



MOGALE CITY LOCAL MUNICIPALITY

# **DRAFT LEAVE MANAGEMENT POLICY**

**2026/2027**

## DOCUMENT MANAGEMENT

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## 1. ABBREVIATIONS AND DEFINITIONS

### 1.1 Abbreviations

ABBREVIATION	ACRONYM
BCEA	Basic Conditions of Employment Act, 1997
COIDA	Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)
IEC	Independent Electoral Commission of South Africa
ED	Executive Director
EWS	Employee Wellness Services
HCM	Human Capital Management
R&HCA	Recruitment & Human Capital Administration
IOD	Injury on Duty
L&D	Learning and Development
MCLM	Mogale City Local Municipality
MM	Municipal Manager
OHS	Occupational Health and Safety
OMP	Occupational Medical Practitioner
R&HCA	Recruitment and Human Capital Administration
SALGBC	South African Local Government Bargaining Council
SALGBC(GD)	South African Local Government Bargaining Council (Gauteng Division)
THPA	Traditional Health Practitioners Act No. 22 of 2007

### 1.2 Definitions

For the purpose of this policy, the following definitions apply:

TERM	DEFINITIONS
Accumulative Leave	The prescribed number of working days unused on annual leave accumulated. This should cover religious leave of certain religious groups
Annual Leave Cycle	Period of twelve (12) Month's employment with; <ul style="list-style-type: none"> <li>• the same employer,</li> <li>• immediately following an employee's commencement or</li> <li>• following the completion of that employee's existing leave cycle</li> </ul>

TERM	DEFINITIONS
Calendar Year	The period 1 January to 31 December unless indicated otherwise by the context
Continuous Service	The continuous period of employment from date of appointment and includes all periods of; <ul style="list-style-type: none"> <li>• duly approved leave,</li> <li>• periods of suspension and</li> <li>• The period from date of completing of a service contract.</li> </ul>
Month	Calendar month
Day	Calendar Day
Emergency leave	Provision for leave that may be taken due to unforeseen circumstances. It is made for an employee to take such leave should such a need arise.
Employee	Person(s) employed be it on permanent or contractual basis by the Municipality and who is in its payroll with the exception of Councilors.
Executive Directors	Managers reporting directly to the Municipal Manager, including the Chief Audit Executive (CAE) and Chief Financial Officer (CFO)
Fixed-term Contract	A fixed-term contract refers to an employment contract that is limited to a specific duration or a specific task. It is meant to terminate on a certain date or upon the completion of a particular project or task. These contracts are typically used for temporary work or when there is a specific need for workers for a limited period of time.
Half day leave	First or last four hours in a working day.
Immediate Family	Employee's spouse or life partner including: <ul style="list-style-type: none"> <li>• parents,</li> <li>• adoptive parents,</li> <li>• grandparents,</li> <li>• children,</li> <li>• siblings,</li> <li>• legally adopted children,</li> <li>• grandchildren and</li> <li>• Parents in Law.</li> </ul>
Incapacity	The proven inability to work owing to any sickness or injury or condition other than caused by an employee's own misconduct.
Injury on Duty Sick Leave	Leave granted as a result of injury sustained in the line of duty during working hours including approved overtime periods.
Leave Cycle	Each subsequent leave cycle will begin on the corresponding day of the following year excluding sick leave.
Leave Entitlement	The total number of leave days an employee is entitled to take under this policy and/or employment contract.
Long service bonus	Remuneration and/ or leave credit awarded to employees for continuous service with the municipality, starting from 10 years and increasing in increments of 5 years thereafter.

