



**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

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# **LEAVE AND UNPAID LEAVE POLICY**

**FEBRUARY 2015**

***APPROVED BY COUNCIL:  
DATE OF IMPLIMENTATION:***

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## 1. INTRODUCTION

The purpose of this policy is to regulate leave matters of employees of the Cape Winelands District Municipality [the Municipality].

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

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

## 2. BACKGROUND

The legislation and agreements referred to in paragraph 1 deal with the following leave:

- Annual Leave
- Sick Leave
- Maternity Leave
- Family Responsibility Leave
- Shop Steward Leave
- Special Leave (which constitutes - Study Leave - Leave of absence for obligatory course/study requirements - Leave to attend a court of law to give evidence on being summonsed as a witness - Sport participation - Quarantine and isolation under medical instructions - Occupational injuries and diseases - Leave without pay).

Matters regarding time off in lieu of overtime are addressed in this policy.

In order to regulate the leave matters of employees, the provisions set out hereunder shall apply.

### **3. LEAVE REGISTER**

- 3.1. All leave of absence due, granted and taken shall be recorded in a leave register (electronic VIP format or manual) and such leave register shall be under the control of the Manager, Division: Human Resources.
- 3.2. An employee's leave record shall be available for inspection by the employee and/or his/her superiors at all reasonable times during office hours.

### **4. LEAVE SUBJECT TO THE REQUIREMENTS OF SERVICE**

Notwithstanding the provisions of any law, leave of absence other than sick leave shall be granted with due consideration to the requirements of the Municipality's services.

### **5. GRANTING AND CANCELLATION OF LEAVE OF ABSENCE**

- 5.1. Leave of absence shall be subject to the Municipality's approval in terms of its System of Delegation.
- 5.2. Application for leave of absence shall be made by an employee in a form and/or manner as prescribed by the Municipal Manager or his/her delegate.
- 5.3. Notwithstanding the provisions of any law, SALGBC agreement or policy of the Municipality, the Municipality may at any time cancel, postpone or interrupt leave of absence, other than sick leave, which has been granted to an employee should it be deemed necessary in the Municipality's interest to do so, and such an employee shall be compensated by the Municipality for irrecoverable expenses or commitments incurred by him/her before he/she had been notified of the cancellation, postponement or interruption.
- 5.4. Should an employee whose leave of absence is interrupted travel in order to resume duty, the Municipality shall pay his/her expenses for the forward and return journey and he/she shall be regarded as being on duty while travelling.
- 5.5. Cancellation, postponement or interruption of leave of absence shall be confirmed in writing.
- 5.6. Should the Municipality refuse an employee's application for leave of absence, or cancel, postpone or interrupt such leave, the reasons for such action shall be noted in the leave register and the employee shall be credited with such leave over and above the maximum determined in terms of the provisions of any law, SALGBC agreement or policy of the Municipality and be permitted to take it within 12 (Twelve) months after refusal, cancellation, postponement or interruption.

- 5.7. An employee shall not go off duty or absent him-/herself from duty without prior permission unless he/she is prevailed by sudden illness or owing to other circumstances acceptable to the Municipality from remaining on duty or reporting for duty.
- 5.8. Except in the case of sick leave, the period from the date on which an application for leave is received until the date on which the leave begins shall not be shorter than the period of leave applied for, provided that a shorter period may under exceptional circumstances be allowed by the Municipal Manager or relevant Director/Manager.
- 5.9. Sick leave shall not be granted to employees whose ill health has been caused by illegal activities, but may under exceptional circumstances be allowed by the Municipal Manager or relevant Director/Manager.

## **6. UNAUTHORISED ABSENCE FROM DUTY**

Unauthorised absence from duty shall, without prejudice to the rights of the employer with regard to disciplinary measures against an employee, be deemed to be special leave without payment, unless the Municipality decides otherwise.

## **7. TERMINATION OF PERMANENT SERVICE AND RE-EMPLOYMENT**

If a permanent employee whose service is terminated for any reason whatsoever is re-employed, such re-employment shall for leave purposes be regarded as a new appointment.

## **8. LEAVE OF ABSENCE GRANTED IN EXCESS**

When more paid leave of absence than his/her due has been granted to an employee inadvertently but in good faith, and been taken by him/her, the leave granted in excess may be deducted from leave which may accrue to him/her, or the value thereof may be claimed from him/her, whichever the employee may prefer.

