

NTINGA O.R TAMBO DEVELOPMENT AGENCY SOC LTD



LEAVE MANAGEMENT POLICY

POLICY NUMBER	3/P
POLICY TYPE & CATEGORY	Human Resources Policy
COMMENCEMENT DATE	28 August 2020
APPROVAL DATE	28 August 2020
INITIAL APPROVAL DATE	03 August 2017
LAST APPROVAL DATE	14 November 2018
PREVIOUS REVIEWS	02
NEXT REVIEW DUE	31 August 2021
RESPONSIBLE MANAGER	Head: Corporate Services

Table of Contents

1. INTRODUCTION	2
2. LEGISLATIVE FRAMEWORK	2
3. DEFINITION OF TERMS	2
4. OBJECTIVES OF THE POLICY	3
5. PRINCIPLES, VALUES /PHILISOPHY	3
6. SCOPE OF APPLICABILITY	3
7. POLICY PROCEDURES AND CONTENT	4
8. SICK LEAVE.....	5
9. TEMPORARY INCAPACITY LEAVE	6
10. PERMANENT INCAPACITY	7
11. LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES.....	8
12. MATERNITY LEAVE	9
13. ADOPTION LEAVE	10
14. PATERNITY LEAVE	10
15. FAMILY RESPONSIBILITY LEAVE.....	10
16. STUDY LEAVE	11
17. TERMINATION OF SERVICE DURING LEAVE.....	12
18. UNAUTHORISED ABSENCE FROM WORK	12
19. SPECIAL LEAVE	13
20. LEAVE IN LIEU OF OVERTIME	13
21. OFFICE OPERATION IN DECEMBER.....	14
22. GENERAL PROVISIONS	14
23. ROLES AND RESPONSIBILITY.....	14
24. HEADS OF BUSINESS UNIT MUST ENSURE THAT:.....	15
25. DISPUTE RESOLUTION	15

26. PENALTIES	15
27. RECORD KEEPING	15
28. BUDGET AND RESOURCE IMPLICATIONS.....	15
29. IMPLEMENTATION, MONITORING AND EVALUATION	16
30. COMMUNICATION AND CONSULTATION	16
31. POLICY REVIEW.	16
32. APPROVAL AND SIGNATURES.....	16

DISCLAIMER

This Leave Management Policy has been prepared by the Ntinga O.R. Tambo Development Agency SOC Ltd (Ntinga) for its purpose as an information resource only and should not be treated as an exhaustive statement on the subject. While Ntinga believes that this information will be of assistance to you, it is provided on the basis that you will not rely on this information without first making your own enquiries and obtaining your own professional advice specific to your particular circumstances.

Published by:

Corporate Services

Ntinga O.R. Tambo Development Agency SOC Ltd

Private Bag X1134

MTHATHA

5099

Telephone: 047 531 0346

1. INTRODUCTION

This policy seeks to regulate the leave categories of employees in a fair manner, protecting the rights and privileges of both the employee and the employer.

2. LEGISLATIVE FRAMEWORK

- (a) The Constitution of the Republic of South Africa, 1996
- (b) Basic Conditions of Employment Act, No. 75 of 1997
- (c) Labour Relations Act, 1995
- (d) Municipal Systems Act
- (e) Public Service Act No. 1994
- (f) Public Service Regulations, 2001, Part 1/V/F

3. DEFINITION OF TERMS

- a) **Board:** Means the Board of Directors of Ntinga O.R Tambo Development Agency SOC Ltd as appointed in terms of section 93E of the Municipal Systems Act;
- b) **Ntinga:** stands for Ntinga O.R. Tambo Development Agency SOC Ltd Agency
- c) **Life partner:** Is somebody you share your everyday life with and with whom you have an intimate relationship.
- d) **Medical Practitioner:** shall, for this purpose includes all practitioners as defined by the Health Professional Council of South Africa and who are legally certified to diagnose and treat patients.
- e) **CEO:** Chief Executive Officer
- f) **MSA:** Municipal Systems Act
- g) **Substance abuse:** Excessive use of alcohol, stupefying drug.
- h) **HOD:** Head of the Department/Head of Business Unit
- i) **Re-scheduling:** refers to a process where the Manager or Supervisor, due to operational requirements, recommends an alternative period of leave to be taken.
- j) **Delegation:** in relation to a duty, includes an instruction to perform the duty, and "delegate" has a corresponding meaning;

