medical treatment to her/him. A resumption report must be completed by the departmental head when an employee has resumed duty on the date reflected on the final medical report.
- d. An employee should not receive medical treatment for an occupational injury/disease for a period exceeding 24 months from the date of accident / disease diagnosed. If that happens, the employer shall consult the Compensation Commissioner for an advice in considering compensation award on the basis of permanent disability as a result of occupational injury/disease in terms of the Compensation of Injuries and Diseases Act, No. 130 of 1993 as amended (COIDA).

## **8. UNPAID LEAVE**

- a. Any leave taken by the employee without approval subsequent to an enquiry becomes unpaid leave.
- b. Participation in an illegal or legal industrial action constitutes unpaid leave i.e. no work no pay policy shall apply.
- c. Failure of the employee to provide the employer with a medical certificate on request after having absent from work on more than two (2) consecutive working days in an eight week period constitutes unpaid leave.
- d. Failure of the employee to provide the employer on request with supporting documents (death, birth certificates etc.) in relation to family responsibility constitutes unpaid leave.

## **9. PAYMENT OF ANNUAL LEAVE DAYS**

A cash payment in respect of the leave days will be made to all employees on resignation, death (payable to the deceased employee dependent), discharge or retirement or at the end of the fixed term contract whichever comes first except for EPWP seasonal workers.

- c) The immediate supervisor will access the on line leave application for approval / non approval with valid reasons thereof.
- d) The leave application shall be accessed on line by the Departmental Manager to approve or not approve with valid reasons communicated to the applicant.
- e) All leave applications approved / not approved will go through the system for processing by Human Resources.
- f) Human Resources determines if the leave application meets the stipulated guidelines. If the application for leave meets all the necessary requirements, the leave application will then be processed.
- g) The onus rests with the immediate supervisor to advise the employee when a leave of absence is not granted and shall furnish the applicant with reasons thereof.
- h) Ingquza Hill Local Municipality reserves the right to reverse the leave provided, should it be found at a later stage that the leave did not conform to the leave requirements.
- i) In such cases the employee shall be required to pay back the leave days taken by reducing available leave days of such employees by the equal number of leave days taken and or deducting from employees salary the equal amount of leave days taken in terms.
- j) An electronic leave application port must be made available as an alternative to assist those employees who are diagnosed for chronic and prolonged illnesses and cannot access online leave applications and to control sharing of passwords
- k) Leave book or forms shall be used where internet has major challenges and ESS cannot be accessed
- l) Head of departments shall be held liable for non-monitoring of attendance register and inaccurate entries there-of

### **13. DISPUTE RESOLUTION PROCEDURES**

Any dispute relating to both the interpretation of the provisions of this policy as well as the Municipal decision on any specifics in leave case(s) shall be dealt with in accordance with the dispute resolution mechanism provided for in the applicable SALGBC Collective Agreement and/or Labour Relations legislation.