

# EHLANZENI DISTRICT MUNICIPALITY LEAVE POLICY

Ehlanzeni District Municipality recognises the different types of leave specified in the South African Local Government Bargaining Council Main Collective Agreement and Mpumalanga Collective Agreement on the Conditions of Service permitted during the course of employment.

The following types of leave are recognised:

- 1) Annual leave
- 2) Sick, Additional, Isolation/Quarantine, Special Sick Leave
- 3) Maternity/Adoption/Surrogate Leave
- 4) Family Responsibility Leave
- 5) Study leave
- 6) Special/Other leave
- 7) Long Service Recognition

For all types of leave recognised by the employer, official leave application must be made on the Employee Self Service system by the employee and considered for approval by the his/her Supervisor/ Manager/ General Manager.

The explanation of leave and procedure of application is described as follows:

## 1. ANNUAL LEAVE

- 1.1 Five-day workers are entitled to **24 days in a leave cycle**. A cycle is twelve (12) months, from the day you start working completing 12 months. Annual leave is made up of **16 days compulsory in a leave cycle and 8 days accumulative with a maximum of 48 days**. Compulsory leave must be granted and taken not later than six (6) months after the end of the annual leave cycle.
- 1.2 Any leave in excess of forty-eight (48) by the end of the financial year will be forfeited. 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 leave **will be forfeited**.
- 1.3 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.

## **PROCEDURE OF APPLICATION FOR LEAVE**

Before applying for leave on the Employee Self Service (ESS) system leave must be discussed with the Supervisor/Manager/General Manager. Applying for the leave should be done in advance by the same amount of days applying for leave e.g. applying for 10 days leave should be done 10 days in advance. Once the leave is approved by the Supervisor/Manager/General Manager you will receive an e-mail informing of leave status.

Leave that has already been approved and the employee wants to cancel it, a memo must be submitted to the Manager: Human Resource to ensure that the leave record is corrected.

## **2. SICK LEAVE**

- 2.1 Five-day workers are entitled to eighty (80) days in sick leave cycle of three (3) years. A cycle is three (3) years is from the day you start working completing three (3) years. A newly appointed employee may not take more than 30 days sick leave in the year of employment.
- 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 profession's council established by an Act of Parliament. If an employee is sick for two (2) consecutive days the employer requests a sick leave certificate of every day of the sick leave.
- 2.3 An employee must produce a medical certificate stating that the employee was unable to work for the duration while absent twice during the eight-week (8) week cycle. Failing to submit the medical certificate, the employer is not required to pay an employee if he/she is absent on more than two occasions during an eight-week (8) period.
- 2.4 Sick leave needs to be applied for even if he/she was absent from work for 1 day due to illness.

### **2.1.1 ADDITIONAL SICK LEAVE**

In addition to the sick leave specified above, special sick leave will be applied as follows:

- 2.1.1.1 An employee is entitled to a further 80 working days on half pay per sick leave cycle of 3 years. If maximum period of sick leave to which an employee is entitled to has been granted and owing to reasons of health not be able to resume duty and applied for medical boarding an additional forty

(40) days sick leave will be granted without pay. The employee must be examined by a registered medical practitioner or registered traditional healer appointed by the employer. The cost of such examination shall be borne by the employer.

## **2.1.2 ISOLATION OR QUARANTINE**

2.1.2.1 An employee shall be granted paid special leave for the duration specified provided that a valid Medical Certificate issued by a registered Medical Practitioner placing the employee under isolation or quarantine, in terms of the National Health Act, Act 61 of 2003, or Regulations regulating Communicable Diseases.

## **PROCEDURE OF APPLICATION FOR SICK LEAVE**

This is one of the very few applications for leave that is done after you have taken leave and returned back to work. Application for sick leave is done on the ESS system and medical certificate/s must be uploaded onto the system with the application thereof. Once the sick leave is approved by the Supervisor/Manager/General Manager you will receive an e-mail informing of leave status.

## **2.1.3 SPECIAL SICK LEAVE FOR INJURY ON DUTY CASES AND OCCUPATIONAL DISEASES**

2.1.3.1 An employee who is absent from duty due to an injury arising from her/his duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of her/his duties, shall be considered to be on duty on full pay for the period during which her/his is unfit to perform their duties.

2.1.3.2 Special Sick Leave may only be granted, if the employer was notified of an accident or disease as required in terms of Section 38 and 68 of the compensation for Occupational Injuries and diseases Act 1993 (Act 130 of 1993), and that a satisfactory medical certificate from a registered medical practitioner is submitted to the employer. Special Sick Leave may only be granted if the injury on duty has been approved by the commissioner according to the Compensation for Occupational Injuries and Diseases act, 1993 (Act 130 of 1993). If the period of the special sick leave for injury of illness contracted exceeds three hundred and sixty-five (365) calendar days, the Employer may take any decision it deems appropriate in line with ill health and / or incapacity in terms of the Labour Relations Act.

## **PROCEDURE OF APPLICATION FOR SPECIAL SICK LEAVE FOR INJURY ON DUTY CASES AND OCCUPATIONAL DISEASES**

This leave application will be handled by the Occupational Health and Safety Officer and the Human Resource section.

### **3. MATERNITY /ADOPTION / SURROGATE LEAVE**

- 3.1 To qualify for paid maternity leave, an employee must have one (1) year continuous service with the employer.
- 3.2 An employee, including an employee adopting a child under three (3) months, shall be entitled to received three (3) months paid maternity or adoption leave with no limit to the number of confinements or adoptions. The leave provision shall also apply to an employee whose child is still-born.
- 3.3 When an employee legally adopts a child of six months of age or younger, for who the employee will be the adoptive parent, three (3) months paid adoption/surrogate leave for female employees and 10 days for male employees. This leave will only be applicable after the employee has submitted the child's birth certificate and the adoption order, and when the adopting employee takes final legal and physical custody and personal care of the child six months of age or younger.
- 3.4 Maternity leave may commence four (4) weeks before confinement.

