



## LEAVE

### DEFINITION:

In this chapter of the staff regulations, unless the context otherwise indicates,

- 1.1. **“Appointment** means the authority granted by the council or the Municipal Manager to the applicant to enter the municipality’s services on a specified date of appointment , the applicant having been placed in specific post in the municipality’s service by the council or the Municipal Manager,
- 1.2. **“Bargaining council”** means the south African Local Government Bargaining Council,
- 1.3. **“Basic Conditions of Employment Act”** means the Basic Condition Employment Act 1997 with amendment,
- 1.4. **“Basic Salary”** means the net salary of an employee excluding allowance and other benefits,
- 1.5. **“Class”** means a group section or category of employees as determined by any means of differentiation, on the basis of age , experience , duration of services , type of premises or arrear in or on which work is done or by any other method which may deemed advisable, provided that no differentiation or discrimination based on race, sex or religion shall be made,
- 1.6. **“Calendar month”** means a period extending from a day corresponding numerically to that day in the following month, both days inclusive,
- 1.7. **“Cash value of leave”** means the cash value referred to in clause 45 that shall be calculated on the basis of employee basic rate of pay prevailing on the date of termination,
- 1.8. **“Collective agreement”** in the context of these regulations means an agreement regarding employment matters reached between the employer relevant unions in the South African Local Government Bargaining Council that is binding on both the employer and employee unless exemption are obtained in the said Bargaining Council,
- 1.9. **“Continuous services”** means the period of service with the municipality which is uninterrupted by any form of termination of services provided that the period from the date of completion of a services contract to the date of commencement of the next service contract shall not be deemed to be an interruption of services if condoned by the council or the Municipal Manager,
- 1.10. **“Contractual or personal to holder”** with regards to:

**a) SALARY/ SALARY SCALE**

That the employee retains the salary/ salary scale pertaining to the cost before the downgrading abolition and retains all adjustment and regarding so that the incumbent will never be in a less favourable position *vis-a vis* other posts which were previously evaluated on a par with the post, in other words as if the post was never downgraded,

**b) OTHER BENEFITS:**

That the employee retains all better benefits that he is entitled to in terms of the contract until his services are discontinued with the municipality or until such other time depending on the conditions of his appointment or on the stipulations of the contractual agreement.

**c) EXCEPTIONS**

That any disparity, excepting a disparity in respect of salaries caused by a collective agreement as outlined in KWANALOGA Circular 10/04/ LABOUR/ PROVINCIAL dated 10 February 2004 terminates on 31 December 2005 unless exemption is obtained from the bargaining council,

1.11“**Council**” means the a Msinga Municipality and its successor in la, and includes the council or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation as well as any officer to who has been delegated and powers and duties with regard to these regulations.

1.12. “**Cycle**” means a period of three years reckoned from the date appointment of an employee and each succeeding period of three years (**Sick leave cycle**) has the same meaning,

1.13. “**Day of Rest**” means

- A Sunday or public Holiday in case of an employee who normally does not work on such a day
- Such other day as he/ she is normally relieved from duty in lieu thereof in the case of an employee who is expected to work on Sunday or a public Holiday.

1.14. “**Date of Appointment**” means the date of commencement of the last period of continuous service is terminated for any reason whatsoever and he again assumes duly on the following day without the council or Municipal Manager revoking such termination of service , such latter day of assumption of services shall be regarded as his date of appointment,

1.15. **“Day”** means working days and not calendar days i.e. normally Monday to Friday excluding Saturdays and Sundays for five-day workers and Monday s to Saturdays for six-day workers,

1.16. **“Departmental Head”** means the same as **“Head Department”**

1.17.”**Emergency work** “ means any work to be done without delay in respect of the interruption of essential services , or arising from fire an accident ,a mishap, a storm, an epidemic, an act of violence, theft, failure of equipment or machinery or any other unforeseen event , or work in connection with repairs to equipment and machinery that cannot be done during working hours.

