

# **ANNUAL LEAVE POLICY**

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## **1. SCOPE OF POLICY**

- 1.1 This policy shall apply to all employees employed by The Elias Motsoaledi Local Municipality who fall within the registered scope of the Bargaining Council in the Republic of South Africa.
- 1.2 Clause 5.1 shall not apply to Senior Management, security, traffic, fire and emergency services personnel and employees working less than 24 hours per month.

## **2. DEFINITIONS.**

- 2.1 All expressions used in this policy which are defined in the Labour Relations Act 66 of 1995 and as amended, shall bear the same meaning as in the act and unless the contrary intention appears.
- 2.2 Words importing the masculine gender shall include the feminine.
- 2.3 All reference to days shall be to working days.
- 2.4 An annual leave cycle means the period of twelve (12) months employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle.
- 2.5 Senior Management shall be those employees employed as a municipal manager, deputy municipal manager, executive director, head of department, deputy head of department, director or such post as determined by the relevant Division of the Council.
- 2.6 Medical practitioners shall mean all practitioners as defined by the Health Professionals Council of South Africa (Medical and Dental Practitioners)

## **3. OBJECTIVES.**

- 3.1 To establish common and uniform conditions of service in so far as annual leave for employees within the registered scope of the Council, and to replace all previous leave policies.

**4. PERIOD OF OPERATION.**

- 4.1 This policy will remain in force until any changes has been implemented and amended by the South African Local Government Bargaining Council.

**5. HOURS OF WORK**

- 5.1 All employees are required to work a forty (40) hour working week.

**6. ANNUAL LEAVE POLICY.**

In this policy, "annual leave cycle" means the period of 12 months' employment immediately following an employee's commencement of employment, or the completion of that employee's prior leave cycle.

An employee is entitled to at least-

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

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

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

All leave accrued as at 31 December 2003 shall be dealt with as follows;

- 6.5 The value of such accrued leave shall be determined at the rate of pay as at 31 December 2003.
- 6.6 Employees shall either take or encash such leave within a period of two (2) years calculated from 1 January 2004.
- 6.7 Notwithstanding the provisions of 6.5 above, an employee is entitled to retain a maximum of forty eight (48) days of accrued leave.
- 6.8 Leave accumulated subsequent to 1 January 2004 may be accumulated to a maximum of forty-eight (48) days inclusive of those days referred to in 6.6 above.
- 6.9 Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave as a result of operational requirements, despite being afforded an opportunity to take leave, an employee refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away.
- 6.10 In the event of the 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 and as amended.
- 6.11 An employee's entitlement to annual leave will be reduced by the number of days of occasional leave on full remuneration granted to the employee at the employee's request in that leave cycle.
- 6.12 An employee is entitled to an additional day of paid leave if a public holiday falls on a day during an employee's annual leave on which the employee would ordinarily have worked.

- 6.13 An employee is entitled to take leave accumulated in an annual leave cycle on consecutive days.
- 6.14 An employee's entitlement to annual leave will be reduced by the number of days of occasional leave on full remuneration granted to the employee at the employee's request in that leave cycle.
- 6.15 Employees may not work for any other employer during any period of annual leave, unless the explicit written consent was obtained from the council prior to the employee embarking on "moonlight" work.
- 6.16 Employees who are on a shift system or any rotation work system may only embark on "moonlight" work with the explicit consent from the employer.

## **7. PAY FOR ANNUAL LEAVE**

- 7.1 An employee will be paid leave pay before the beginning of the period of leave; or by agreement or on the employee's usual payday.
- 7.2 Applications for leave must be in writing on the Municipality Leave Application form, which must be authorised by the Head of Department. Once authorised the original Leave Application must be forwarded to the payroll office for processing and thereafter placed on the employee's personal file. The duplicate must be returned to the employee.
- 7.3 Annual leave should not coincide with sick leave. Where an employee falls sick during the annual leave period this will not constitute sick leave nor should these sick days be credited to the employees sick leave balance.

- 7.4 Leave paid out on termination of service will be calculated based on the employee's final salary. Where an employee's salary has previously been reduced, leave pay will be calculated on a pro-rata basis at the different rates of pay.

### LEAVE APPLICATION FORM.

ORDINARY	SICK	COMPASSIONATE	UNPAID	SPECIAL	MATERNITY	FAMILY RESPONSIBILITY	OTHER	SHOP STEWARD

(CROSS BLOCK APPLICABLE)

NAME.....

DEPARTMENT.....

NUMBER OF WORKING DAYS TAKEN.....

FIRST WORKING DAY OF LEAVE.....

RETURNING TO WORK ON.....

SIGNATURE.....

DATE.....

(FOR OFFICE USE ONLY)

APPROVED BY: DEPARTMENT MANAGER.....

HUMAN RESOURCES MANAGER.....

DATE.....

DATE JOINED..... BAL.B/FWD.....DAYS

A/LEAVE ANNIVERSARY DATE..... LEAVE DUE.....DAYS

LEAVE TAKEN.....DAYS

SIGNATURE.....

BAL.C/FWD.....DAYS

SALARIES ADMINISTRATOR

Address

while

on

leave.....

Tel while on leave.....