
ELIAS MOTSOLEDI LOCAL MUNICIPALITY-MASEPALA WA SELEGAE



LEAVE POLICY

MUNICIPAL COUNCIL RESOLUTION NUMBER

C18/19-11

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1. PREAMBLE

Leave is a liability for the Elias Motsoaledi Local Municipality (hereinafter “the EMLM”). Proper management of leave is intended to mitigate risks and/or liabilities for both the employer and the employee. To the extent, the risks could be prevented and/or reduced to minimum. For this Policy sets out to regulate leave for the EMLM employees regulated under the South African Local Government Bargaining Council (hereinafter referred to as “the SALGBC”) as well as the senior managers. It is common cause that there are categories of leave that are detailed in the regulatory frameworks and collective agreements whereas some are not comprehensively dealt with thereat. This also offers comprehensive treatment to leave categories not comprehensively dealt with in the regulatory frameworks. The EMLM abides by the rule of law as codified in the relevant legislation and collective agreements. Therefore, this Policy provides for utilisation and management of leave in both electronic format, Employee Self Service (ESS) and manually.

2. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation and collective agreements.

3. LEGAL FRAMEWORK

The obligation on an Employer to grant leave is regulated by, *inter alia*:

- Labour Relations Act (LRA) 66 of 1995;
- Basic Conditions of Employment Act (BCEA) 75 of 1997;
- Local Government: Municipal Systems Act 32 of 2000;
- Local Government: Municipal Structures Act 117 of 1998;
- Local Government: Municipal Finance Management Act 56 of 2003;
- Compensation for Occupational Injuries and Diseases Act (COIDA) 130 of 1993;
- The SALGBC Main and Divisional Collective Agreements;
- EMLM’s System of Delegation - Delegations of Authority; and
- Any other legislation that directly or by implication regulates leave.

4. SCOPE AND APPLICATION

As clearly indicated below, certain parts of this Policy apply to employees of the EMLM regulated under the SALGBC whereas certain parts apply to the Municipal Manager and Managers Directly Accountable To Municipal Managers as contemplated in Section 56 read together with Section 57 of the Local Government: Municipal Systems Act 32 of 2000 jointly and collectively referred to as the senior managers. Certain parts shall apply to both - the senior managers and the employees regulated under the SALGBC. Leave types and conditions for senior managers not dealt with in this Policy shall be regulated by the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers promulgated thereunder *Government Notice 21 Government Gazette 37245* of 17th January 2014.

5. OBJECTIVES OF THE POLICY

The objectives of this Policy are outlined hereunder:

- 5.1. To regulate usage and management of leave within EMLM;
- 5.2. To provide for leave utilisation and leave management in both electronic format, Employee Self Service (ESS) and manually;
- 5.3. To ensure compliance with the SAGBC Main and Divisional Collective Agreements;
- 5.4. To provide for special leave for senior managers thereto comply with Item 32(3) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers promulgated thereunder *Government Notice 21 Government Gazette 37245* of 17th January 2014 which states that:

“The municipality must adopt a special leave policy that defines –
(a) circumstances and conditions under which special leave is granted;
and
(b) as far as possible, events for which senior managers may be granted special leave”; and
- 5.5. To ensure good administrative governance within the EMLM.

6. POLICY CONTENT

The provisions below shall apply only to the employees falling within the SALGBC

6.1. ANNUAL LEAVE

6.1.1. Calculation of Annual Leave

6.1.1.1. The Municipality shall grant an employee the following annual leave in a leave cycle:

- Twenty-four (24) working days for a five (5) day worker
- Twenty-seven (27) working days for a six (6) day worker

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

- A five (5) day worker shall take a minimum of sixteen (16) days leave
- A six (6) day worker shall take a minimum of nineteen (19) days leave

6.1.1.3. All leave accrued as at 31 December 2003 shall be dealt with as follows:

- The value of such leave shall be determined at the rate of pay as at 31 December 2003
- Employees shall either take or encash such leave within a period of two (2) years calculated from 01 January 2004
- Notwithstanding the above period, an employee is entitled to retain a maximum of forty-eight (48) days of accrued leave

6.1.1.4. Leave accumulated subsequent to 01 January 2004 shall only be accumulated to a maximum of forty-eight (48) days inclusive of those days of accrued leave referred to above.

