



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

CAPE AGULHAS MUNICIPALITY

LEAVE POLICY

1. PURPOSE

The purpose of this policy is to regulate leave matters of employees the Municipality and/or The Employer.

2 SCOPE OF APPLICATION

This policy applies to all employees of the Municipality and must be read with the

- Labour Relations Act, 1995 (Act 66 of 1995)
- Basic Conditions of Employment Act, 1997 (Act 75 of 1997)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- All collective agreements, concluded in the South African Local Government Bargaining Council [SALGBC];
- Employment Contracts in terms of Proclamation R.805 dated 1 August 2006, of the Municipal Manager and Directors directly accountable to the Municipal Manager;
- The Municipality's System of Delegation, as amended from time to time.

Although the legislation and agreements referred to deal with the

following leave:

• Annual Leave • Sick Leave • Maternity Leave • Family Responsibility Leave • Shop steward leave • Special leave (which constitutes ▪ Study leave ▪ Leave of absence for obligatory course/study requirements ▪ Leave to attend a court of law to give evidence on being summonsed as a witness ▪ Sport participation ▪ Quarantine and isolation under medical instructions ▪ Occupational injuries and diseases ▪ Leave without pay) this policy expands on matters not fully dealt with in the legislation and agreements.

In order to regulate the leave matters of employees, the provisions set out hereunder shall apply.

3. LEAVE REGISTER

- 3.1. All leave of absence due, granted and taken shall be recorded in a leave register (electronic format or manual) and such leave register shall be under the control of the Manager: Human Resources.
- 3.2. An employee's leave record shall be available for inspection by the employee and/or his/her superiors at all reasonable times during office hours.

4. LEAVE SUBJECT TO THE REQUIREMENTS OF SERVICE

Notwithstanding the provisions of any law, leave of absence other than sick leave shall be granted with due consideration to the requirements of the Municipality's services.

5. GRANTING AND CANCELLATION OF LEAVE OF ABSENCE

- 5.1. Leave of absence shall be subject to the Municipality's approval in terms of its System of Delegation.
- 5.2. Application for leave of absence shall be made by an employee in a form and/or manner as prescribed by the Municipal Manager or his/her delegatee.
- 5.3. Notwithstanding the provisions of any law, SALGBC agreement or policy of the Municipality, the Municipality may at any time cancel, postpone or interrupt leave of absence, other than sick leave, which has been granted to an employee should it be deemed necessary in the Municipality's interest to do so, and such an employee shall be compensated by the Municipality for irrecoverable expenses or commitments incurred by him/her before he/she had been notified of the cancellation, postponement or interruption.
- 5.4. Should an employee whose leave of absence is interrupted travel in order to resume duty, the Municipality shall pay his/her expenses for the forward and return journey and he/she shall be regarded as being on duty while travelling.
- 5.5. Cancellation, postponement or interruption of leave of absence shall be confirmed in writing.

- 5.6. Should the Municipality refuse an employee's application for leave of absence, or cancel, postpone or interrupt such leave, the reasons for such action shall be noted in the leave register and the employee shall be credited with such leave over and above the maximum determined in terms of the provisions of any law, SALGBC agreement or policy of the Municipality and be permitted to take it within 12 (twelve) months after refusal, cancellation, postponement or interruption.
- 5.7. An employee shall not go off duty or absent him-/herself from duty without prior permission unless he/she is prevailed by sudden illness or owing to other circumstances acceptable to the Municipality from remaining on duty or reporting for duty.
- 5.8. Except in the case of sick leave, the period from the date on which an application for leave is received until the date on which the leave begins shall not be shorter than the period of leave applied for, provided that a shorter period may under exceptional circumstances be allowed by the Municipal Manager or relevant Director/Manager.
- 5.9. Sick leave shall not be granted to employees whose ill health has been caused by illegal activities but the onus to prove that such illness was caused by an illegal activity perpetrated by the employee him/herself rests with the Employer.

6. UNAUTHORISED ABSENCE FROM DUTY

Unauthorised absence from duty shall, following a disciplinary process, be decided by the Employer to be either paid leave or unpaid special leave

7. TERMINATION OF PERMANENT SERVICE AND RE-EMPLOYMENT

If a permanent employee whose service is terminated for any reason

whatsoever is re-employed, such re-employment shall for leave purposes be regarded as a new appointment.

8. LEAVE OF ABSENCE GRANTED IN EXCESS

When more paid leave of absence than his/her due has been granted to an employee inadvertently but in good faith, and been taken by him/her, the leave granted in excess may be deducted from leave which may accrue to him/her, or the value thereof may be claimed from him/her, whichever the employee may prefer.