1.18.”**Employee”** means a permanent , temporary, part- time or fixed period contract employee or apprentice receiving pay or entitled to it , but excluding a student, a subsidised labourer, an independent contractor or mandatory, an agent or a section 577 employee,

1.19. **“Employer”** means the same as **“Council and Municipality”**

1.20.”**Employer’s Organisation** “means an employer’s organisation as defined in section 1 of the **Labour Relations Act 1965 (Act No .28 of 1965)**

1.21. **“Extended period** “ means the number of working month by which an employee’s incremental period or leave year is extended by the council or he Municipal Manager owing to any period(s) of unauthorized absence and/ or leave of absence without pay calculated in accordance with the following formula provided that any part of a working month shall be discounted.

Number of working month= $A/20$

Where A= the number of working days on which an employee was absent owing to unauthorised absence and or leave of absence without pay since the date of commencement of the current incremental period or leave year and before the date of termination thereof, and 20 equals the number of working days per working month.

1.22.” **Five –day working week** “means a period of 5 (five) consecutive calendar days from Monday to Friday inclusive,

1.23.”**Grievance”** mean any unresolved dissatisfaction of an employee or group of employees arising from his or their services with the council, but does not include any matter arising out of disciplinary action,

1.24. **“Grouping”** means the placing of one of more post within a level, according to the point’s value of such post in terms of the post evaluation scheme,

1.25. **“Head of Department/ Head of officer”** means an employee of the Municipality who in terms of a council’s resolution or an Act, is directly responsible to the

- Municipal Manager for the administration of a department section, branch or office of the Municipality's services, or is acting in such capacity.
- 1.26. "**Hours of Service**" means the hours during which employee normally has to work during working a week or on a working day,
  - 1.27. "**Incremental period**" means a period continuous service of 12 (twelve) working month plus any extended period which may be applicable to an employee , the first such period of continuous services being calculated from the promotion, transfer or demotion and each such following period being calculated from the day following the date on which previous period terminated, or such shorter period of continuous service as may be determined by the council or the Municipal Manager , which should elapse of an employee before his salary may be increased by the council or the Municipal Manager with the salary scale applicable to him.
  - 1.28 "**Independent Contractor and mandatory** "means a person who has undertaken to perform a specific commission for the council, irrespective of compensation and outside the supervision and authority of the council and guarantees the end result in terms of services rendered,
  - 1.29. "**Leave Year** "means a period of continuous services of 12 (twelve) months plus any extended period that may be applicable to an employee , the first such period of continuous service being calculated from the first day of the working month of such employee's latest appointment and each such following period being calculated from the day following the date on which such previous period terminated(**Annual leave cycle and leave cycle** has the same meaning )
  - 1.30." **Government undertaking**" mean the undertaking in which the council's as employer and their employees are associated with one another for the institution continuation and conclusion of any action, scheme or activity undertaken by council,
  - 1.31."**Maternity Leave** "means leave given to female employee to assist her with a birth of her child.
  - 1.32."**Medical board**" means a board with composition as agreed to by the parties
  - 1.33. Medical practitioners" mean all practitioners, including traditional healers as defined by the health professional's council of south Africa.
  - 1.34. Monetary fringe benefit" means any monetary contribution made to a scheme or a fund by the council on behalf or for the benefit of an employee.
  - 1.35. Month means a period extending for first to the last day both days inclusive of any of twelve months of the year,

- 1.36. **“Municipality** “means the Msinga Municipality.
- 1.37. Municipal Manager means the chief executive of municipality appointed in terms of section 82 of the Municipal Structures Act,
- 1.38. Municipal Structures Act means the Local Government: Municipal Structures Act 1998 (Actn117 of 1998)
- 1.39. Municipal System Act means the Local Government: Municipal System Act, 2000 (Act 32 of 2000)
- 1.40. Overtime means that portion of any period that an employee (excepting a senior manager) work for the municipality during a working week on a working day, as the case may be which exceeds the working hours as agreed by the council and its employees from time provided that it shall not include any period worked by an employee on a Sunday or a public holiday or during his free period of 24 hours unless such Sunday or public holiday is a normal working day for such employees,
- 1.41. **“Part- time employee** “means an employee, excluding a student occupying a post on the fixed or temporary establishment with working week not exceeding 25 twenty-five) hours
- 1.42. **“Pay”** means the salary or wage normally payable an employee when on duty and include allowance that do not form part of salary or wage due regard being had to directions in connections in connection with such allowance issued by the council,
- 1.43. **“Period of operation”** mean the agreement between SALGA and the union shall come into operation in respect of the parties to the agreement on 1 July 2015 and shall terminate 30 June 2020,
- 1.44. **“Permanent employee”** means the employee excluding a contract employee and temporary employee occupying a post on the fixed establishment of the municipality in a permanent capacity, whether full- time or part- time and includes and an apprentice and person appointed in such post for probationary period,
- 1.45. **“Post level** “mean the position of the post in the hierarchy of the municipality post structure as determined by the number of points allocated to the post in terms of the job evaluation scheme,
- 1.46. **“Promotion”** means the placement of an employee in another post in the municipality’s by the council or the municipal Manager, where the maximum of the salary scale of such other post is higher than that pertaining to the post occupied by the employee prior to such placement.