## **9. ADDITIONAL SICK LEAVE**

- 9.1. If the maximum period of sick leave to which an employee is entitled has been granted to him/her and, owing to reasons of ill health, he/she is not able to resume duty, the Municipal Manager may –
- 9.1.1. on submission of a satisfactory certificate from a registered medical practitioner or dentist that at least 60 of the 80 working days sick leave used in the current sick leave cycle have been for the same or similar medical condition for which the employee applied for ; and

- 9.1.2. if he/she is satisfied that the employee is at that moment not permanently incapacitated to resume his/her normal duties; or
  - 9.1.3. the employee is permanently incapacitated but is awaiting the finalisation of his/her incapacity; and
  - 9.1.4. if the employee has no vacation leave to his/her credit, grant to such employee further sick leave; additional full pay for no more than 20 (twenty) working days.
- 9.2. If an employee to whom vacation leave has been granted is certified hospital or bed bound by a registered medical practitioner or dental practitioner due to illness after his/her vacation leave has commenced, that part of his vacation leave during which he was thus certified hospital or bed bound shall be converted into sick leave on submission of the prescribed certificate by such medical or dental practitioner.
- 9.3. If, due to illness, an employee is unable to take vacation leave as provided for in any law, SALGBC agreement or policy of the Municipality, or if his vacation leave is converted into sick leave in terms of paragraph 9.2, he/she shall be credited with the vacation leave which otherwise would have been deducted from his/her leave credit over and above the maximum provided for in any law, SALGBC agreement or policy of the Municipality and shall be allowed to take the same within 12 (twelve) months of such conversion.

## **10. GRANTING OF SICK LEAVE: EXAMINATION BY A REGISTERED MEDICAL PRACTITIONER OR DENTIST**

- 10.1 The Municipality may at any time require an employee to submit him/herself to an examination by a registered medical practitioner or dentist appointed by the Municipality, and the cost of such examination shall be borne by the Municipality.
- 10.2. The Municipality may, on the recommendation of a registered medical practitioner or dentist, compel an employee who, in the Municipal Manager's opinion, is so indisposed that he/she cannot perform his/her duties properly, to take sick leave.

## **11. SPECIAL SICK LEAVE**

- 11.1. An employee who is absent from duty owing to an injury arising out of his/her duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his/her duties, shall be granted special sick leave on full pay for the period during which he/she is unfit to perform his/her usual duties.

11.2. If an employee to whom special sick leave has been granted in terms of paragraph 11.1 is unable as a result thereof to take vacation leave, he shall be credited with the vacation leave which would otherwise have been deducted from his leave credit, over and above the maximum provided for in any law, SALGBC agreement or policy of the Municipality and be allowed to take it within 12 months after resumption of duty.

11.3. Special sick leave in terms of paragraph 11.1 shall not be granted if the Municipal Manager is of the opinion that the injury or illness is due to gross and wilful misconduct of the employee.

## **12. RESUMPTION OF DUTY BEFORE LEAVE HAS EXPIRED**

Except with the Municipality's approval in terms of delegated authority, an employee shall not resume duties before the leave granted to him/her has expired.

## **13. SPECIAL LEAVE FOR OFFICIAL PURPOSES**

Special leave shall be granted to officials to, for official purposes, attend congresses, conferences, seminars and other meetings.

## **14. LEAVE FOR PURPOSES OF TIME OFF IN LIEU OF OVERTIME**

14.1. Leave for purposes of time off in lieu of overtime may be granted where an employee worked overtime without any compensation; provided that such overtime is authorised in terms of the Municipality's System of Delegation.

14.2. Overtime worked as provided for in paragraph 14.1 shall be captured on an overtime schedule, specifying the date, hours of overtime worked and hours taken, which schedule must be signed by the employee and his/her supervisor.

14.3. Applications for leave for purposes of time off in lieu of overtime shall be submitted as provided for in paragraph 5.2. Such applications must be accompanied by the schedule referred to in paragraph 14.2.

14.4. Leave in lieu of overtime cannot be en-cashed and shall be forfeited if not taken within 1 month of the employee becoming entitled to it: provided that, for operational reasons, the Municipal Manager may extend the 1 (one) month aforesaid to a maximum of twelve months.