TERM	DEFINITIONS
Medical practitioner	A 'health practitioner' means any person (including a student) who is registered with the Health Professional Council in one or more of the categories of health professions. This includes the family doctor (GP), dentists, psychologist, all sorts of specialists, physiotherapy and others
Miscarriage	Involuntary termination of pregnancy after 24 weeks of conception.
Senior Management	Executive Directors respectively in accordance with the organizational structure.
Occupational disease	Section 65 (1) of the Compensation for Occupational Injuries and Diseases Act (COIDA) defines occupational disease that must arise out of and in the course of employment, and must be a disease specifically listed in the Regulations. This includes penalties for misrepresentation or fraudulent claims concerning occupational diseases.
Occupational injury	<p>An <b>occupational injury</b> refers to a physical injury sustained by a worker while performing their duties at work. It is typically the result of an <b>accident or external force</b>. This could include things like:</p> <ul style="list-style-type: none"> <li>• Falls or slips at the workplace</li> <li>• Injuries from machinery or equipment</li> <li>• Being struck by an object</li> <li>• Accidents that cause fractures, lacerations, burns, etc</li> </ul>
Paternity Leave	Leave taken by the father of the newly born baby
Permanent disablement	Referring to the long-term or permanent loss of the ability to perform work or part of the body's function as a result of an occupational injury or disease. This could occur if the injury or disease results in a permanent impairment that affects the worker's capacity to carry out their usual duties, or in some cases, any work at all.
Sick Leave	Time off from work, paid or unpaid, on account of an employee's temporary inability to perform duties because of sickness or disability.
Special leave	<p>Constitutes:</p> <ul style="list-style-type: none"> <li>• Leave of absence for obligatory course/ study requirements.</li> <li>• Leave to attend a court of law to give evidence on being summonsed as a witness.</li> <li>• Voting during National, Provincial and Local Government Elections.</li> <li>• An employee taking part in a bona-fide sports event representing South Africa as a selected member or official.</li> <li>• Quarantine and isolation under medical instructions.</li> </ul>
Time off <i>in lieu</i> of overtime	Leave for purposes of time off in lieu of overtime may be granted where an employee worked overtime without any

TERM	DEFINITIONS
	monetary compensation, provided that such overtime is authorized by middle and/ or senior management.
Traditional healer	The BCEA and the Traditional Health Practitioners Act 22 of 2007 define traditional healers as persons certified to diagnose and treat patients. Traditional healers must register with the Traditional Health Practitioners Council (THPC) to issue acceptable medical certificates
Work related accident/ incident	An accident or incident arising out of and in the course of an employee's employment and resulting in a personal injury, illness or the death of the employee
Working days	are defined as the <b>days on which an employee is expected to work</b> , excluding weekends (Saturdays and Sundays), public holidays, and any other non-working days that may be specified in the employment agreement or collective agreement.

For the purpose of this policy, the word Senior Managers and Executive Directors shall be used interchangeably.

Leave policy hereinafter referred to as Policy for consistency.

## 2 EXECUTIVE STATEMENT

MCLM realized the need to promote leave administration through transparent and consistent standards. This policy seeks to outline various conditions and circumstances under which employees of the Municipality will be granted time away from their duties.

## 3 INTRODUCTION

The leave management policy aims to ensure that all employees within MCLM are acquainted with the correct procedure of leave management. The policy will outline all the different types of leave and how each of them will be applicable to MCLM employees. All the leave types will be explained thoroughly.

### 3.1 Policy Objectives

- 3.1.1 To establish a uniform set of guidelines and procedures regarding leave management and entitlement, the application for leave, leave payment and the accrual thereof.
- 3.1.2 To provide guidance regarding various types of leave applicable within MCLM.
- 3.1.3 To ensure a uniform set of procedures and guidelines for leave within MCLM and that the procedures comply with institutional and legal frameworks.
- 3.1.4 To ensure that all MCLM employees are familiar with the different types of leave due to them and how they qualify for them.
- 3.1.5 To ensure standardization, transparency, consistency, fairness and best practice with regards to leave management.

