

MORETELE LOCAL MUNICIPALITY



FINAL LEAVE MANAGEMENT POLICY

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1. INTRODUCTION

All employees need a period of rest to recuperate. Taking of leave is not discretionary but must be taken in terms of the Basic Conditions of Service Act of 1997 or any collective agreement or any other legislation that regulates this leave and subject to the municipality operation requirements.

2. PURPOSE

The creation of the leave policy is to regulate any application of leave and to differentiate the various forms of leave available. The purpose of this policy is also to ensure alignment to the Basic conditions of Employment Act of 1998, the North West Conditions of Service, the Labour Relations Act of 1995 and any other related legislation governing employment in South Africa as amended from time to time.

3. OBJECTIVE

i) To provide employees with the opportunity to rest during their time of employment in the Municipality in accordance with the provision of the Basic Conditions of Employment Act (BCEA).

ii. To ensure uniform standards and procedures in the interpretation and application of leave within the Municipality.

To provide employees with the leave program which will facilitate monitoring the various forms of leave, ensure accurate application, and detect potential abuses.

To ensure that employees, supervisors, and department heads are familiar with the organization's leave program; and

To provide an accurate system of record keeping for the Municipality's leave system.

4.SCOPE

This policy is applicable to all employees within the municipality excluding employees working less than 24 hours per week.

5. DEFINITIONS

“leave” refers to paid time off.

“annual leave cycle” means the period of twelve (12) months employment with Council immediately following an employee’s commencement of employment or following the completion of that employee’s existing cycle.

“bargaining council” means a bargaining council registered in terms of the Labour Relations Act, 1995, and, in relation to the public service, includes the bargaining councils referred to in section 35 of that Act;

“basic condition of employment” means a provision of this Act or sectoral determination that stipulates a minimum term or condition of employment;

“child” means a person who is under 18 years of age;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“employee” means—

- (a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and
- (b) any other person who in any manner assists in carrying on or conducting the business of an employer,

“month” means a calendar month

“public holiday” means any day that is a public holiday in terms of the Public Holidays Act, 1994 (Act No. 36 of 1994);

“remuneration” means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State, and “remunerate” has a corresponding meaning;

“Basic Salary” means an employee’s usual monetary compensation for services rendered to the Municipality, whether in terms of the appropriate notch on his/her salary scale or a fixed amount of money before deductions but excludes any allowance, bonus, housing benefit, payment for overtime or monetary fringe benefits.

“Permanent employee” means an employee appointed to an approved post on the staff establishment of a Municipality on an open-ended contract.

“Temporary employee” means an employee appointed for a specific period of time or to complete a specified task in terms of his contract of employment and which includes a casual employee.

“Employer” refers to Moretele Local Municipality

6. GENERAL POLICY PROVISIONS

6.1 RECORDING OF LEAVE

All leave due, granted and taken, shall be recorded. The HR Department shall be in charge of such records, which shall be open for inspection by any employee at all reasonable times during office hours. All leave taken will be deducted promptly..

Leave reconciliation for the previous month must be done between the first and the seventh day of each month.

6.2 CLASSIFICATION OF LEAVE

Leave of absence from duty on working days is classified as follows:

- ✚ Vacation/Annual leave;
- ✚ Special leave;
- ✚ Maternity leave;
- ✚ Family responsibility leave; and sick leave.
- ✚ Study Leave

6.3 APPLICATION FOR LEAVE

All leave applications will be applied online through Employees Self Service System and the manual leave application form, that has been introduced to the Municipality (Smart HR System). All employees shall be given their User Names which will be their employee numbers and password for such Self Service.

- All applications for leave must be lodged with the relevant Manager of the Department. All leave must be approved by the Head of Department (Immediate Supervisor) and for section 56/7 Managers leave must be approved by the Municipal Manager.

- In the case of Municipal Manager such application must be submitted to the Mayor. such application must be approved by the Manager in the Office of the Mayor with instruction of the Mayor.