### **PROCEDURE OF APPLICATION FOR MATERNITY LEAVE**

Before applying for maternity leave on the Employee Self Service (ESS) system leave must be discussed with the Supervisor/Manager/General Manager. Maternity leave must be applied for before it is taken. (A medical certificate will be required on this type of leave) Once the maternity leave is approved by the Supervisor/Manager/General Manager you will receive an e-mail informing of leave status.

### **4. FAMILY RESPONSIBILITY LEAVE**

- 4.1 Family responsibility leave applies to an employee who has been in employment with an employer for longer than four (4) months. An employee is entitled to five (5) day per leave cycle, that coincides with the annual leave.
- 4.2 Family responsibility leave is granted if:
  - the employee's child is born;
  - the employee's child is sick;

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

4.3 Proof of birth certificate, medical certificate or death certificate needs to be attached with the application for family responsibility leave.

## **PROCEDURE OF APPLICATION FOR FAMILY RESPONSIBILITY LEAVE**

Before applying for family responsibility leave on the Employee Self Service (ESS) system, leave must be discussed with the Supervisor/Manager/General Manager. Proof of birth certificate, medical certificate or death certificate must be uploaded onto the system with the application thereof. Once the family responsibility leave is approved by the Supervisor/Manager/General Manager you will receive an e-mail informing of leave status.

## **5. STUDY LEAVE**

- 5.1 Employees who are part-time or correspondence students studying for an approval qualification through a recognised institution whether through the municipality's funding or self-funding shall be granted examination and study leave as follows:
- 5.2 One (1) day for every examination she/he is required to write, which is prescribed by the course that the employee has been registered for and which has been approved by the employer.
- 5.3 Two (2) working days study leave on full pay shall be granted to an employee in order to prepare for every examination prescribed or approved by the employer. Official results of the examination must be submitted to the Skills Development Facilitator within six (6) months of the examination, failing to do so the study leave will be converted to annual leave or leave without pay.
- 5.4 The above may only be applied for once in respect of each examination and once for a re-examination as a result of the employee failing the examination and been granted a repeat of the examination.
- 5.5 Additional leave for Post Graduate Studies for a treatise of thesis will be granted with pay to a maximum of five (5) working days leave per qualification.
- 5.6 Employees who study part-time or by means of correspondence in a field applicable to the employer, and attending classes during office hours as a result of the

studies and further required to be absent from work will be granted annual leave and special leave on a 50:50 basis for the time to attend class. If the employee does not have annual leave to their credit, unpaid leave will be granted instead.

- 5.7 Employees who have been employed by Local government for a period of 5 years and more and studying towards an MBA, PHD and NQF level 10 qualification may apply for paid sabbatical leave of 22 days per leave cycle which shall not be unreasonable withheld. The employee shall remain within the employment of Local government upon completion of the said leave for at least 12 months.

## **PROCEDURE OF APPLICATION FOR STUDY LEAVE**

Before applying for study leave on the Employee Self Service (ESS) system, leave must be discussed with the Supervisor/Manager/General Manager. Proof of the examination timetable must be uploaded onto the system with the application thereof. Once the study leave is approved by the Supervisor/Manager/General Manager you will receive an e-mail informing of leave status.

## **6. SPECIAL/OTHER LEAVE**

- 6.1 Employees managed through the Employee Assistance Programme shall be managed in terms of special dispensation leave committee. Chronic diseases shall be granted additional to sick leave in compliance with the policy related criteria and procedures. Employees shall be required to apply for special leave.
- 6.2 Employees with a medical certificate or a recommendation for treatment by a registered medical practitioner shall be entitled to take paid leave for a maximum of 30 days for substance dependency twice in a sick leave cycle.
- 6.3 Employee/s who give evidence in a court case for the employer after being served with a subpoena and or summons, upon submission of a written subpoena, confirmation or notice of set down, with in court, Department of Labour, CCMA, SALGBC or any other legal processes. Employees shall obtain prior approval for leave, and proof to be uploaded onto the ESS system.
- 6.4 An employee attending a court case or any other legal process with the Department of Labour, CCMA, SALGBC in their personal capacity shall be required to apply for annual leave.
- 6.5 Employee may be granted Special Leave on full pay to enable such employee to take part in a bona fide sports event representing South Africa as a selected member or official.

- 6.6 An employee who has been arrested or has to appear in court on a criminal charge pending the outcomes of court proceedings, provided the matter arose in the performance of the employee duties.

## **PROCEDURE OF APPLICATION FOR SPECIAL/OTHER LEAVE**

Special/Other Leave application should be discussed with the Human Resource section before applying for such leave to ensure that the correct processes are followed.

## **7. LONG SERVICE RECOGNITION**

- 7.1 An employee will qualify for the following additional leave as recognition for service with the same employer, which shall be allocated / paid out respectively once only on the date on which the various periods of continuous service have been completed:

After 5 years	:	5 working days
After 10 years	:	10 working days
After 15 years	:	20 working days
After 20 years	:	30 working days
After 25 years	:	30 working days
After 30 years	:	30 working days
After 35 years	:	30 working days
After 40 years	:	30 working days
After 45 years	:	30 working days

- 7.2 The leave is automatically added to your leave credit.

## **PROCEDURE OF APPLICATION FOR ENCASHMENT OF LONG SERVICE LEAVE**

Long Service leave is the only leave that can be encashed. The encashment of long service leave can be encashed or a portion thereof. A leave encashment form is available at the Human Resource.