### 3.2 Legal Framework

- 3.2.1 Constitution of the Republic of South Africa, 1996 as Amended
- 3.2.2 Basic Conditions of Employment Act 75 of 1997 as Amended
- 3.2.3 Labour Relations Act 66 of 1995, as Amended
- 3.2.4 Employment Equity Act No 55 of 1998, as Amended
- 3.2.5 Municipal Systems Act 32 of 2000, as Amended
- 3.2.6 Local Government Structures Act 117 of 1998, as Amended
- 3.2.7 Compensation for Occupational Injuries and Disease Act No. 130 of 1993
- 3.2.8 SALGBC Main Collective Agreement, 2015 to 2020, as Amended
- 3.2.9 South African Local Government Bargaining Council (Gauteng Division) Divisional
- 3.2.10 Local Government Regulations on Appointment and Conditions of Employment of Senior Managers, 2014 as Amended

#### **4 LINKED TO OTHER POLICIES**

In addition to the legislative frameworks, this policy should read with the following policies:

- a. Ill-health and Incapacity Policy;
- b. Bereavement Policy;
- c. OHS Policy;
- d. Learning and Development Policy; and
- e. Bursary Policy

#### **5 SCOPE AND APPLICABILITY**

This policy is applicable to all permanent and fixed term contract employees of the MCLM.

#### **6 KEY PRINCIPLES**

In the implementation of the Leave Policy, MCLM shall adhere to the following Key Principles:

- 6.1 Support for Strategic Objectives:** Leave Framework and decisions shall be developed in a manner that is consistent with, supports and reinforces the achievement of the Municipality vision and strategy.
  - 6.2 Fairness and Equity:** Leave Policy will be in a fair and equitable manner.
  - 6.3 Openness and Transparency:** the process of Leave Policy shall be transparent, conducted in faith and in accordance with appropriate levels of confidentiality.
  - 6.4 Legislative compliance:** the leave policy shall be compliant with all relevant legislations.
- #### **7 ROLES AND RESPONSIBILITIES**

##### **7.1 Municipal Manager**

- 7.1.1 Approves the additional paid sick leave of all employees.
- 7.1.2 Approves Electronic leave applications made by employees directly reporting to the Municipal Manager.
- 7.1.3 Approves Special Leave for All Employees in the Municipality.

## 7.2 Executive Directors/ CFO/ CAE

Approve leave applications made by Managers and support staff reporting directly to the Senior Managers/ CFO/ CAE.

## 7.3 Managers and Assistant Managers

- 7.3.1 Managers and Assistant Managers will be responsible for ensuring that their subordinates *adhere* to the requirement of the leave application procedures and processes.
- 7.3.2 Managers will approve leave applications for their respective Assistant Managers and direct reports while Assistant Managers will do the same for their direct reports.
- 7.3.3 Managers and Assistant Managers will be responsible for ensuring that leave applications are approved within three (3 days) of receipt and they must ensure that the approved leave applications correspond with the approved (signed off) attendance registers.
- 7.3.4 In instances where the Manager or Assistant Manager is not available to approve leave, either the Acting Manager or Assistant Manager will have to approve; alternatively, after three days, leave application will be escalated to the next level manager or Executive Director who is expected to approve leave within 3 days of escalation.

## 7.4 Human Capital Management (R&HCA)

- 7.4.1 Human Capital Administration Sub-division will be responsible for sending reminder notices (by means of payslips and/or emails) to employees for maximum leave (**48 days**) reached.
- 7.4.2 Records Management will be responsible for filing and safe keeping of all supporting documents, emergency leave application requests and cancellation memos, and attendance registers.
- 7.4.3 Monitor compliance with the Leave Policy.

## 7.5 Employees

Employees will be responsible for ensuring that the correct procedures and processes are followed when applying for leave, including ensuring that the leave is approved before it commences, especially in the case of annual leave.

## 8. POLICY CONTENT

### 8.1. Application for Leave

- 8.1.1. Application for leave will be completed electronically by means of the MCLM's ESS (Electronical Self Service) leave system, at least three days prior to taking such leave. Employees are not allowed to go on leave before the supervisor approves it.
- 8.1.2. There will be no leave application on behalf of an employee unless authorized to do so. Employees without access to computers can use kiosks located at strategic sites, where there is a desktop with ESS and a scanner for supporting documents. If employees do not have access to such facilities, their immediate supervisors must assist them using their own laptops.
- 8.1.3. The leave application will be approved according to the Reports to Role; meaning the direct supervisor and/or acting supervisor must approve leave for all his/her direct reports. However, this role is limited to Assistant Managers, Managers, and Executive Directors.

