MNQUMA LOCAL MUNICIPALITY

LEAVE MANAGEMENT POLICY

MNQUMA MUNICIPALITY
P.O. BOX 36, BUTTERWORTH 4960
2025 -05- 29
MUNICIPAL MANAGER

Corporate Services Directorate

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1. PREAMBLE

WHEREAS the policy seeks to give effect to the South African Local Government Bargaining Council Eastern Cape Division Collective Agreement on condition of services which came to effect from the 18th June 2007.

WHEREAS the policy regulates the application, usage and management of leave to promote a common and uniform leave for employees

Be it enacted by Council as **Leave Policy**

2. DEFINITIONS

"Annual leave"	Amount of time expressed as the number of days per year that an employee is entitled to be away from work
"Sick leave"	Is an employee benefit in the form of paid or unpaid leave, which workers can us during periods of temporary sickness or to stay home and address their health and safety need without losing pay or their jobs.
"Maternity leave"	Means leave that a pregnant employee takes for the birth of her child, or to enable her to be the child's primary caregiver
"Paternity leave"	A leave of absence from a job for a father to care of a baby
"Family responsibility Leave"	A leave of absence from a job for an employee to take care of family responsibilities such as when there is death or sickness of child, spouse or parent.
"Study leave"	A leave of absence from a job granted to an employee to prepare for his/ her examination
"Unpaid Leave"	Unpaid leave is time off from which is provided without pay. When an employee takes or is given unpaid leave, he or she retains a position in a company, and many retain benefits as well, but the employee receives no salary (or lesser amount

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	depending on the number of unpaid leave days)
"Leave Cycle"	A 'leave cycle' means a period of 12 months commencing form the first day of employment or commencing form the end of the previous leave cycle.
"Employee's Child"	Employee's child in terms of this policy is a biological child of the employee or a child adopted by the employee in terms of the relevant legislation.
"Employee's Parent"	Employee's parent is a biological parent of the employee including the biological parent of the spouse of the employee (parent-in-law)
"Auditing of leave of absence"	The reconciliation of the Attendance Register, the System and the Leave File: all dates in the Attendance Register that reflect that an employee was on leave must be accompanied by a leave form, which must have been captured into the system and thereafter, laced in a leave file.
"Calendar days"	A period covering the days of the month.
"Working days"	Monday to Friday, excluding public holidays. This definition does not apply to shift workers and 6 day employees whose annual leave may be taken on a Saturday or Sunday.
"Temporary Employees"	Employees who are appointed for periods not exceeding six months.
"Contract Employees"	Employees who are appointed for a specific period that has a commencement and end

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	dates. The duration of the employment will be for a minimum period of six (6) months to a maximum of five (5) years with an option of an extension of the period of an appointment.
"Full-time Employees"	Full time employees are appointed permanently into posts or additional to the establishment until they reach their retirement as determined by the employer.
"Immediate family"	An employee's spouse, life partner, parents, adoptive parents, grandparents, biological children, adopted children, grandchildren or siblings
"Medical Practitioner"	A medical practitioner defined by the Health Professions Council of South Africa as legally certified to diagnose and treat patients.
"Spouse"	A person/s registered with the employer as a lawful husband/s or wife/wives including same sex as life partner.

3. LEGISLATIVE FRAMEWORK

3.1 Labour Relations Act 66 of 1995 as amended

3.2 Basic Conditions of Employment Act 75 of 1997 as amended

3.3 Local Government: Municipal System Act, 32 2000 as amended

3.4 All Collective Agreements concluded in the South African Local Government Bargaining Council (SALGBC)

3.5 Compensation for Occupational Injury and Disease Act No. 130 of 1993

4. CONSULTATION

Relevant stakeholders shall be consulted in development and review of this policy, namely: Directorates, Management, SAMWU, IMATU, Council

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5. OBJECTIVES OF THE POLICY

5.1 The purpose of this policy is to codify conditions of leave, as contained in the Main Collective Agreement.

5.2 The objective of the leave policy and procedure is to streamline, standardise, and regulate the leave application and approval processes.

