

CENTRAL KAROO DISTRICT MUNICIPALITY

ANNUAL LEAVE POLICY

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1. **POLICY PURPOSE:**

All employees need a period of rest to recuperate and the taking of leave is not discretionary but must be taken in terms of the Basic Conditions of Employment Act of 1997 or any collective agreement or any other legislation that regulates this leave and subject to the municipality's operational requirements. This policy provides the annual leave policy for all officials.

2. **POLICY SCOPE:**

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

3. **POLICY DEFINITION:**

“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.

4. **LEGISLATIVE FRAMEWORK:**

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

- Labour Relations Act, 66 of 1995 as amended from time to time;
- Basic Conditions of Employment Act, 75 of 1997 as amended from time to time;
- Local Government: Municipal Systems Act, 32 of 2000 as amended from time to time;

- All collective agreements, as amended from time to time, concluded in the South African Local Government Bargaining Council [SALGBC];
- Employment Contracts in terms of Proclamation R.805 dated 1 August 2006, as amended from time to time, of the Municipal Manager and Directors directly accountable to the Municipal Manager;
- Municipality's Unauthorised Absence Policy; and
- Municipality's System of Delegation, as amended from time to time.

5. GENERAL POLICY PROVISIONS:

The following sections provide the policy provisions to ensure that the purpose of this policy is achieved.

5.1 Leave Record:

All leave due, granted and leave taken, shall be recorded. The official appointed for this purpose, shall be in charge of such records, which shall be open for inspection by any employee at all reasonable times during office hours.

5.2 Classification of Leave:

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

- Vacation Leave;
- Special leave;
- Maternity leave;
- Family Responsibility Leave; and
- Sick leave.

5.3 Granting of Leave:

All leave shall be granted by the Municipal Manager or his authorized representative.

Leave for the Municipal Manager shall be granted by the Executive Mayor.

5.4 Application for Leave:

All applications for leave shall be in writing on the form supplied by Council and must be submitted in accordance with the leave procedure as noted on the back of Council's official leave form. An employee shall not proceed on leave unless such leave has been approved.

All applications for leave must be lodged with the relevant Manager or Departmental Head.

In the case of the Municipal Manager such application must be submitted to the Mayor, and the application of Managers reporting to the Municipal Manager to the Municipal Manager.

5.5 Leave Conditions and Requirements:

- Leave granted may be cancelled or postponed at any time by the authority which granted it, or an employee who is on leave may be recalled if this is deemed to be in the interest of the council.
- 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.
- An employee shall be compensated by the Council for any irrevocable expenses or obligation incurred by him before he was notified of such cancellation or postponement or before he was recalled from leave, and if an employee whose leave has been interrupted, has to travel in order to resume his duties, any reasonable expenses, with due consideration of the

circumstances, for the journey and back, shall be paid and he shall be deemed to be on duty during any time spent travelling.

- Any cancellation or postponement of leave shall be notified to the employee in writing. The employee will be reimbursed subject to submission of reasonable proof.
- Notwithstanding anything to the contrary in the conditions of service, the Council may in times of emergency postpone to an indefinite period any leave due to any employee
- 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 prior to or during a strike called by the unions.
- Vacation leave may be converted to sick leave by the Municipal Manager or his authorised representative in the event of an employee being hospitalised during his/her annual leave due to an illness, operation or accident and proof must be submitted to this effect.
- The employee has to notify the employer on the first day of admission to hospital.

5.6 Resuming Duties before Leave has Expired:

After the authorised 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 authorised representative so instructs or authorises him.

5.7 Leave Granted in Error:

If more leave than that which is due to the employee 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 monies due to him/her.

5.8 Service for Leave Purposes:

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

5.9 Leave Without Pay:

If the vacation leave of an employee has been used in full, the Municipal Manager may, at his/her 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 the employee without pay X Annual salary of the employee;
- Number of working days per year applicable to the employee;
- Note: Leave will not accrue during periods of unpaid vacation leave and unpaid sick leave.

5.10 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.

5.11 Vacation Leave:

Applicable to all employees falling under the SALGBC Main Collective Agreement.

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

- Twenty four (24) days per annum for a five (5) day worker; and
- Twenty seven (27) days per annum for a six (6) day worker.

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

- A five day worker shall take a minimum of sixteen days leave; and
- A six day worker shall take a minimum of nineteen days leave.