- 1.47. **Public holiday** “means a public holiday as determined in the public holiday Act, 1952 (Act no 5 of 1952), and any other day designate as a Municipal holiday by the council,
- 1.48. **“Salary”** means an employee’s usual monetary compensation for service rendered to the municipality whether in terms of the appropriate notch on his salary scale or fixed amount of money, and excluding any allowance. Bonus housing benefit, and payment for overtime or monetary fringe benefit,
- 1.49. **“Salary increment”** means the increment by which an employee’s salary is increased in accordance with his applicable
- 1.50. **“Senior management”** means those employed as municipal manager, executive director, head of department, deputy head of department, director or such post determined by the bargaining council with the understanding that in terms of Government
- 1.51. **“Service”** means any continuous full-time service in the employee of municipality.
- 1.52. **“Stand by services** “means the period determined by the council or the a Municipal Manager during which an employee shall be available for emergency work outside his normal working hours,
- 1.53. **“Student”** means a person studying full-time at an educational institution
- 1.54. **“Temporary employee** “ means an employee, excluding a contract employee appointed to post on the fixed temporary establishment of the municipality a temporary capacity, whether full-time or part-time , for a continuous period not exceeding 12 (twelve)
- 1.55. **“Temporary establishment”** mean the post/ post created for the extraordinary requirement of the Municipality’s services for a continuous period no exceeding 12 (twelve) months provided that the council or the Municipal Manager may grant a longer period for specific project,
- 1.56. **“Trade Union”** means a trade union as defined in section 1 of the labour Relations Act, 1956(Act No 28 of1956)
- 1.57. **“Wage”** means the same as **“salary”**
- 1.58. **“Working day** “means any calendar day of the week on which an employee normally must normally report for work,
- 1.59. **“Working hours”** means hours during which an employee normally has to work during a working week or on a working day.

1.60” **Working month**” means period not exceeding 31 (Thirty- one) Calendar days as determined by the council in respect of an employee or class of employee.

1.61. **Working week** “means a period not exceeding 6 (six) consecutive calendar days as determined by the council in respect of an employee or class of employees.

1.62. **Year** “means the year commencing on the date on which an employee entered the municipality’s employee and every anniversary of such date.

1.63 The masculine shall include the feminine and vice versa.

#### **APPLICABILITY OF LEAVE REGULATIONS:**

2. These regulations and any administrative guidelines issued by the Municipal Manager, shall apply all employees on the fixed establishment of municipality but also applies to those fixed term contract employees in so far as their contracts of employment make reference to specific clause of this chapter of the staff regulations, and any failure to comply with its provisions shall constitute a contravention of these staff regulations.

#### **LEAVE SUBJECT TO REQUIREMENT OF SERVICES:**

3. Leave of absence other than sick leave shall be granted with due regard to the exigencies of the municipality’s services.

#### **GRANTING AND CANCELLATION OF LEAVE OF ABSENCE AND LEAVE APPLICATION FORMS:**

4. Leave of absence shall be subject to the Municipal Manager approval, but he may delegate another employee/s to approve leave on his behalf.

5. An employee shall apply for leave of absence on a form approved by the Municipal Manager.

6. Application for leave of absence shall be made by an employee to the head of his department and by a department to the Municipal Manager.