### 8.2. Approval of Leave

- 8.2.1 The approval of leave must be done timeously to ensure compliance with the leave policy.

- 8.2.2 The approval of leave (excluding family responsibility, study, sick and maternity) will be subject to the Municipality's operational activities and requirements.
- 8.2.3 An employee whose annual leave application is not approved as a result of operational requirements must be informed in writing of the refusal, the reasons for the disapproval and the future arrangements for rescheduling the annual leave.
- 8.2.4 In an instance where the employee is unable to apply for leave (e.g. when in coma or hospitalised), the family MUST immediately notify the Municipality and the employee will be required to complete the leave application procedure on recovery.
- 8.2.5 In an instance where an employee voluntarily cancels his/ her leave then the approved leave days must be credited.
- 8.2.6 An employee's application for annual leave may not be unreasonably disapproved.

### **8.3 Types of Leave Granted by MCLM**

#### **8.3.1 Annual Leave and Accumulative Leave**

- 8.3.1.1 An employee will be granted the following annual leave in a leave cycle: -
  - a. Twenty-four (24) working days for a five (5) day worker; and
  - b. Twenty-seven (27) working days for a six (6) day worker.
  - c. Despite employees having the right to take leave, management has the right to recall an employee from leave for operational reasons.
- 8.3.1.2 All employees will be entitled to a number of working days' annual leave, as shown in Table 1 below, provided that:
  - a. An employee's leave credit in a particular leave cycle will accrue pro-rata to the end of the cycle.
  - b. It is recommended that an employee may take the following minimum leave days within each leave cycle as follows:
    - i. A five (5) day worker will take a minimum of sixteen (16) days leave per annum/ cycle.
    - ii. A six (6) day worker will take a minimum of nineteen (19) days leave per annum/ cycle.
  - c. Annual leave may be taken at the discretion of the employee, either in full working days or half-days, when applying for leave in the system.
  - d. An employee will be entitled to retain a maximum of forty-eight (48) days of accumulated leave, excluding Senior Managers.
  - e. If the leave is not taken and about to exceeds 48 days, the employer may direct the employee to take it or forfeit any accumulated leave beyond 48 days.
  - f. The Employer may require employees to take their annual leave at a time determined by the employer, usually in accordance with operational needs. If the employer is unable to grant leave due to operational requirements, the Executive Director of the relevant department must submit a report acknowledging that the employee could not take leave for operational reasons. In such

cases, the employee will be granted a reasonable period within which to take the deferred leave.

- g. Employers may **require** employees to take their annual leave **at a time determined by the employer**, usually in accordance with operational needs. Should the employer disallow the taking of leave due to operational reasons, the Executive Director of the relevant department should write a report acknowledging that an employee could not go on leave due to operational reasons, in which case an employee will be given 3 months within which to take such leave.
- h. Employees will not be permitted to take annual leave while serving any period of notice of termination.
- i. In the event of the termination of service, an employee must be paid his leave entitlement calculated in terms of the relevant provisions.

### 8.3.1.3 Annual Leave for Executive Directors

In terms of the Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers, as per the Municipal Systems Act 32 of 2000, the following leave conditions apply to Executive Directors:

- a. An Executive Director must take at least ten (10) working days of annual leave in each annual leave cycle, provided that the remaining days are taken before the end of the following annual leave cycle. Failing to do so will result in forfeiture
- b. An Executive Director will use the Municipality's leave application system (ONLY) to apply for annual leave.
- c. A Executive Director does not accrue leave during any period of unpaid leave or if the Senior Manager is absent from work without permission.
- d. The accrual of leave must be reduced on a pro rata basis in accordance with the number of unpaid leave days on which the Executive Director was absent without permission.
- e. An Executive Director whose annual leave application is not approved due to operational requirements must be informed in writing of the refusal, the reasons for the disapproval, and the future arrangements for rescheduling the annual leave.
- f. An Executive Director who is recalled by the Municipal Manager from leave due to operational requirements must be credited with the number of annual leave days forsaken.