Vacation leave in respect of any year of service, including the first year of service, may be granted to an employee based on providing sufficient reason, during and before the completion of the year of service in respect of which he/she intended taking leave, provided that 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.

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.

Notwithstanding the provisions of the abovementioned 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 she/he is transferred, or paid out at the employees request.

The only exception where leave will not be transferred is where an employee is promoted to the post of a Section 56 employee and any leave accrued in the previous post will be paid to the employee prior to commencement in the post of section 56 employee.

Subject to the provisions above an employee (excluding Section 56 employees) 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.

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.

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 the 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.

Permanent employees are allowed a debit of -4 days annual leave when special circumstances for the leave can be provided.

5.12 Accumulated Leave:

Any accumulated leave in excess of 48 days must be taken by the employee unless the employer turns down the request of the employee to take such leave, then the portion in excess of 48 days can be encased. If, however, the employee fails to apply or take the leave in excess of the 48 days despite being afforded opportunity to do so, then employee will forfeit this leave on 30 June of the following year.

Except on the occasion of final termination of service and subject to the provisions above, no payment for leave not taken will be made to an employee.

All employees falling under the Performance Regulations of 2006 (Municipal Manager and Managers reporting to the Municipal Manager) will be entitled to leave in accordance with their respective appointment contracts.

5.13 Sick Leave – permanent employees and fixed term employees (longer than one year):

Permanent employees are entitled to 80 working days sick leave in a three year sick leave cycle.

Accumulated leave, in accordance with the Collective Agreement, will be written in the personal register and will be a motivation if an employee wants extra sick leave. It will not form part of the 80 day sick leave.

5.14 Sick Leave – Fixed term employees (shorter than one year):

Fixed term employees are entitled to take sick leave calculated for 1 day for every 26 working days service.

5.15 Special Leave (study leave) for employees who received a study bursary from the council:

Study leave (special or normal leave) may not be more than 20 working days per year in accordance with the Study Bursary Policy of Council. Discretionary leave should be applied for by means of written motivation by the affected employee, and can such a request only be granted by the Municipal Manager.

5.16 Study leave will be granted in the following instances:

- Special leave to write an exam;
- One day special leave (day before date of exam) for every day an exam is written (special leave will not be granted if the exam is written on a Monday);
- Optional: 10 normal days leave with a maximum of 10 days special leave to qualify for a maximum of 20 days in total.

Contract employees will not qualify for a study bursary and will not qualify for study leave.

5.17 Special Leave:

Special leave can be granted under the following circumstances:

- If an employee is selected by an amateur sports organisation to represent South Africa at an international sports game as participant within the Republic.
- Teams that represent South Arica at international sports games outside South Africa as a couch or manager;
- It the employee is a representative of an organisation to accompany an overseas international team that visits South Africa;
- For any purpose that is approved by the administrator.

5.18 Maternity Leave:

To qualify for maternity leave an employee must have more than one year of service.

An employee will be entitled to three (3) months paid maternity leave, which will include employees who adopts children younger than three months, or an employee of whom the child is still born. There will be no restriction on the amount of births or adoptions.

A fourth month (20 days) of unpaid maternity leave can be taken by an employee. Should the employee have enough leave credit to her disposal, this fourth month will be noted as paid leave.

Should the employee still have further leave credit to her disposal, after making use of the fourth month as stipulated above, an additional 15 days (working days including weekends) can be taken by the employee. This will be debited as paid leave.

6. FAMILY RESPONSIBILITY LEAVE:

The employee must be in the employ of the employer for a period of more than four months to qualify for family responsibility leave.

The employee will be entitle to five (5) days paid family responsibility leave per annum, as per the Collective Agreement prescriptions.

7. LEAVE CREDIT FOR DECEMBER CLOSING OF OFFICE:

Technical Service Department: all employees should have a credit of 15 days at the closing of office in December. Should the employee not have enough leave credit the rest of the year will be handled as unpaid leave;

Corporate Services and Financial Services: all employees should have a credit of 5 days at the closing of office in December. Should the employee not have enough leave credit the rest of the year will be handled as unpaid leave;

Workdays for the Technical Services Department will be reserved for the office closing at the end of the year and the employee will be entitled to the leave credit that remains.

Workdays for the Corporate Services Department and Finance will be reserved for the office closing at the end of the year and the employee will be entitled to the leave credit that remains;

The application of unpaid leave will still remain until all the employees of the council have the required leave days (in credit) as discussed (5 and 15 days).