9. ADDITIONAL SICK LEAVE

9.1. If the maximum period of sick leave to which an employee is entitled has been granted to him/her and, owing to reasons of ill health, he/she is not able to resume duty, the Municipal Manager may –

9.1.1. on submission of a satisfactory certificate from a registered medical practitioner or dentist; and

9.1.2. if he/she is satisfied that the employee is at that moment not permanently incapacitated to resume his/her normal duties; or

9.1.3. the employee is permanently incapacitated but is awaiting the finalisation of his/her incapacity; and

9.1.4. if the employee has no vacation leave to his/her credit, grant to such employee further sick leave

9.1.4.1. on full pay for no more than 30 (thirty) working days;

9.1.4.2. on half pay for no more than an additional 30 (thirty) working days; and

9.1.4.3. without pay for not more than a further 30 (thirty) days.

Such grant may be made in respect of separate periods of absence and in respect of indispositions of different kinds.

- 9.2 If an employee to whom vacation leave has been granted is certified hospital bound or ill by a registered medical practitioner or dental practitioner or by a traditional healer registered with a recognised professional council established in terms of applicable legislation due to illness after his/her vacation leave commenced, that part of his/her vacation leave during which he/she was thus certified shall be converted into sick leave on submission of the said certificate.
- 9.3. If, due to illness, an employee is unable to take vacation leave as provided for in any law, SALGBC agreement or policy of the Municipality, or if his vacation leave is converted into sick leave in terms of paragraph 9.2, he/she shall be credited with the vacation leave which otherwise would have been deducted from his/her leave credit over and above the maximum provided for in any law, SALGBC agreement or policy of the Municipality and shall be allowed to take the same within 12 (twelve) months of such conversion.

10. MEDICAL PRACTITIONER OR DENTIST

- 10.1. The Municipality may at any time require an employee to submit him /herself to an examination by a registered medical practitioner or dentist appointed by the Municipality, and the cost of such examination shall be borne by the Municipality.
- 10.2. The Municipality may, on the recommendation of a registered medical practitioner or dentist, compel an employee who, in the Municipal Manager's opinion, is so indisposed that he/she cannot perform his/her duties properly, to take sick leave.

11. SPECIAL SICK LEAVE

- 11.1. An employee who is absent from duty owing to an injury arising out of his/her duties and occurring in the course thereof or owing to an illness contracted in the course of 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 usual duties.
- 11.2. If an employee to whom special sick leave has been granted in terms of paragraph 11.1 is unable as a result thereof to take vacation leave, he shall be credited with the vacation leave which would otherwise have been deducted from his leave credit, over and above the maximum provided for in any law, SALGBC agreement or policy of the Municipality and be allowed to take it within 12 months after resumption of duty.
- 11.3. If the Municipal Manager after investigation is of the opinion that the injury or illness is due to gross and wilful misconduct of the employee, he/she will not be granted special leave.
- 11.4. In the event of the employee contracting a contagious or transmittable

dreaded disease the Employer may, in its sole discretion and on such conditions as may be deemed appropriate by the Employer, grant special sick leave to such an employee.

12. RESUMPTION OF DUTY BEFORE LEAVE HAS EXPIRED

Except with the Municipality's approval in terms of delegated authority, an employee shall not resume duties before the leave granted to him/her has expired.

13. SPECIAL LEAVE FOR OFFICIAL PURPOSES

Special leave shall be granted to officials to, for official purposes, attend congresses, conferences, seminars and other meetings, study purposes or the attendance of compulsory work related courses.

14. NORMAL LEAVE ENCASHMENT

Employees can encash the full balance in the same year that it accrues considering the following criteria:

- a. For example, employees have 24 days, must take 16 days and accrue the balance of 8 days subject to the maximum of 48 days.
- b. When the 8 days accrual are reached then the employee is allowed to encash the full balance of 8 days maximum (current cycle) or less accumulated leave balance within the same year/leave cycle in which it accrued.
- c. All leave cycles commence on 1st January
- d. An example of accrual of annual leave: $24 \text{ days leave} \div 12 \text{ months per leave cycle} = 2 \text{ days per month accrues during the leave cycle.}$
- e. The 2 days per month are allocated as 1.33 compulsory days and the balance 0.67 accrual days. The result is $1.33 \text{ days} \times 12 \text{ months} = 16 \text{ compulsory days}$ and $0.67 \text{ days} \times 12 = 8 \text{ accrued days.}$

- f. Leave encashment during a particular year may be allowed for meritorious reasons which shall be based on the grounds listed under family responsibility leave.
- g. Employees must apply for the encashment of 8 days accrued leave
- h. That leave encashment can only be recommended by the Head of the Department and approved by the Municipal Manager.

15. Sports Participation

An employee who is elected by a recognised amateur or professional sports association, which sporting association must be recognised by NOCSA or the Council of Sports of South Africa to accompany teams that will represent the Region, Province and South Africa at international sports competitions inside as well as outside the Republic of South Africa as coach or manager.

Policy Section	Human Resources
Current update	N/A
Previous review	N/A
Approval by Council	26 My 2015 125/2015