APPLICATION PROCEDURES

6. SCOPE OF APPLICATION

The policy shall apply to all Mnquma Local Municipality employees, excluding the Municipal Manager and Managers directly accountable to the Municipal Manager in terms of section 56 of the Municipal Systems Act 32 of 2000. It is also applicable to all employees within the municipality excluding the employees working less than 24 hours per week.

Leave for Interns, Experiential Learning and EPWP Employees shall be applied according to the BCEA and Ministerial Determination on EPWP.

7. POLICY STATEMENTS

7.1 The Mnquma Local Municipality adopts the following policy statements in terms of the various types of leave of which the employees are entitled to:

7.2 The Mnquma Local Municipality differentiates and allows for the following types of leave for the employees of the Municipality in line with the collective Agreement concluded in the South African Local Government Bargaining Council and the Basic Conditions of Employment ACT, 1997 (Act No 75 of 1997)

8. TYPES OF LEAVES

8.1 ANNUAL LEAVE

Council shall grant an employee the following annual working leave days in a leave cycle.

8.1.1 Twenty-four (24) days for a five- (5) day worker; and

8.1.2 Twenty-seven (27) days for a six- (6) day worker.

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

81.4 A five- (5) day worker shall take a minimum of sixteen (16) days leave once or as separate the days

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8.1.5 A six- (6) day worker shall take a minimum of nineteen (19) days leave

8.1.6 Failure to take the compulsory leave in clauses 8.1.4 & 8.1.5 above, shall result in forfeiture if not taken within 6 months after the end of the leave cycle.

8.1.7 Leave may be accumulated to a maximum of forty-eight (48) days, but as a leave control mechanism employee should ensure that their accumulated leave days does not exceed 30 days.

8.1.8 In the event that an employee has accumulated the maximum of 48 days without taking the compulsory leave within that leave cycle, the employee will not accumulate another 2 days and will accumulate and forfeit immediately.

8.1.7 Directorates are encouraged to have quarterly leave plan to manage leave days

8.1.8 if in exceptional circumstances, an employee is unable to take their compulsory leave within the current leave cycle, then the relevant manager/supervisor and the employee shall jointly plan to ensure that the compulsory leave is taken before 30 June of the following year.

8.1.9 Employees who are serving the resignation notice are not allowed to take annual leave during notice, they must complete the period,

8.2 WORK CONSESSIONS

8.2.1 Depending on operational requirements, employees may be allowed time off from 13H00 on the last working day preceding the Good Friday and Christmas. However, should there be a need to maintain a skeleton staff, some employees may be required to remain on duty to provide essential services on these days with the provision that they will be granted time off at a later date by arrangement with their supervisor;

8.2.2 Employees may also be allowed time off in other deserving cases at the discretion of management; and concessions may be granted in lieu of time worked in, by agreement between the employee and his/her supervisor.

8.4 LONG SERVICE LEAVE

An employee shall qualify for the following additional leave as recognition for

continuous service at the completion of the following years:

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8.4.1 5 Years' service: 5 Days accumulative leave

8.4.2 10 Years' service: 10 Days accumulative leave

8.4.3 15 Years' service: 15 Days accumulative leave

8.4.4 20 Years' service: 15 Days accumulative

8.4.5 25 Years' service or more: 15 Days accumulative leave

8.4.6 Payment of long service for employees above 25 years of service will be curbed at the same terms of 25 years

8.5. The long service leave must be taken within the same financial year, failing which he or she will forfeit the leave days. In the event that the employee completes his/her cycle of long service on May and June, the long service leave must be taken within three months

8.6. On 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 75 of 1997.

9. USE OF ANNUAL LEAVE FOR TREATMENT OF SUBSTANCE ABUSE

If an employee:

9.1 Has completed a reasonable period of satisfactory service and abuses alcohol or is drug addicted, she or he may utilize annual leave or probably future annual leave for relevant treatment.

9.2 After at least twelve months, if expert evidence indicates that the employee has been rehabilitated, the municipality may convert the annual leave which was utilized during the period of treatment to special leave.

10. LEAVE PLANNING

10.1 Directors, in consultation with employees, shall plan compulsory leave for their employees in January each year, to ensure that compulsory leave is taken in compliance with this policy and with minimal disruption to service delivery.