6.1.1.5. Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave, despite applying and because the Municipality refused to grant him / her such leave, as a result of the Municipality's operational requirements. If, despite being afforded an opportunity to take leave an employee fails, refuses or neglects to take the remaining leave due to him / her during this period, such remaining leave shall fall away.

6.1.1.6. At the end of a leave cycle, an employee may not have more than forty-eight (48) days annual leave to his / her credit

- 6.1.1.7. In the event of the termination of service, an employee shall be paid his / her leave entitlement calculated in terms of the relevant provisions of the BCEA, provided that the Municipality shall not be obliged to encash more than forty-eight (48) days annual leave upon the termination of that employee's contract of employment

6.1.2. *Application for leave*

- 6.1.2.1. Application for leave must be made on the prescribed form electronically (ESS) or manually and approved by the relevant supervisor or his/her delegate assignee on the recommendation of the applicant's supervisor / manager if applicable, before the employee may go on leave.
- 6.1.2.2. Annual leave shall be recorded in the annual leave register and may not be taken in advance.
- 6.1.2.3. All leave of absence due, granted and taken shall be recorded in a leave register and an employee's leave record shall be available for inspection by him / her at all reasonable times during office hours.
- 6.1.2.4. Application must be made in advance prior to employee going on leave.
- 6.1.2.5. Subject to consultation with the employee, the Municipality may change or withdraw annual leave already granted.
- 6.1.2.6. If an employee becomes ill during annual leave, paid sick leave shall be granted in lieu of annual leave in accordance with the normal sick leave policy on submission of satisfactory proof.
- 6.1.2.7. Annual leave can be taken at any time during the year, provided approval is given by the relevant supervisor or his/her delegate assignee.

6.1.3. *Leave Without Pay*

6.1.3.1. Leave without pay as approved by the Municipal Manager or his or her delegate assignee, which approval shall not be unreasonably withheld, shall be subject to the following conditions:

- (i) Leave without pay shall be granted when all available vacation leave and/or sick leave has been exhausted. Leave without pay shall also be granted if an employee took leave without the supervisor's approval or supervisor's delegate assignee even if the employee has accumulated leave days available.
- (ii) For the period of leave without pay, the employer shall continue to make employer's contributions only to employee's Group Life Insurance Scheme, Pension and Medical Aid Fund, provided that the employee shall remain liable for his/her own contributions to the said funds, as well as any payment in terms of Collective Agreement.

6.2. SICK LEAVE

6.2.1. The Municipality shall grant an employee **eighty (80)** days sick leave in a **three (3)** year leave cycle.

6.2.2. During the first **six (6)** months of employment, an employee is entitled to one day's paid sick leave for every 26 days worked.

6.2.3. Additional paid sick leave

6.2.3.1. An employee is entitled to a further **eighty (80)** working days on half pay per sick leave cycle of **thirty-six (36)** months commencing on the date of appointment.

6.2.3.2. If during a cycle not more than **twenty (20)** working days' sick leave are granted to an employee, there shall be at the end of a cycle be added 33 1/3 percent of the sick leave up to maximum of thirty (30) working days on full pay and a further thirty (30) working days on half pay to the sick leave to which the employee is entitled during the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than **one hundred and six (106)** working days sick leave on full pay and a further **one hundred and six (106)** working days sick leave on half pay.

6.2.3.3. If the maximum period of sick leave to which an employee is entitled has been granted to him / her and, owing to reasons of health, he / she is not able to resume duty, the Municipality may:

(a) On submission of a satisfactory certificate from a registered medical practitioner or dentist, or a traditional healer registered with a recognised professional council in terms of legislation, and

(b) If it is satisfied that the employee is at that moment not permanently incapacitated to resume his / her normal duties, and

(c) If the employee has no vacation leave to his / her credit, grant to such employee further sick leave on half pay for not more than sixty-six (66) working days in any cycle. Such grant may be made in respect of separate periods of absence and in respect of indispositions of different kinds.

6.2.3.4. On written application by an employee, who has exhausted his / her full paid sick leave, vacation leave which he / she has to his / her credit may be granted to him / her instead of sick leave on half pay or no pay.