7. The Municipal Manager, whose decision shall be final may at any time cancel postpone or interrupt leave of absence, other than sick leave, which was granted

to an employee , if it is 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 before he was notified of the collection, postponement or interruption.

8. If an employee whose leave of absence is interrupted in order to resume duty he shall be paid his expenses for the return journey and he shall be regarded as being on duty while travelling.
9. Cancellation, postponement or interruption of leave of absence granted. Shall be confirmed in writing.
10. If the Municipal Manager, whose decision shall be final, cancels, postpones or interrupts an employee's application for leave of absence the reasons thereof shall be noted in the leave register and such employee shall be credited with the leave that has been refused, cancelled, postponed or interrupted and permitted to take it within twelve months after such refusal, cancellation, postponement or interruption.
11. Except where an employee is prevented by his sudden illness or owing to other circumstances acceptable to the Municipal Manager, from remaining on duty or reporting for duty, he shall not leave his duties or absent himself from them without prior permission.
12. Except in the case of sick leave the period from the date on which 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 be allowed under exceptional circumstances in the discretion of the Municipal Manager or his delegate.
13. Leave or any portion of leave granted to an employee may at any time be withdrawn at his request by the authority that granted it and he shall be credited in the leave register with the unused leave.

#### **PREPAYMENT OF SALARY AT THE TIME OF VACATION LEAVE.**

14. An employee to whom vacation leave has been granted shall be entitled to receive, on the last working day before such leave commences, the salary which would otherwise have been paid to him during the leave period.

#### **CLASSIFICATION OF LEAVE OF ABSENCE**



15. Leave of absence shall be classified as;

15.1 Vacation

15.2. Sick leave

15.3. Special vacation with full pay.

15.4. Special vacation without half pay

15.5. Special vacation without pay

15.6. Special sick with half pay

1.57. Special sick with half pay

15.8 Special sick leave without pay

15.9 Maternity leave

15.10. Family responsibility leave

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16.Unauthorised absence from duty shall be deemed to be regardless of disciplinary measures against an employee, special leave without payment unless the Municipal Manager resolves otherwise.

#### **ANNUAL LEAVE AND SICK LEAVE:**

17.1 Subject to clause 19 all employees are entitled to twenty – four (24) days annual leave for five-day workers and 27 days for six- day workers in a leave cycle.

18.1 Notice equals to the number of days to be taken must be served prior to give the employer time for operational requirements.

19.1 Sick leaves subject to clause 19 employees are entitled to eighty (80) days sick leave in a three-year cycle.

20.1 Clause 17 and 18 do not apply to those employees whose annual leave and sick leave govern by their contracts of employment.

#### **TERMINATION OF PERMANENT SERVICES AND RE- EMPLOYMENT**

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

#### **LEAVE OF ABSENCE GRANTED IN EXCESS:**

21.When more paid leave of absence than his due has been permitted to an employee in error or in good faith , and taken by him the leave granted in

excess may be deducted from leave that may accrue to him later, or the value thereof may claimed for him as the employee may elect.

**VACATION LEAVE IN TERMS OF PROVISIONS THAT HAVE BEEN REVOLKED:**

- 22. On the date on which these conditions of services come in to operation, each employee shall be credited with the number of working days vacation leave due to him in terms of any leave provision applicable to him immediately prior to such date. All new employees shall immediately be credited with leave in terms of this chapter.
- 23. In respect of a year of service which is not completed an employee shall be credited with the number of working days vacation leave calculated in accordance with formula.

$$A \times B$$

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$$251$$

Where A is number of working days in the uncompleted, year of service and B is the number working days vacation leave which would have been due to the 251 is the number of working days per annum.

**GENERAL PROVISION: VACATION LEAVE:**

- 24. Vacation leave shall accrue in respect of each completed month of service at the rate of one twelfth of the number of working days due to an employee.
- 25. An employee excepting those whose leave is governed by their employment contract is required to take minimum of sixteen 16 days leave within each annual leave cycle.
- 26. All remaining leave shall accumulate up to a maximum of forty- eighty (48) days may be encashed should the employee be unable to take such leave as result of 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 during this period such remaining leave shall fall away.
- 27. Vacation leave calculated monthly on a pro rata basis may also be taken in occasional period during any year of services, including the first.