10.2 The leave plan shall ensure that all employees take the required compulsory leave for

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the current leave cycle by 31 December, as well as any outstanding compulsory leave by 30 June as well as any accumulated leave, to maintain an employee's closing leave balance below 48 days

10.3 However, the onus ultimately rests with employees to ensure that they take their required compulsory leave each year, and that they maintain their leave balance below 48 days, to avoid forfeiture of leave.

11. APPLICATIONS AND APPROVAL

11.1 All leave applications for annual leave must be applied within 3 days, before you can go on leave, and a valid comment must be provided on the on-line system and approved by the Supervisor/Line Manager

11.2 It is incumbent upon the employee to ensure that their leave application has been approved prior to going on leave, Leave requested may be disapproved by line managers due to operational requirements and leave balances can be viewed online by a registered online users

11.4 The mere submission of a leave application on line does not mean that the leave has been granted. Similarly, the granting of leave may not be unnecessarily or unreasonably withheld.

11.5 Supervisors are to ensure that leave applications are approved on line by the correctly delegated authorised signatory, prior to the employee is going on leave. Wherever possible, the employee should make a follow up on whether the leave application has been approved.

11.6 Each directorate shall keep a record of all leave taken for the month and submit that to Corporate Services with the attendance register at the end of each month.

11.7 All the leaves taken must be recorded on the attendance register as no work no principle will apply for blank spaces on the attendance register.

11.8 Employees may use their annual leave days for the Christmas shut down period. The number of days for this period is approved by the Municipal manager and those days will be deducted from employee's annual leave days.

11.9 The municipality may apply no work no pay in the event that the employee does not adhere to all types of Leave and doesn't report for work.

11.10 Non-adherence to this policy may lead to disciplinary action being taken against him/her.

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12. SICK LEAVE

12.1 Employees are entitled to (80) days sick leave during each cycle of thirty-six continuous months.

12.2 A sick leave cycle commences on an employee's date of appointment, and renews every 3 years thereafter

12.3 If an employee is sick and cannot come to work, he/she must inform his/her immediate supervisor at / or before work commencement time and employee shall be required to submit a medical certificate from a registered Medical Practitioner if 2 or more consecutive days are taken as sick leave.

12.4 If an employee is absent due to sickness for a day or more, a leave form must be signed on the first day of return to work and a medical certificate be attached if he/she was absent for more than two days.

12.4. The employee is required to submit a medical certificate if she/he reports sick on bed twice within an eight (8) week's period, failing which no work no pay shall apply

12.5 The attendance register must be marked absent/ sick leave by the supervisor.

12.6 The leave application must be checked by the supervisor for recommendation and to the Manager/Director for approval.

12.7 The municipality may send an employee to a medical doctor appointed by the municipality for a second opinion on the medical notes received from the employee's doctor if there is a reasonable (belief) evidence of abuse of sick leave.

12.9 The Municipality shall not pay an employee without a medical certificate if an employee is absent on more than two occasions in eight-week period

12.10 It is the responsibility of the employee to ensure that the sick certificates are submitted to the Employer timeously, to avoid under- or over-payment of salary.

13. MEDICAL BOARDING

13.1

13.2 An employee who is continuously reporting sick may at the discretion of the employer be referred to the internal medical Doctor to determine his/her fitness for the job

13.3 The Municipality must apply for medical boarding of an employee if he/she is continuously sick and unable to perform the duties attached to his/her position as per the LRA code of good practise and on incapacity.

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13.4 This shall be dealt with in accordance with Incapacity Leave Management Policy

13. ADDITIONAL PAID SICK LEAVE

13.1 Employees who have a balance of at least 60 working days unused sick leave at the end of a three-year cycle, shall receive an additional 20 working days paid back leave to which he will be entitled in the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than 100 working days' sick leave on full pay.

13.2 If the maximum period of sick leave to which an employee is entitled has been granted to him and, owing to reasons of ill health, he is not able to resume duty, the Municipality must grant such employee an additional 60 working days' sick leave in respect of chronic illnesses and/ or illnesses requiring hospitalization, which shall be made up as follows:

30 working days on full pay; and 30 working days on half pay.

13.3 The Municipality may, prior to granting the additional paid sick leave, require an employee to submit himself to an examiner appointed by the Municipality.