6.4 LEAVE CONDITIONS AND REQUIREMENTS

Leave granted may be cancelled or postponed at any time by the authority that granted it, or an employee who is on leave may be recalled in writing if this is deemed to be in the interest of the employer.

An employee who is recalled while on leave; shall be entitled to take the non-expired portion of his leave at a later date, as may be arranged.

Any cancellation or postponement of leave shall be notified to the employee in writing.

Any leave or portion of leave granted to an employee may be cancelled at his request at any time before he proceeds on leave, by the authority which granted it and he shall be credited in the leave register with any leave not taken.

No leave will be granted to any employees after a strike has been declared or during a strike called by the unions.

Vacation leave may be converted to sick leave by the Municipal Manager or his authorized representative in the event of an employee being hospitalized during his/her annual leave due to an illness, operation or accident and the submission of proof to this effect.

The employee has to notify the Departmental Head on the first day of admission to hospital

6.5 ASSUMING DUTIES BEFORE LEAVE HAS EXPIRED

After the authorized vacation leave of an employee has commenced, he shall not resume his duties until the full period of such leave has expired, unless the Municipal Manager or his authorized representative so instructs him/her.

6.6 LEAVE GRANTED IN ERROR

If more leave than that which is due to the employees has been granted to him/her in error, but in good faith, and taken by him/her, such leave granted in excess shall be deducted from any leave due to him/her at a later date, and if such employee for any reason whatsoever, leaves the service of the Council, and does not have the necessary leave to his/her credit to make such deduction possible, the value of such leave taken in excess shall be deducted from any salary or moneys due to him/her.

6.7 SERVICE FOR LEAVE PURPOSES

All employees on leave shall be deemed to be in service of the Council during the time of leave taken.

6.8 LEAVE WITHOUT PAY

If the vacation of an employee has been used in full, the Municipal Manager may, at his discretion grant vacation leave without pay to such employee, provided that no period of leave without pay (including unpaid sick leave) shall be deemed to be service for leave purposes.

The amount to be deducted from the salary of an employee taking leave without pay, shall be calculated on the following basis:

Number of working days taken by employee without pay X (Basic Annual Salary/number of working days in a year)

Note: Leave days will not be accrued during periods of unpaid vacation leave and unpaid sick leave

6.9 CALCULATION OF LEAVE

In order to calculate any leave and the value of the vacation leave in terms of this Policy it shall be accepted that all employees work a five day week. All leave is calculated to include the first workday of leave and to exclude the workday on which duty is resumed. The following formula will be used to calculate the value of the leave due:

(Annual basic salary/number of working days in a year)x number of leave days due

6.10 ACCUMULATING LEAVE

All employees falling under the SALGBC Main Collective Agreement

Employee are classified in the following groups in respect of vacation leave:

Twenty four (24) days per annum for a 5 day worker; and

Twenty-seven (27) days per annum for a 6 day worker.

An employee is required to take leave within each leave cycle as follows:

A five day worker shall take a minimum of sixteen (16) days leave during the year; and the balance within the leave cycle as and when required within the timeframes stipulated.

A six day worker shall take a minimum of nineteen (19) days leave during the year the balance within the leave cycle as and when required within the timeframes stipulated.

The employee must at least take 16 working days annual leave at once and

Vacation leave in respect of any year of service, including the first year of service, may be granted to an employee after and for good and sufficient reason, during and before the completion of the year of service in respect of which s/he intended taking leave, provided that, if the leave is requested in accumulated leave shall be used first, and provided further that the total number of days shall not exceed the accumulative portion of leave of such employee at the date he intends taking the leave.

Provided that the above leave shall, accrue to an employee at the end of each completed month of service on a pro rata basis, and provided further that the accumulative portion of such leave shall be in proportion to the vacation leave which may accumulate. An employee is compelled to take annual leave days to a minimum of 16 Days as per the Main Collective Agreement. If an employee takes any leave less than the prescribed 16 days the balance between the leave taken and 16 days will be forfeited, and the employee will be left with the required 8 days balance for that leave cycle.

An employer may not pay an employee instead of granting paid leave in terms of this section except—

(a) on termination of employment; and

(b) On promotion to a section 57 employee.

