

# **Revised leave Policy**

# BITOU MUNICIPALITY



## REVISED LEAVE POLICY

*Approved Council under Council Resolution: C/3/68/06/13 on 27 June 2013*

**REVISED LEAVE POLICY**  
approved by Council on 27 June 2013  
as per Council Resolution no C/3/68/06/13



**1. PURPOSE OF THE POLICY**

The purpose of this policy is to regulate dealing with all different types of leave for all Bitou Municipal employees.

**2. RELEVANT LEGISLATION**

This policy will be based on relevant legislation such as Basic Conditions of Employment Act, Main Collective Agreement

**3. SCOPE OF THE POLICY**

This policy applies to all Bitou municipal employees

**4. GRADING PRINCIPLES**

- employees are entitled to different types of leave as indicated in the above mentioned documents
- leave is provided to be taken not to be encashed
- employees need to take leave to rest it is in the interest of both the employer and the employee to do so
- leave should not be unreasonably refused by the employer
- approval of leave depends on the operational requirements of the employer
- if leave is refused there must be an explanation to the employee and there should be alternative arrangements

**5. PROCEDURE FOR APPLICATION AND APPROVAL OF LEAVE**

5.1 each employee is entitled to 24 leave days per annum

5.2 leave cycle starts from 1 January to 31 December of each year or on the month of appointment to employees who were appointed after 31 December 2003

5.3 16 of the 24 annual leave days are compulsory that is employees are required to take a minimum of 16 days leave in each cycle within 18 months

5.1.4 the **compulsory 16 days** referred to above can neither be accrued nor accumulated

5.1.5 if an employee has failed to take his compulsory leave within the 18 months period it will be forfeited.

The employer cannot refuse to approve an employee's application to take compulsory leave days for the whole 18 months period even for reasons of operational requirements

### **ANNUAL LEAVE**

- Employees get two annual leave days per month which makes a total of 24 per annum for 5 day worker.
- 6 day employees are entitled to 29 days per annum
- 16 of the 24 days of 5 day employees are compulsory. They must be taken within 18 months of the leave cycle. Compulsory leave days can neither be accumulated at the end of the leave cycle nor encashed. If the employee fails to take compulsory leave days they will be forfeited after the 18 month period. The employer has to allow the employee to take compulsory leave before the expiry of the 18 month period.
- Leave need to be planned by employees with their supervision.
- Employees who apply for leave during the last three months of the 18 months period and are refused by the supervisor will forfeit compulsory leave not taken.

### **ENCASHMENT OF LEAVE**

- Leave is not intended to be encashed but to be taken to allow employees to rest. There are two conditions where employees will be allowed to encash leave and both conditions must be met to be able to encash leave.

These conditions are:

- Only leave days that are more than 48 that can be encashed
- The employee must have applied for leave during the 18 month period and was refused for operational requirements

**NB.** The above conditions do not apply to compulsory leave as it can neither be encashed nor accumulated under any circumstances.

### **PROCEDURE APPLICATION FOR LEAVE**

- Employees must apply for leave in time to allow supervisors to make arrangements where necessary.
- A supervisor may refuse to approve leave for operational reasons and when it is short notice.

**NB** leave should not be refused unreasonably.

- When leave is refused a supervisor and employee should agree on the appropriate time to take leave.
- Application for leave does not necessarily mean it will be approved. The employee must make sure that leave is approved before she/he takes leave.
- The supervisor who approves leave must make sure that she/he has authority to do so in terms of municipal delegations.
- Supervisors must make sure that completed leave forms are submitted to the payroll office to be processed.

### **UNPAID LEAVE**

- Unpaid leave can only be encashed when annual /sick leave of an employee is exhausted.
- The principle of no work no pay applies when the employee does not pitch for work.
- The behaviour of an employee should be considered when deciding whether to apply no work no pay for example, when an employee has a habit of not coming to work without permission.
- Counselling followed by disciplinary action should be taken against an employee who continuously absents himself /herself without permission.

### **SICK LEAVE**

- An *employer* shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle.
- The employee shall be required to submit a medical aid certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- The employer may demand a sick leave certificate if an employee has shown a pattern of absenting him /herself from work.
- The employer may also refuse a medical certificate and refer the employee to its medical practitioner.
- 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.
- Sick leave is not accumulated .Any unused sick leave is forfeited at the expiry of the 3 year cycle.