6.2.3.5. If vacation leave is converted to sick leave it can be utilised to supplement half paid sick leave

6.2.3.6. If vacation leave as contemplated above has been granted to an employee and he / she has received payment in respect thereof, it may not subsequently be converted into sick leave

6.2.3.7. If an employee to whom vacation leave has been granted is certified hospital or bed bound by a registered medical or dental practitioner or a traditional healer

registered with a recognised professional council in terms of legislation due to illness after his / her vacation leave has commenced, that part of his / her vacation leave shall be converted into sick leave on submission of the prescribed certificate by such medical or dental or a traditional healer registered with a recognised professional council in terms of legislation.

- 6.2.3.8. If, due to illness, an employee is unable to take vacation leave already deducted, he / she shall be credited with an equal number of vacation leave days
- 6.2.3.9. An employee may not during any period of sick leave approved in terms of these conditions resume service without the approval of a registered medical practitioner
- 6.2.3.10. An employee who is absent from service because of illness must take all reasonable steps to notify his/her immediate supervisor or supervisor's delegate assignee as soon as possible
- 6.2.3.11. An employee may not during any period of additional sick leave, leave his / her normal place of residence except for medical consultations or treatment, or with the knowledge of the Municipal Manager or his / her nominee after consultation with the Head of Department or supervisor

6.2.4. Sick leave without pay

- 6.2.4.1. An employee to whom the maximum period of full and half pay sick leave has been granted, may be granted sick leave without pay for not more than **two hundred and fifty (250)** working days in any cycle if the Municipality is satisfied that such an employee is not permanently incapacitated to resume his / her duties, provided where sick leave without pay exceeds **eighty (80)** consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

6.2.5. Granting sick leave

- 6.2.5.1. Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition or injury.
- 6.2.5.2. In the case of nervous disorders, insomnia, debility or a similar less well-defined illness or indisposition, sick leave shall be granted only if the Municipality is reasonably satisfied that the employee's state of health:
 - (a) Renders him / her unfit for work, and
 - (b) Does not arise from his / her failure to make use of vacation leave.
- 6.2.5.3. The employer (municipality) may at any time require an employee to submit himself / 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.
- 6.2.5.4. If an employee is absent from duty owing to illness for a continuous period of **two (2)** working days, sick leave may be granted to him / her only if he / she submits a certificate of indisposition issued by a registered medical practitioner or dentist or

a traditional healer registered with a professional council in terms of legislation in the required format. The employer may require the certificate referred herein to be submitted after any day's absence, subject to provisions of the BCEA.

- 6.2.5.5. Sick leave on full pay and / or half pay in respect of which the aforementioned certificate of indisposition has not been submitted, may be granted for maximum of twelve (12) working days during any calendar year of service and in respect of any further such absence, vacation leave and / or leave without pay shall be granted.
- 6.2.5.6. The employer may, on the recommendation of a registered medical practitioner or a traditional healer registered with a recognised professional council in terms of legislation, compel an employee who, in the employer's opinion, is so indisposed that he/she cannot perform his/her duties properly, to take sick leave.

6.2.6. *Special sick leave for injury on duty cases and occupational diseases*

- 6.2.6.1. An employee who is absent from work owing to 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 considered to be on duty on full pay for the period during which he / she is unfit to perform his / her duties.
- 6.2.6.2. If the case falls within the ambit of the Compensation for Occupational Injuries and Diseases Act (COIDA) 130 of 1993, the amount payable to him / her in terms of the Act by means of periodic payments of his / her monthly earnings, shall be paid over to the Municipality, provided that the Municipality has already advanced the amounts to the employee.
- 6.2.6.3. Special sick leave may only be granted if the Municipality was notified of an accident or disease as required in terms of 38 and 68 of COIDA and that a satisfactory medical certificate from a registered practitioner is submitted to the Municipality.
- 6.2.6.4. Special sick leave may only be granted if the injury on duty is approved in terms of COIDA.
- 6.2.6.5. If the period of special sick leave exceeds three hundred and sixty-five (365) calendar days, the employer may take any decision it deems appropriate in line with ill health and/or incapacity of the Labour Relations Act.