**Table 1: Leave Entitlement**

Post Level	Annual leave per annum (working days)	Max accumulative leave allowed at any given time
<b>Municipal Manager</b>	24	N/A
<b>Senior Managers</b>	24	N/A
Permanent Employees	24	48 days
	27	48 days
Contract workers	24	48 days
Interns	15	N/A

Interns are covered by the Basic Conditions of Employment Act.

#### 8.3.1.4 Sickness During Annual Leave

- a. Employees who fall ill during the period of annual leave may replace the annual leave taken during the illness with sick leave in alignment with Doctor's sick note.

#### 8.3.2 Sick Leave

- a. It is the duty of an employee to notify the employer **before 10H00** on the day of his/her absence from work due to ill health. However, in cases where the employee cannot personally notify the employer (e.g., due to hospitalization or incapacitation), the responsibility typically falls to a family member, friend, or someone close to the employee to inform the employer as soon as possible.
- b. All MCLM permanent and fixed-term employees will be granted eighty (80) days of sick leave over a three (3) year cycle, excluding Senior Managers (who have 36 days in a three-year cycle)
- c. With effect from the new sick leave cycle, an employer shall grant an employee 80 days of sick leave in a three-year leave cycle, provided that, in respect of new appointments, an employee may not take more than 30 days of sick leave in the first year of appointment
- d. Sick leave for Senior Managers will be regulated according to the Senior Managers Regulations and Conditions of Service.
- e. An employee will be required to submit a medical certificate from a registered medical practitioner, or any other person certified to diagnose and treat patients and registered with a professional council established by an act of Parliament if more than two (2) consecutive days are taken as sick leave. Should there be a trend or evidence of sick leave abuse, the employer may request a sick leave certificate for every day of sick leave.
- f. Applications for sick leave periods longer than two (2) calendar days, or even one day if such a day is directly before or after a public holiday, shall be accompanied by an acceptable medical certificate. At the discretion of management, medical certificates may be required for periods of less than two days. In all cases, an employee must have the said leave available to him/her, or it will be converted into unpaid leave.

- g. An employee will not be paid if absent on more than two occasions during an eight-week period and, upon request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the absence due to sickness or injury
- h. Sick leave taken prior and after study or annual leave irrespective of the number of days must be accompanied by an acceptable medical certificate.
- i. During the first 12 months of employment by the Municipality, an employee will be allowed to take one day's paid sick leave for every 26 days worked (Main Collective Agreement alignment).
- j. Sick leave will not be accumulated beyond a sick leave cycle.
- k. The onus of proving that sick leave should be granted shall be upon the employee concerned.
- l. The submission of medical certificates will in no way restrict management's right to take disciplinary actions where the attendance record of any employee indicates a possible abuse of sick leave.

### **8.3.3 Additional Paid Sick Leave**

**In addition to the sick leave specified in the main collective agreement, part B, and clause 8.2, the following special leave will apply:**

8.3.3.1 An employee is entitled to a further 40 working days full pay per sick leave cycle of 36 months.

8.3.3.2 If the maximum period of sick leave to which an employee is entitled has been granted to him/ or her, and owing to the reasons of health, he/ or she is not able to resume duty, the following shall apply:

- a. An employee who has exhausted the maximum period of full-pay sick leave, and in terms of clause 8.3.3.2 above, has used all sick leave days, and where the employee or the employer has applied for medical boarding, shall be granted additional sick leave days without pay. The employee must be examined by a registered medical practitioner or registered traditional healer appointed by the employer.
- b. The cost of such an examination shall be borne by the employer. An employee whose sick leave is exhausted and who has annual leave available may elect to take annual leave instead of unpaid sick leave

### **8.3.4 Requirements of a Medical Certificate**

**8.3.4.1 The medical certificate should state the following:**

- a. Practice number
- b. Duration of the incapacity,
- c. Date on which the employee consulted a medical practitioner or registered traditional healer,

- d. Should be signed by a medical practitioner or a recognized traditional healer registered with South African Medical and Dental Council and appropriate structures (SA Traditional Healers Organization).