13.3 The following conditions shall apply:

13.3.1 Provided that the employee has submitted a satisfactory certificate from a registered medical or dental practitioner, or a Traditional Healer registered with a recognized professional council in terms of legislation; and

13.3.2 If the employer is satisfied that the employee is at that moment not permanently incapacitated to resume his normal duties

13.3.3 Such additional sick leave must be granted in respect of separate periods of absence and in respect of illnesses of different kinds.

13.3.4 On written application by an employee, who has exhausted his/her full paid sick leave and additional full paid sick leave, annual leave which he has to his credit must be granted to supplement sick leave on half pay or no pay at the discretion of the employee concerned.

13.4 An employee whom the maximum period for full and additional paid sick leave may be granted sick leave without pay to the maximum of 250 working days in any cycle if the municipality is satisfied that the employee is not permanently incapacitated to resume duties, provided that where sick leave without pay exceeds forty (40) days, the employee must be examined by a medical practitioner appointed by the municipality.

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14. SPECIAL LEAVE

14.1. An employee who is absent from duty owing to an injury arising out of his duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his duties, such sick leave be governed by the provision of the Compensation for Occupational Injuries and Diseased Act No 130 of 1993.

14.2. If the case falls within the ambit of the COIDA, the amount payable to her in terms of the act by means of periodic payments of her monthly earnings shall be paid over to the municipality, provided that the employer has already advanced the amount to the employee.

14.3. Special sick leave may only be granted, if the employer was notified of an accident of disease as required in terms of Sections 38 and 68 of the Compensation for Occupational Injuries and Diseases Act and that a satisfactory medical certificate from a registered medical practitioner is submitted to the employer.

14.4. Remuneration includes all forms of remuneration as envisaged in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993).

14.5 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

14.6 If the period of sick leave in terms of injuries on duty exceeds three hundred and sixty-five (365) calendar days, the employer may take any decision it deemed appropriate in line with Ill Health and/ or Incapacity in terms of the Labour Relations Act.

15. MATERNITY LEAVE

15.1 This leave applies to all full-time female employees regarding entitlement and payment for the maternity leave, subject to the conditions below, but does not detract the rights of all other female employees to four (4) months unpaid maternity leave.

15.2 All employees are required to comply with the requirements set out above and below when applying for maternity leave.

15.3 The employees are required to notify the 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, unless there is underlining medical condition.

15.4 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.

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15.6 Employees, who have legally adopted a child up to the age of one year, will be entitled to one-month maternity leave for the reception of the child.

15.7 The employee is required to notify the municipality as soon as reasonably possible that she has applied to adopt a baby.

15.8 This section of the policy applies to full-time employees, who will be entitled to three months maternity leave, part of which will be paid subject to all the conditions below:

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

15.8.1 100% of the employee's normal monthly remuneration calculated at the date on which her maternity leave commences for any period for any period of maternity leave taken, subject to a maximum period of: -

(a) three months for the purposes of confinement, birth, and post-natal care(b) Six weeks in the event of a miscarried in the third trimester or stillbirth; and

(c) One month for the purposes of adoption.

15.10 The employee will be required to continue to work for the municipality for at least:

15.10.1 Two months after her maternity leave which was taken for the purpose of ordinary maternity leave (confinement, birth and postnatal care)

15.10.2 Three weeks after maternity leave taken in the event of a miscarriage during the third trimester, or stillbirth; and one month after maternity leave used in the case of adoption.

15.13 Should the employee not comply with the provisions of clause above; she will be required to repay any moneys received to the municipality during maternity leave, on a pro rata basis.

15.14 Where the employee has been employed by the municipality for more than one year but less than three years, the municipality will pay the employee 75% of her normal monthly

16. PATERNITY LEAVE

16.1 This leave is meant for fathers (employees of the Council) of newly born child.

16.2.1 Father shall be entitled to Ten (10) days paid working days leave on the birth of their spouse child.

16.2.2 This only applies once in a calendar year.

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17. FAMILY RESPONSIBILITY LEAVE

17.1 Family responsibility applies to employees whose children and / or spouses are sick, or when an employee loss a parent, parent-in-law, grandparent, child, adopted child, grandchild, spouse, and siblings through death.

17.2 This employee should be employed by the municipality for longer than four months as per the main collective agreement.