28. The vacation leave standing to an employee's credit on 01 January of each year shall be recorded in the leave register and in the calculation thereof a portion of a working day shall be counted as a working day.
29. With approval of the Municipal Manager and on request of the employee vacation leave to his credit may be paid out to the employee up to maximum of his annual accrual. The payment of such an amount is limited to once a calendar year, the formula described in clause 23 and 54 must be used to calculate the value of such payment.

### **VACATION LEAVE WITHOUT PAY**

30. If valid reasons exist thereof, the Municipal Manager and on request of the employee vacation leave with pay due to him vacation leave without pay for not more than 130 working days in any period of eighteen months provided that the executive committee may in exceptional cases cancel the restrictions herein contained.

### **GENERAL PROVISIONS: SICK LEAVE**

Subject to clause 19 all employees shall be entitled to sick leave in accordance with clause 18.

31. If all the sick leave to which employee is entitled, has been granted to him and he is unable for health reason or for reason described in clause 46. To resume duty, the municipal manager may:
- 31.1. On submission of a satisfactory certificate from a registered medical practitioner or dentist and.
- 31.2. If he is satisfied that the employee is not that moment permanently incapacitated to resume his duties and.
- 31.3. If the employee has no vacation to his credit,  
Grant him further sick leave on half pay for not more than 60 working days in that cycle and such grant may be made in respect of separate periods of absence and in respect of indisposition of different kinds, including those stipulated in clause 46.

32. On written application by an employee, vacation leave to his credit may be granted to him instead of sick leave on half pay provided the Municipal Manager is satisfied that the employee is not, at that moment, permanently incapacitated to resume his
33. If an employee away on vacation, becomes ill that portion of the vacation leave during which he was ill, shall be converted to sick leave on submission by him of satisfactory certificate from a registered medical practitioner or dentist,
34. Vacation leave without pay shall not be converted into sick leave.

### **SICK LEAVE WITHOUT PAY**

35. An employee to whom all the sick leave to which he is entitled has been granted, may be granted sick leave without pay for not more than 100 working days in an cycle if the Municipal Manager is satisfied that such employee is not permanently incapacitated to resume his duties. The provisions of clause 46 will also apply.

### **GRANTING OF SICK LEAVE**

36. Subject to clause 46 and 47 sick leave shall be granted only in connection with an employee's absence from duty owing to sickness, indisposition or injury that is not the result of his misconduct or lack of proper precautions.
37. In the case of nervous affections, insomnia, debility or similar less well – defined sickness or indisposition or for emotional reason as is described in chapter 33 of these regulations, sick leave shall be granted only if the municipal manager is satisfied that the employee's state of health:
- 37.1. Renders him unfit for his work or
- 37.2. Is of such a nature that it could improve if he is treated in accordance with chapter 33 of these regulations and
- 37.3. Does not result from his failure to make use of vacation leave
38. The Municipal Manager may at any time require an employee to submit himself to an examination shall be borne by the council
39. If an employee is absent from duty due to illness for longer than two consecutive working days or on a Monday or Friday or a day before after a

- public holiday sick leave shall be granted to him only if he submits a certificate of indisposition issued by a registered medical practitioner or dentist.
40. The municipal manager may require a certificate referred to in clause 40 to be submitted in respect of a period of two working days or less.
  41. Sick leave on full pay in respect of which a certificate referred to in clause 41 has not been submitted, because it was not required, may be granted for maximum of 9 working day during any calendar year and in respect of any further such absence vacation leave with or without pay shall be granted.
  42. Not with Standing the submission of certificate as contemplated in clause 41 the Municipal Manager may, after an examination in terms of clause 44, refuse to grant said sick leave in respect of any absence from duty to which the certificate relates, and in such an event the absence shall be regarded as special leave without pay
  43. The municipal manager may on the recommendation of registered medical practitioner or dentist, compel an employee who in the Municipal Manager's opinion is so indisposed that he cannot perform his duties properly to take sick leave. This would include conditions provided for in clause 46 and 47.
  44. The municipality is further not required to pay an employee if he is absent on more than two occasions during an eight- week period, and on request by the municipality; does not produce a medical certificate stating that he was unable to work for the duration of his absence on account of sickness or injury.