### 8.3.5 Maternity and Adoption Leave

- a. A female employee, including a female employee adopting a child under three (3) months, employed on a permanent basis will be entitled to receive three (3) months paid maternity leave, with no confinements to the number of adoptions; provided that:
  - i. Additional maternity leave will be granted strictly in accordance with the requirements of the law.
  - ii. The employee has completed one year' service with MCLM.
- b. An employee who has a miscarriage during the last three (3) months of pregnancy or who gives birth to a stillborn will be entitled to paid maternity leave for up to three (3) months after the miscarriage or stillbirth, whether the employee was on maternity leave at the time of the miscarriage or stillbirth. The necessary medical reports must be provided to qualify for this maternity leave.
- c. An employee may commence maternity leave at any time from four (4) weeks before the expected date of birth, unless otherwise agreed, or on a date from which a medical practitioner or midwife certifies that it is necessary for the employee's health or that of her unborn child
- d. A permanent employee will not resume work within the first six (6) weeks after the birth of her child.
- e. No sick leave will be granted from at least four (4) weeks prior to the expected date of birth unless a medical practitioner or midwife certifies that it is necessary for the employee's health or that of the unborn child. The employee will then start her maternity leave period
- f. A medical certificate issued by a medical practitioner must accompany notice of maternity leave and indicate the expected date of confinement. Such notice must be given at least four (4) weeks prior to the commencement of leave, or as soon as reasonably possible
- g. Maternity leave will be granted on the clear understanding that the employee will not undertake any other employment during such leave.
- h. Certain benefits are payable from the Unemployment Insurance Fund (UIF), subject to the following conditions:
  - An employee must be a contributor to the UIF.
  - An employee must have been employed and contributing to the UIF at least 13 weeks before applying for maternity benefits.
  - An employee must be on unpaid maternity leave to qualify for the UIF.
- i. To qualify for paid maternity leave, an employee must have one (1) year's continuous service with the employer.
- j. Should maternity leave be interrupted by ill-health/ sickness, the employee in question should produce a medical certificate and be credited the number of days granted for sick leave.

- k. Maternity leave calculation is linked to the number of working days per week per employee according to the leave scheme rules.

### 8.3.6 Family Responsibility Leave

- a. Family responsibility leave applies to employees who have been in employment with MCLM for longer than four **(4)** months.
- b. An employer upon receipt of reasonable proof shall grant an employee during each annual leave cycle at the request of an employee a total of five **(5) working** days paid leave which the employee will be entitled to take, either when;
- i. The employee's child is born.
  - ii. The employee's child (adopted child) is sick.
  - iii. The employee's spouse or life partner is sick.
  - iv. In the event of death of:
    - The employee's spouse or life partner; or
    - The employee's parent, adoptive parent, parents-in-law, grandparent, child, adopted child, grandchild, and sibling.
- c. An employee will be expected or required to submit proof of taking family responsibility leave. Failure to submit the required proof on absenteeism, the family responsibility leave taken will be converted into unpaid leave.

### 8.3.7 Unpaid Leave

- 8.3.7.1 Unpaid leave will be instituted in a case where an employee is absent from his or her official duties without permission from the line manager.
- 8.3.7.2 An employee who is absent for a period exceeding ten (10) working days shall be deemed to have absconded and contravened the disciplinary code, which may lead to dismissal.
- 8.3.7.3 If an employee who is deemed to have absconded reports for duty at any time after the expiry of the period referred to above, the relevant line manager will, on good cause shown and notwithstanding anything to the contrary contained in any law, approve the reinstatement of that employee in their former or any other position and in such a case the period of his or her absence from official duties will be deemed to be absence on leave without pay. There must be a valid reason for reinstatement.

### 8.3.8 Special Leave

#### 8.3.8.1 Isolation / Quarantine

- 8.3.8.1.1 An employee(s) 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(s) under isolation or quarantine, in terms of the Public Health Act (Act 61 of

2003), regulations promulgated thereunder or Regulations regulating Communicable Diseases.