6.3. MATERNITY LEAVE

- 6.3.1. An employee, including an employee adopting a child under **three (3)** months, shall be entitled to receive **three (3) months** paid maternity leave, with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still-born.
- 6.3.2. To qualify for paid maternity leave, a female employee must have **one (1)** year of continuous service with the Municipality.
- 6.3.3. Overall, however, the employee is entitled to at least **four (4)** consecutive months maternity leave in terms of s25(1) of the BCEA. The payment of maternity benefits in excess of **three (3)** months, if applicable, will be determined by and claimed from the Department of Labour (and not from the municipality) subject to the provisions of the Unemployment Insurance Act 30 of 1996.
- 6.3.4. A female employee must notify the employer (municipality) in writing, unless the employee is unable to do so, of the date on which the employee intends to commence maternity leave and return to work after maternity leave. The notification must be given at least four weeks prior to the commencement of the maternity or if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- 6.3.5. 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.
- 6.3.6. The application for maternity leave must be accompanied by a certificate from a registered medical practitioner which states the expected date of confinement or evidence of legal adoption of a child.
- 6.3.7. Maternity leave may commence on a date from which a registered medical practitioner or midwife certifies that it is necessary for the employee's health or that of her unborn child.
- 6.3.8. An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for **six (6)** weeks after the miscarriage or stillborn, whether or not the employee had commenced maternity leave at the time of the miscarriage or stillbirth.

6.4. FAMILY RESPONSIBILITY LEAVE

- 6.4.1. Family responsibility leave applies to an employee who has been in the employment of the Municipality for longer than **four (4)** months.
- 6.4.2. The Municipality shall grant an employee during each annual leave cycle at the request of an employee, a total of **five (5)** days paid leave, which the employee is entitled to take, either when:
 - 6.4.2.1. The employee's child is born;
 - 6.4.2.2. The employee's child is sick;
 - 6.4.2.3. The employee's spouse or life partner is sick;
 - 6.4.2.4. In the event of death of –
 - (i) employee's spouse or life partner; or
 - (ii) the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling

6.5. SPECIAL LEAVE

6.5.1. *Study Leave*

- 6.5.1.1. Study leave shall be granted in accordance with this Policy.
- 6.5.1.2. Study leave shall be granted on the basis of one day paid study leave for each day that an employee writes an examination plus two (2) days per paper for preparation for the examination.¹
- 6.5.1.3. The said leave for examination in terms of Clause 6.5.1.2 must be approved in advanced by the Municipal Manager or his/her delegate.
- 6.5.1.4. Employees shall be required to submit proof in the form of the examination timetable for the student / employee requiring study leave (examination leave) as provided by the relevant educational institution before such leave can be granted.

The provisions below shall apply to the Municipal Manager and Managers Directly Accountable To Municipal Manager (hereinafter jointly and collectively referred to as the senior managers):

- 6.5.1.5. Elias Motsoaledi Local Municipality may grant special leave to senior manager in accordance with these special leave policy provisions and Item 32(1) and (3) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers promulgated thereunder *Government Notice 21 Government Gazette 37245* of 17th January 2014. A senior manager must apply for special leave on an official leave form attached as Annexure E to these regulations.

¹

This Clause is simply interpreted as follows:

"In case wherein an employee writes two papers in a day, that employee will be entitled to four (4) study leave days to prepare for the two papers and one day for writing these examinations" (See South African Local Government Association Circular 13/2017 entitled *"Interpretation and Application of the Limpopo Conditions of Service Collective Agreement"* dated 16th October 2017.

- 6.5.1.6. The following are the circumstances, conditions and events for which senior managers may be granted special leave – for studying purposes up to twenty (20) working days per financial year provided none of the days contemplated in Item 31 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers promulgated thereunder *Government Notice 21 Government Gazette 37245* of 17th January 2014 has been used or is intended to be used in that financial year.
- 6.5.1.7. Special leave for studying purposes contemplated in Clause 6.5.1.6 above shall be granted to a senior manager on the basis of one day paid study leave for each day that a senior manager writes an examination plus two (2) days per paper for preparation for the examination.
- 6.5.1.8. The said leave for examination in terms of the above must be approved in advanced by the senior manager's supervisor or his/her delegate.
- 6.5.1.9. Senior Managers shall be required to submit proof in the form of the examination timetable for the student / senior manager requiring study leave (examination leave) as provided by the relevant educational institution before such leave can be granted.