#### **SICK LEAVE GRANTED TO ALCOHOLICS AND DRUG ADDICTS**

45. Sick leave as is prescribed in this chapter may granted to an employee who is certified by a registered medical practitioner to be an alcoholic or drug addict and who is prepared to receive treatment, provided that the directives contained in chapter 31 of these regulations are strictly complied with.

#### **SICK LEAVE GRANTED IN ACCORDANCE WITH CHAPTER 33 OF THESE**

46. Sick leave as is prescribed in this chapter may be granted to an employee who is certified by a registered medical practitioner to suffer from emotional stress condition and who is prepared to receive assistance provided that the directives contained in chapter 33 of these regulations are strictly complied with

#### **SICK LEAVE IN RESPECT OF INJURY SUSTAINED AND ILLNESS CONTRACTED AT WORK**

47. An employee who is absent from duty owing to an injury arising his duties and occurring in the course thereof or owing to an illness contracted in the

course of and as result of his duties shall be granted sick leave on full pay for the pay for the period during which he is incapacitated to perform his usual duties and if the case falls within the ambit of the workmen's compensation Act 1941 , the amount payable to him in terms of that act by means of periodical payments of his monthly earnings shall be paid over the council. Such

48. Sick leave in terms of 48 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.
49. Nothing contained herein shall prevent the employee concerned to lodge a grievance in terms of chapter 8 of these regulations if he is unhappy with the application of this chapter

### **SPECIAL LEAVE**

50. Special leave on full pay shall be granted to an employee when he:
  - 50.1. Sits for an examination prescribed in these regulations provided that proof acceptable to the Municipal Manager of the writing of such examination is submitted. Two days ordinary leave shall apply, a day prior to the day of the examination and day for the actual examination.
  - 50.2. Is to remain quarantine under instruction of a registered medical practitioner
  - 50.3. Have been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn,
  - 50.4. For the purpose of attending a court of law to give evidence in any criminal or civil proceeding when subpoenaed,

### **LEAVE REGISTER**

51. All leave of absence due granted and taken shall be recorded in a leave register under the control of a person appointed by the Municipal Manager and employee's leave record shall be open to his inspection at all reasonable time during the office.

### **LAPSE OF GRANTED LEAVE ON TERMINATION OF SERVICES:**

52. Immediately an employee gives notices of registration, any leave with pay which at that time may already have been granted for a period or period as from or after the date of such notice, or if the notice is not dated as from the date notification is received by the Municipal Manager shall lapse and any absence from duty on or after the date referred to shall be regarded as vacation leave without pay provided that the provisions of this clause shall.
  - 52.1. Apply only in respect of absences during an employee last 30 days of service and

- 52.2. Not apply to
  - 52.2.1. Sick leave
  - 52.2.2. Special leave granted in terms of these regulations,
  - 52.2.3. An employee whose contract of service or letter of appointment contains clause expressly providing that his service may be terminated on 24 hours' notice on either side but who nevertheless gives more than 24 hours' notice of resignation.
- 53. The period of service of an employee may not be extended in order to enable him/ her to utilize leave that may have been granted to him.

**ACCUMULATED LEAVE ON TERMINATION OF SERVICE:**

- 54. Upon termination of an employee's service with the municipality for any reason, he or his estate, as the case may be, shall in addition to other amounts that may be due to him be paid the cash value of:
  - 54.1. Any accumulated leave already standing to his credit,
  - 54.2. Any leave that has accrued in respect of the uncompleted year up to the date of termination.

**NOTE:** The cash value of a day's leave for purpose of the provisions of this clause shall be arrived at by dividing such employee's annual basic rate of pay by 251.

- 55. If person referred to in clause 55 is re appointed with or without a break in service in permanent or temporary capacity such re – appointment shall be regarded as a new appointment for all purpose of these regulations, his previous service shall not count as service for leave purposes, and accumulated leave which has been paid out in terms of clause 55 shall not be rein stead .