- 8.3.8.1.2 Municipal employees who are on the Municipality's employee wellness programme shall be managed by the special leave dispensation committee.
- 8.3.8.1.3 Employees suffering from chronic diseases shall be granted additional sick leave in compliance with the policy related criteria and procedures.
- 8.3.8.1.4 Employees who are required to attend the above-mentioned in their own personal capacity shall be required to apply for special leave.

### **8.3.9 Special Sick Leave for Injury on Duty Cases and Occupational Diseases**

- 8.3.9.1. An employee who is absent from duty due to an injury arising out of his duties and occurring in the course thereof or owing to an illness contracted on the course of and as a result of his/ or her duties, shall be considered to be on duty on full pay for the period during which he/ she is unfit to perform his/ her duties.
- 8.3.9.2. If the illness falls within the ambit of the Compensation for Compensation for Occupational injuries and diseases Act, 1993 (Act 130 of 1993), the amount payable to him/ or her monthly earnings, shall be paid over to the municipality, provided that the Employer has already advanced an amount to the employee.
- 8.3.9.3. Special sick leave may only be granted, if the employer was notified of an accident or disease as required in terms of Sections 38 and 68 of compensation for occupational and injuries and disease act, 1993(Act 130 of 1993), and that a valid medical certificate from a registered medical practitioner is submitted to the employer.

### **8.4 General Special Leave Arrangement**

8.4.1 Special leave on full pay shall be granted to an employee subject to submission of supporting documents if the employee:

- 8.4.1.1 Gives evidence in a court case after being served with a SUBPOENA and or Summons. Upon submission of a written SUBPOENA, confirmation or Notice of a set down, either in Court, Department of Labour, CCMA, SALGBC or any other legal processes, the Employer shall grant paid time off to the employee to attend the said proceedings.
- 8.4.1.2 In execution of the provisions of paragraph 8.4.1.1 above; subpoenaed employees shall obtain prior approval from their line manager to leave their workstations. The permission may not be unreasonably withheld.
- 8.4.1.3 Special Leave on full pay may be granted to an employee to enable such employee to take part in a bona fide sports event representing South Africa as selected member or official.
- 8.4.1.4 Special leave will be granted to an employee who has been arrested and later acquitted or charges are withdrawn against him/or her.
- 8.4.1.5 An employee who is elected by any SASCOC or recognized sports association to participate at the local, provincial, national, or international level in any SASCOC and/or recognized sports event, either as a player, coach, or manager, shall be granted special leave for the duration of the event

8.4.1.5 Employees who are employed on a part-time basis to officiate during national, provincial and local government elections shall be granted paid special leave for the duration of the elections as specified in the letter of the appointment issued by the Independent Electoral Commission Of South Africa (IEC).

**8.5 Special leave in full pay shall be granted to an employee if the employee:**

8.5.1 Writes an examination prescribed and approved by the employer, on the basis of one (1) day special leave for each day that the employee writes an examination plus an equivalent number of days for preparation for examination to a maximum of 160 hours (20 days) per annum.

8.5.2 Is elected by any SASCOC and or recognized sports association to participate on local, provincial, national or international level in any SASCOC and or recognized sports event as either a player coach or manager, which special leave shall be granted for the duration of the event.

8.5.3 Has been admitted to an undergraduate or post graduate course and is required to attend classes, provided that the leave days granted do not exceed 160 hours (20 days) per annum.

8.5.4 Has been admitted to a postgraduate course requiring research, provided there is proof of registration and that the leave days granted do not exceed 160 hours(20 days) per annum.

8.5.6. All applications for paid special leave must be accompanied by the necessary supporting documentation from the employee.

**8.6 Payment of Salary During the Injury on Duty Sick Leave**

8.6.1 An employee who is on injury on duty sick leave as a result of being booked off for more than 14 days shall be entitled to a salary pay of a 3<sup>rd</sup> (third) of their salary as prescribed by Section 47 (1) (a) of the **COIDA**

8.6.2 After the expiry of the said three months, the employee on Injury on Duty sick leave shall submit and claim their third of their salaries from the local Department of Labour.