The provisions below shall apply only to the employees falling within the SALGBC:

6.5.2. Leave of absence for obligatory training

- 6.5.2.1. The fields of study must be relevant to the Local Government undertaking in accordance with the Municipality's Policy.
- 6.5.2.2. An employee attending a work-related training or training course shall be deemed to be on duty.

The provisions below shall apply to both the senior managers and employees falling with the SALGBC

6.5.3. Additional leave for Postgraduate Studies

- 6.5.3.1. Special leave for a dissertation or thesis will be granted with full pay to a maximum of five (5) working days leave per qualification or for research.

6.5.4. Attending of Classes during office hours

- 6.5.4.1. An employee or senior manager who study part-time or by means of correspondence in a field applicable to the Employer and who, as the result of his/her studies, is required to be absent from his/her place of work, will be granted vacation leave and special leave on a 50:50 basis for the time he/she is realised from duty, subject to the exigencies of the service.
- 6.5.4.2. If employee or senior manager does not have to his/her credit, unpaid vacation will be granted.

6.5.5. To attend a court or tribunals

- 6.5.5.1. On receipt of a written subpoena, notice of set down or any similar notice, an employee or senior manager who is subpoenaed / called to attend a Court of Law or a tribunal or any other similar forum as a witness shall be granted paid special leave for that day.
- 6.5.5.2. In executing the provisions of Clause 6.5.5.1. above subpoenaed employees or senior managers shall inform their supervisors a day before to leave their work stations.
- 6.5.5.3. Any employee or senior manager who is arrested and appears in Court as a result of charges laid by his Employer and who is later acquitted shall be granted paid leave for the period of incarceration.
- 6.5.5.4. An employee or senior manager who is incarcerated but not convicted for a period of twelve (12) months shall be granted unpaid leave in his / her position for the said period.

6.5.6. Sport, arts and culture events

- 6.5.6.1. An employee or senior manager who is selected by recognised amateur or professional sports, art and culture association, which association may qualify for special leave provided that such association be recognised by NOCSA or the Council of Sport of South Africa and the Council for Art and Culture.

6.5.7. Quarantine and isolation under medical instructions

- 6.5.7.1. Where a registered Medical Practitioner has placed an employee under quarantine / in isolation in terms of the Public Health Act 63 of 1977 or any Regulations in force thereunder, such an employee or senior manager shall be granted paid special leave, provided that the medical certificate has been submitted.

6.5.8. Application for Special Leave

- 6.5.8.1. Operational requirements must be taken into consideration.
- 6.5.8.2. Serving of a notice period following the tendering of a resignation must be taken into consideration. The employer may not require or permit an employee to take annual leave during any period of notice of termination of employment.
- 6.5.8.3. Supporting documents must be provided with the application.
- 6.5.8.4. Application for special leave must be approved by the relevant supervisor or his/her delegate and shall be considered in a *bona fide* manner, and shall not be unreasonably refused.

The provisions below shall apply only to the employees falling within the SALGBC:

- 6.5.8.5. When a child from zero (0) to four (4) years is adopted, adoption leave will be granted to an adopting employee. An employee is entitled to receive three (3) months paid adoption leave after the legal adoption procedure.
- 6.5.8.6. When a child older than four (4) years is adopted, adoption leave will be granted to an adopting employee. An employee is entitled to take three (3) weeks paid adoption leave after the legal adoption procedure.
- 6.5.8.7. In a case of surrogacy, a partner that, as per the Surrogacy Agreement, has been assigned to perform the role of the birthmother (receiving parent) shall be entitled to paid maternity leave of three (3) months.
- 6.5.8.8. In events referred above, the child's birth certificate and adoption order or Surrogacy Agreement must be submitted to the Employer.
- 6.5.8.9. Where a couple is in the employment of the Municipality, only one employee will be entitled to adoption leave.

6.6. LONG SERVICE RECOGNITION LEAVE

An employee who was appointed after 1st of July 1986 shall qualify for the following additional leave as recognition for long service at the same employer, which shall be only on the date on which the various periods the employee has been appointed:

- 6.6.1. 10 years' service: 10 working days;
- 6.6.2. 15 years' service: 20 working days; and
- 6.6.3. 20 years' service and above 20 years' service: 30 working days.