17.3 The employer shall grant an employee during each annual leave cycle at the request of the employee, a total of five (5) days paid leave.

17.4 The employee is entitled to take family responsibility leave either when:

17.4.1 His/ Her child is sick

17.4.2 The employee's spouse or lifetime partner is sick, parent, parent-in-law and grandparents;

17.4.3 in the event of death of the employee's parent, parent-in-law, grandparent, child, adopted child, grandchild or sibling, proof of affidavit where surnames are not the same should be attached

18. STUDY LEAVE

18.1 Study leave applies to employees who have completed four months of employment at Mnquma Local Municipality

18.2 For the purpose of examinations, an employee will be granted two days' special study leave for each subject.

18.3 For each day the employee writes an exam and the immediate previous day will be granted as special study leave.

18.4 Where exam is written on a Monday no previous day's special study leave will be granted.

18.5 The same applies where the previous day is a public holiday.

18.6 This study leave will not be applicable for tests or handling of assignments

18.7 No special study leave will be granted for re-exams employee will use his/her normal leave or unpaid leave. (Re-exams means supplementary examinations or special exam)

18.8 The 10 days' normal exam leave with a maximum of 10 days study leave to qualify for a maximum of 20 days in total per annum (the working session to discuss the additional study leave days.

18.9 Employees studying on a part-time basis and who need to be absent from duty for periods of time to attend compulsory classes at recognised educational institutions for study and/or tutorial purposes, to do practical work or to undertake research work, may be granted study leave on a 50:50 basis, i.e. 1 day's special leave with full pay for each day's vacation leave, either with or without pay, taken by the employee; Study leave on a 50:50 basis for the purpose of compiling a dissertation or thesis may also be granted to postgraduates at the discretion of management;

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18.10 Study leave on a 50:50 basis can be utilised up to a maximum of 20 continuous days per academic year, i.e. ten (10) continuous days of the employee's vacation leave plus ten (10) days' special leave;

18.11 Study leave on a 50:50 basis may only be granted for studies in which the Council has a direct interest and provided the necessary documentation from the relevant institution is submitted;

18.12 Employees are not allowed to utilise study leave on a 50:50 basis for the purpose of studying at home in preparation for an examination. If an employee has a need to be absent from work to study for an examination, he/she must use normal vacation leave for the purpose.

19. UNPAID LEAVE

19.1 Unpaid leave is discouraged and will only be granted in exceptional circumstances at the discretion of the municipal Manager through the Corporate Services Directorate.

19.2 All annual leave should ideally be exhausted before unpaid leave may be taken. 19.3 Annual leave will not be accrued during unpaid leave, and any bonus or incentive on returning from unpaid leave will be prorated to reflect the period of absence.

20. TIME OFF FOR UNIONS

20.1 Shop stewards shall be entitled to 15 (fifteen) days per year with full pay during working hours for trade union activities and training in line with the Main Collective Agreement

20.2 Six (6) days of each shop steward's annual entitlement of time off shall be pooled and re-allocated at the trade union's discretion to the shop stewards at the employer concerned, provided that no single shop steward may take more than 21 (twenty-one) days off per year and that the total days in the pool are not exceeded.

20.3 Further request for time off for shop stewards shall not be unreasonably refused.

20.4 Trade unions shall give notice to the employer in advance of the intention to take time off.

21. COMMUNICATION

The existence of this policy will be communicated though brochures and circulars as well as work shopping of the policy to the relevant stakeholders

22. MONITORING PROCESS

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Successful implementation will be evidenced by the number of leave days each official has, proper management and control of leave by the directorates and the reduction in costs of leave incurred by the Municipality.

23. VIOLATION AND ENFORCEMENT

The violation of the contents of this policy shall constitute an offence and will lead to disciplinary action taken against the employees who are found guilty of such an offence.

24. POLICY AUDIT AND REVIEW

The policy will be reviewed annually and / or when changes in the legislation and municipal strategy and objectives warrant such a review.

25. APPROVAL OF THE POLICY

This policy was adopted by Council on the **29 May 2025**, as per resolution number **SCM7/25/007.1.3.3.**

AUTHENTICATION

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MR. S. MAHLASELA
MUNICIPAL MANAGER

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CLLR T. MANXILA-NKAMISA
EXECUTIVE MAYOR

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