Notwithstanding the provisions of the abovementioned clause, an employee is entitled to retain a maximum of forty-eight (48) days of accumulated leave.

The vacation leave earned by an employee, transferred or promoted from one group to another, as set out above shall be transferred and credited to him in the group to which s/he is transferred.

The only exception where leave will not be transferred is where an employee is promoted to the post of a Section 57 employee and any leave accrued in the previous post will be paid to the employee prior to commencement in the post of section 57 employee.

7. TERMINATION OF SERVICE

Subject to the provisions above an employee who leaves the service of the Council is entitled to an amount equal to the value of vacation leave due to such employee, including a pro-rata portion in respect of any partially completed year of service, but not exceeding a total of 48 working days.

7.1 RETIREMENT/DEATH

An employee who leaves the service due to retirement or as a result of being medically boarded, or the nominee of an employee who has died, is entitled to an amount equal to the value of vacation leave due to such an employee, including a pro rata portion in respect of any partially completed year of service, but not exceeding 48 working days as well as a pro rata portion of the thirteenth cheque and a pro rata portion of long service leave benefits.

7.2 RESIGNATION

In the event of 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, 1997.

Any compulsory leave for current cycle in terms of leave taken at date of termination will be paid at remuneration and the balance of current and accumulated at salary of the employee at date of termination. Any compulsory leave not taken will be paid at remuneration and the balance at salary at date of termination.

8. YEAR END RECESS

Any annual recess approved by Council shall be treated as a time-off for all employees.. Employees with the leave credits shall be allowed to leave in extension to time-off granted by Council.

9. SICK LEAVE

MLM employees are entitled to eighty (80) days' paid sick leave during each sick leave cycle of 36 continuous months

The employer 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.

All sick leave shall be recorded including the days taken without having to produce a sick note by the line manager ensuring that the leave process was completed are completed indicating these days.

Sick leave will be linked to a three year cycle for all municipal staff.

Sick leave balance cannot be carried over to the next sick leave cycle.

In respect of new employees/appointments an employee may not take more than 30 days sick leave in the first year of employment.

Where an employee takes two or more consecutive day's sick leave, the employee must produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's illness.

Where the Municipal Manager or his/her immediate delegates suspects that an employee may be abusing the sick leave system, she/he may, with due warning, request that employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's illness, even where only one day's sick leave has been taken.

It is the employee's responsibility to inform their Line Manager and the HR Officer that they are taking sick leave on the day(s) that they are away from the office. (i.e. if you are ill, you need to phone the office before 10H00 on your day of absence), and tell your line manager that you are taking sick leave. The HR Officer will maintain a sick leave register after having been informed by the line manager.

Where employees choose to use traditional or alternative practitioners, certificates from said practitioners, who are registered with the appropriate professional body, will be accepted for a maximum of four days continuous sick leave, after which a certificate from a registered medical practitioner will be required.

All leave of absence due to illness/ sickness must be recorded in a leave register.

10. MATERNITY LEAVE

This policy applies to all full time female employees regarding payment for maternity leave, subject to the conditions below, but does not detract from the right of all other female employees to 90 days unpaid maternity leave. All employees are required to comply with the requirements set out below when applying for maternity leave:

The employee is required to notify the Moretele Local Municipality in writing, at least four weeks before proceeding on maternity leave, of the date on which the employee intends to commence maternity leave, and to return to work after maternity leave.

No employee may work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

An employee who has a miscarriage during the three months of pregnancy or bears a stillborn child will be entitled to maternity leave of 90 working days after the miscarriage or stillbirth, irrespective of whether or not the employee had already commenced maternity leave at the time of the miscarriage or stillbirth.

During the pregnancy of an employee and for a period of 3 months after the birth of a child, the Moretele Local Municipality will, as far as is reasonably practicable, offer suitable alternative employment on terms and conditions not less favourable than the terms and conditions of employment normally applicable to that employee if :

- The employee's work involves work between 18h00 and 23h00, or
- The employee's work poses a danger to the health or safety of the employee or the health or safety of the child.