6.7. LEAVE IN LIEU OF OVERTIME

- 6.7.1. 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 by the employee's supervisor or supervisor's delegate assignee.
- 6.7.2. Overtime worked as provided for above shall be captured on an overtime schedule or memorandum, specifying the date, hours of overtime worked and hours taken, signed by both the employee and employee's supervisor.
- 6.7.3. Where an employee is allocated a Special Leave as payment for overtime worked, then the Special Leave should be allocated to the employee after converting the hours to overtime values in line with the Municipality's Overtime Policy.
- 6.7.4. Leave in lieu of overtime cannot be encashed and shall be forfeited if not taken within **six (06)** months the employee became entitled to the leave.

The provisions below shall apply to both the senior managers and employees falling with the SALGBC

6.8. GENERAL ADDITIONAL LEAVE CONDITIONS

- 6.8.1. Leave is applied and subject to approval. It is this approval that is the material leave condition.
- 6.8.2. The Municipal Manager and Departmental Heads shall ensure that the Municipality remains capable of functioning or operating during any mass leave periods, by ensuring an equitable granting of leave during the most-preferred periods of the year, namely around Christmas and Easter Holidays.
- 6.8.3. In all cases, and especially in the most critical functional areas of the Municipality, application of leave by employees and the granting of leave by any supervisor or his/her delegate shall be made against the necessary arrangements and operational requirements of the employer to ensure continuity of the work during leave.

7. IMPLEMENTATION AND MONITORING

- 7.1. All leave granted, taken, encashed, encashed, forfeited and all actions around leave of an employee shall be recorded officially through electronic format, Employee Self Service (ESS) or manually.
- 7.2. An employee is entitled to inspect his/her leave at all reasonable times.
- 7.3. All leave must be applied for in a format or way of application and approved by the supervisor or his/her delegate assignee.
- 7.4. The implementation of this Policy promotes utilisation of the electronic format unless there are exceptional circumstances to revert to manual format which circumstances may include but not limited to technical difficulties with the ESS system.
- 7.5. This Policy shall be implemented and monitored by the relevant supervision and management.

8. COMMUNICATION

- 8.1. This policy shall be communicated to all employees using the full range of communication methods available to the Municipality.

9. BUDGET AND RESOURCES

- 9.1. The financial and resource implications related to the implementation of this policy should be qualified and quantified by Human Resource Management.

10. ROLES AND RESPONSIBILITIES

- 10.1. The Municipal Manager or his / her delegate assignee accepts overall accountability and responsibility for the implementation and monitoring of the policy.

11. NON-COMPLIANCE

- 11.1. Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the applicable Disciplinary Code.

12. DISPUTE RESOLUTION

- 12.1. If there is a dispute about the interpretation or application of this Policy, the disputant or aggrieved party shall refer the dispute or grievance to:
- (a) employer, in terms of the applicable Grievance Procedure;
 - (b) South African Local Government Bargaining Council, if the dispute falls within its jurisdiction, CCMA, if the dispute falls within its jurisdiction, for conciliation;
 - (c) arbitration, if the dispute remains unresolved with parties to the dispute consenting to arbitration; and
 - (d) competent court(s) in terms of the applicable laws of the Republic of South Africa.

13. APPLICATION OF THIS POLICY WHEN IN CONFLICT WITH THE BCEA OR NATIONAL OR PROVINCIAL LEGISLATION OR APPLICABLE COLLECTIVE AGREEMENT

- 13.1. If any conflict relating to a matter dealt with in this Policy arises between this Policy and the provisions of the Basic Conditions of Employment Act 75 of 1997 or national or provincial legislation or applicable collective agreements for employees falling within the SALGBC, the provisions of the national or provincial legislation or applicable collective agreements for employees falling within the SALGBC prevail.

14. POLICY REVIEW

- 14.1. This Policy shall be reviewed and revised as and when required.

15. EFFECTIVE DATE

- 15.1. The Policy shall be effective forthwith from the date approved by the Municipal Council of the EMLM.

16. SIGNATORIES

Municipal Manager

Mrs RM Maredi

Date

The Mayor

Cllr. Mathebe JL

Date