**MATERNITY LEAVE:**

- 56. An employee is entitled to three consecutive months paid maternity leave with no limit to the number of confinements may also take one-month unpaid maternity leave. in terms of the rules of the unemployment insurance fund the municipality is only required to make up the difference in salary measured against the payment received from the fund. this applies to both the paid and unpaid part of the employee's leave.
- 57. To qualify for paid maternity, leave an employee must have at least one (1) year service with the employer.
- 58. An employee may commence maternity leave:
  - 58.1. At any time from four weeks before the expected date of birth, unless otherwise agreed, or
  - 58.2. On a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.

59. No employee may work six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
60. An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or stillbirth.
61. An employee must on her leave application notify the head of her department of the date on which she intends to.
  - 61.1. Commence maternity leave and
  - 61.2. Return to work after maternity leave
62. The notification referred to in clause 61 must be given:
  - 62.1. At least four weeks before the employee intends to commence maternity leave or.
  - 62.2. If it is not reasonably practicable to do so as soon reasonably practicable.

#### **FAMILY RESPONSIBILITY LEAVE:**

63. This section applies to an employee who has been in employment for longer than four months
64. An employee must be granted, during each annual leave cycle at his request on the prescribed leave form accompanied by such proof of these events that is acceptable to the Municipal Manager five days paid leave, which the employee is entitled to take:
  - 64.1. When the employee's child is born
  - 64.2. When the employee's child is sick
  - 64.3. When the employee's spouse or life partner is sick.
  - 64.4. In the event of death of:
    - 64.4.1. The employee's spouse or life partner or,
    - 64.4.2. The employee's parent adoptive parent, grandparent, child, adopted child, grandchild or sibling.
65. An employee may take family responsibility leave in respect of the whole or a part of day
66. Once the leave allowed in clause 65 for the events listed in that section has been exhausted, such employee will have to take ordinary vacation leave for any recurring events.
67. An employee's unused entitlement to leave in terms of this section lapses at the end of the annual leave cycle in which it accrues and unused is not carried forward.

#### **EXCEPTIONAL CASES:**

68. In the event of circumstances arising which justify a departure from the provision of this chapter, the Municipal Manager may grant leave to an employee on such conditions as the Executive Committee may determine.



The Executive Committee may also at its discretion, prescribe special leave privileges for an employee which is not covered by these regulations or which result in a departure from the provisions of this chapter.

### **LEAVE OF THE MUNICIPAL MANAGER AND OTHER FIXED CONTRACT EMPLOYEES:**

69. The leave and sick leave of the Municipal Manager and other fixed contract employees shall be governed by their contracts of employment but:

69.1. These regulations shall be relevant in so far as the contract of employment refers to them.

69.2. The leave of the Municipal Manager shall be approved by the Mayor or a councillor nominated by him and the same councillors shall sign sick leave forms.

### **STEPS TO BE TAKEN BY MUNICIPAL MANAGER**

70. The Municipal Manager may:

70.1. Prescribe rules for the administration and control of leave

70.2. Delegate functions/ duties to a subordinate except the function/ duties described in clause 2,5 (approval of form) 7,16,29,30,32,33,36,38,39,41,43,44,46,47,48,49,55,.69 and 72

### **GENERAL**

71. The offices of the municipality close from the first working day following 25 December to the first working day preceding January 1, annually. The municipal Manager must prescribe rules for the handing of essential and emergency services over that period

### **CONTRAVENTIONS:**

72. Any failure to comply with the provision of this shall constitute a contravention of these regulations that may be dealt with in accordance with chapter 15 of the staff regulations.

### **DATE OF IMPLEMENTATION**

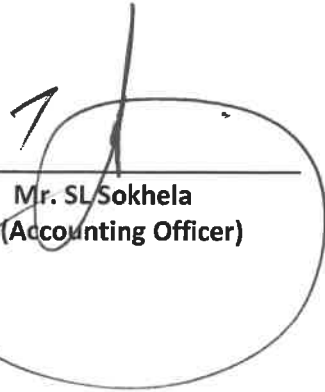
73. This chapter and any amendments to it will become effective on the date of approval thereof by the council.



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**Mr. TL Kuniene**  
**(Speaker)**

**Resolution No: 32/2020 FC**



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**Mr. SL Sokhela**  
**(Accounting Officer)**

**Approval Date: 27/05/2020**