Employees, who have legally adopted a child up to the age of one year, will be entitled to 90 working days maternity leave for the reception of the child. The employee is required to notify the Moretele Local Municipality as soon as reasonably possible that she has applied to adopt a baby.

This section of the policy applies to full-time employees, who will be entitled to 90 working days maternity leave, part of which will be paid subject to all the conditions below.

Provided that the employee has been employed by the Moretele Local Municipality for at least one year, the Moretele Local Municipality will pay the employee:

Should the employee not comply with the provisions of clause 3.4 above, she will be required to repay any moneys received from the Moretele Local Municipality during maternity leave, on a pro rata basis.

Nothing in this policy affects the employee's right to claim any maternity benefits in terms of the Unemployment Insurance Fund Act.

Where the employee has been employed by the Municipality for less than one year, the employee can still take 90 days maternity leave. The Municipality will pay her normal monthly remuneration calculated at the date on which her maternity leave commences, subject to a maximum period of 6 weeks. However the remaining period will be claimed from UIF.

10.1 MATERNITY LEAVE ARRANGEMENTS

Employees are encouraged to come to a mutually acceptable arrangement, within the parameters of this policy, with their Line Manager and in consultation with the Corporate Support Directorate regarding maternity leave. Such arrangements may include, but are not limited to:

11. STUDY LEAVE

The Municipality values the personal development of all employees as a key to accomplish business objectives. Personal development is a shared responsibility and should be organised to maximise each employee's potential.

Study leave must be arranged by agreement between the Moretele Local Municipality and the employee individually. Such agreement will be reduced to writing and a signed copy shall be attached to a signed copy of the employee's conditions of service.

Leave will be granted for study purposes where an employee is enrolled for a course that has been approved by the line manager and the Corporate Support Directorate.

The employee's line manager must approve study leave applications (after approval of the Corporate Support Directorate, but such approval will not be unreasonably withheld.

Two days per subject for preparation of the examination, plus the day of the examination, i.e. a total of three leave days will be granted per subject. However in a situation where an employee is sitting for exams for 2 consecutive days they will only qualify for two days prior to the commencement of the exams.

Employees attending classes must submit their class attendance timetable prior to the commencement of classes.

Employees must also notify their immediate supervisors of their registered curriculum and if there is a need to attend classes such information should be provided as well.

Employees are responsible for completing the Study Leave Request Form (available from the Corporate Support

Directorate), getting it authorised by the line manager and Corporate Support Directorate and submitting it to the HR Manager, at least one week prior to their going on study leave. Employees must attach approved time table from school to the leave form.

If an employee is rewriting a subject, he/she will not apply for study leave but maybe granted annual leave. Study leave will not be accrued to the following year.

Study leave will not be taken whilst the employee is serving their notice, except with the approval of the Head Human Resources

12. FAMILY RESPONSIBILITY

Family responsibility leave applies to an employee who has been with the business for longer than four months; and who works at least 5 days a week.

Family Responsibility leave will be granted for a maximum of Five days in a year to cover for all provisions stipulated in the Collective Agreement and does not accumulate. Leave in excess of this amount can only be granted at the discretion of the Head Human Resources.

An employee may take family responsibility leave in respect of the whole or part of a day.

The Human Resource Directorate will require satisfactory proof before granting Family Responsibility Leave. Failure to submit relevant documentation within a period of 48 hours will result in granted days converted to annual leave.

Immediate family members refer to one's spouse/the person with whom one co-habits, parents, adoptive parents, grandparents, child, adopted child, grandchild and sibling.

13. TRADITIONAL HEALING INITIATION

Where an employee of the municipality is to undergo traditional healing initiation sick leave days will be used. Any days in excess will be treated as unpaid leave. An additional sick leave of 40 days at half pay will be paid in line with the NW Collective agreement.

14. LEAVE FOR RESEARCH

A maximum of five (5) days special leave per annum for research purposes shall be granted to an employee admitted for a post graduate course.

15. DISPUTE RESOLUTION

Any dispute arising from this policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum must be incorporated into the policy.