8.6.3 The Injury on Duty Sick Leave which result in Temporary total disablement continuing for more than 24 months may be treated by the Director-General (Department of Labour) as permanent disablement.

**8.7 Long Service Leave**

8.7.1 In addition to annual leave an employee shall qualify for the following additional leave as recognition for service at the same Employer, after completing the period(s) of continuous service as follows:

YEARS OF SERVICE	LONG SERVICE LEAVE DAYS RECEIVED (ONCE OFF)
10 Years	10 Working Days
15 Years	15 Working Days
20 Years	20 Working Days

25 Years	25 Working Days
30 Years	30 Working Days
35 Years	30 Working Days
40 Years	35 Working Days
45 Years	35 Working Days

## **8.8 Leave Payment**

### **8.8.1 Long Service Payment**

8.8.1.1 An employee may choose to either utilize the leave as annual leave or encash such leave.

8.8.1.2 The long service recognition leave may be wholly or partially converted to payment on the date on which the employee qualifies for it or at any stage thereafter, subject to budget provisions.

8.8.1.3 When an employee terminated services, long service recognition leave balance does not form part of the overhead maximum of forty-eight (48) days leave that may be paid out as per the Main Collective Agreement. It will be paid over and above the normal annual leave credit.

8.8.1.4 The initial date of permanent appointment of an employee shall be maintained for the purposes of determining the actual service period of the employee and for the calculation of the long service bonus.

8.8.1.5 If an employee has exhausted all types of leave but has leave credit on long service; the employer reserves a right to deduct owed days from long service leave. Alternatively, for every day that an employee is absent, it will be regarded as unpaid leave.

### **8.8.2 Payment in Lieu of Service Termination**

8.8.2.1 MCLM employees will be paid on leaving the service for any reason in accordance with the provisions of the Basic Conditions of Employment Act for any unused/uncommitted annual leave to which they are entitled at the time of termination. Payment of such leave must be implemented within 10 working days.

8.8.2.2 In an event where the employee for any reason owes the Municipality, then the leave pay-out will be used to pay the debt.

### **8.8.3 Payment in Lieu of Leave on the Death / Passing of an Employee**

8.8.3.1 When legally married employees pass away, the amount payable in lieu of any annual leave and long service leave to which they were entitled, will be paid to the surviving spouses.

8.8.3.2 In the case of unmarried employees, payment in lieu of such annual leave shall be made to: (a) the parent of the deceased employee who is eligible to claim on behalf of minor children and is in possession of a letter of authority or executorship; (b) an eligible child above the age of 18 years who is in possession of a letter of authority or executorship; or (c) the guardian, who can claim on behalf of the minor with a letter of authority

8.8.3.3 MCLM reserves the right to rectify all the leave errors that may be identified.

## 9. IMPLEMENTATION OF THE POLICY

9.1 The execution of the leave policy shall be based on sound corporate governance principles.

9.2 The implementation of this policy will be effected a day after approval by Council and signed by MM.

## 10. FINANCIAL IMPLICATIONS

The implementation of the Leave Policy shall have financial implications for the Municipality.

## 11. MONITORING AND EVALUATION OF THE POLICY

11.1. Corporate Support Services department (HCM division) shall monitor and evaluate the implementation and compliance of the Leave Policy.

11.2. No deviation to Leave Policy and procedure requirements is permitted. Any possible breaches of the Leave Policy would be monitored by the HCM division.

## 12. POLICY REVIEW

This policy will be reviewed at least every three years and/or amended as the need arises based on prevailing situations and legislation affecting the Municipality.

## 13. COMMUNICATION

The Leave Policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

## 14. COMPLIANCE

Any contravention to the leave policy shall be constituted as misconduct.

## 15. PRESCINDING POLICIES RESCINDED

The previous policies in respect of the subject are rescinded with the new leave policy upon approval.

## 16. APPROVAL

Council:	
Signature:	
Date Approved:	
Effective Date:	



DRAFT