- k) **Employees:** in relation to a municipal entity, means the employee of the entity, including the Chief Executive Officer (CEO), all Managers and other Employee members (including Temporal and students doing experiential training) which are remunerated for the work done;

4. OBJECTIVES OF THE POLICY

The objective of this policy is to:-

- 4.1 regulate the utilisation of leave benefits, conditions and delegations therefore;
- 4.2 to regulate an official release or absence from duty for particular purpose, namely special leave and other leaves categories;
- 4.3 Indicate the circumstances under which the executing authority shall authorise special leave at full pay; and
- 4.4 indicate those responsibilities, other than work, for which the employer shall not require an employee to utilise leave;
- 4.5 regulate the integration of leave categories to electronic leave management system.

5. PRINCIPLES, VALUES /PHILISOPHY

Application of the following:

- 5.1 Fairness
- 5.2 Consistency
- 5.3 Openness
- 5.4 Consultation and Communication
- 5.5 Cost Effective

6. SCOPE OF APPLICABILITY

The provision of this policy document shall apply to all employees of Ntinga as well as temporary employees employed on a fixed term contract and or specific event. Application of leave categories is completed through the available Employee Self Services System and gets recommended by the immediate supervisor and approved by the Head of Department/ Enterprise.

7. POLICY PROCEDURES AND CONTENT

7.1 Normal Vacation Leave

- a) A day of vacation leave is a normal working day or a day of rest where the official is required to work on that day.
- b) Employees are entitled to annual leave with full pay during each leave cycle of 12 months, commencing from 01 July of the current year to 30 June of the ensuing year.
- c) The employer shall grant to the employees 24 (twenty-four) working days leave of absence on full pay in respect of each period of 12 (twelve) consecutive months that he is employed (hereinafter referred to as the "leave cycle. In cases where an employee has not completed the leave cycle (12 Months) the leave credit will be pro-rated based on the period worked.
- d) Subject to the employee obtaining prior written approval, annual leave shall not be taken in advance of it accruing to the employee. In the event of the employee failing to obtain such permission before embarking upon leave under the aforesaid circumstances, such leave shall go unpaid and expose the employee to disciplinary action.
- e) The working of overtime shall under no circumstances be converted into annual leave.
- f) An employee is required to take sixteen (16) days compulsory leave within each leave cycle
- g) No employee shall be paid leave payout unless on termination of services wherein the employee will be paid to the maximum of 35 days
- h) An employee's accrued leave credit per leave cycle should not exceed 35 days. Should the leave credit exceed 35 days on the 01 July the employee will forfeit the excess leave days and the leave management system will be adjusted accordingly.
- i) Leave provision is calculated based on the 35 days capped.
- j) Application for annual leave of 5 days or more should be arranged 10 working days before commencement considering the circumstances of the office and that of the employee.
- k) Employees should confirm with their supervisors whether their application for leave of absence has been approved to avoid unauthorized leave

- sick leave only if he/she furnishes the entity with a certificate and states that he/she was not capable of performing his/her official duties for the relevant period of absence.
- (k) An employee is entitled to two (2) days sick leave per year without medical certificate.
 - (l) If an employee takes another two (2) days sick leave within a period of eight (8) weeks, she/he has to produce a medical certificate
 - (m) The employee is expected to report to his IMMEDIATE Supervisor / Manager or the relevant Head of Business Unit as soon as he/she discovers that he/she is unfit for work. On return to work an employee must submit a leave application. Such leave days will be deducted from the employee's sick leave credit.
 - (n) In cases where there is continuous absence of an employee becoming ill on Fridays, Mondays, month ends and/or public holidays, an immediate supervisor may request an employee to submit medical certificate
 - (o) If there is a pattern of behaviour that signals a possible abuse of sick leave, an immediate supervisor may request an employee to submit medical certificate
 - (p) Upon the expiry and or any termination of the employee's contract, any sick leave that has accrued to the employee, which the employee has not taken, shall not be paid out to the employee
 - (q) Should an employee have a prolonged sickness the entity will submit disability claim to the Insurer or Fund.

9. TEMPORARY INCAPACITY LEAVE

9.1 An employee whose normal sick leave credits in a cycle have been exhausted and who, according to the relevant practitioner requires to be absent from work due to incapacity which is not permanent, may be granted sick leave on full pay provided that:-

9.1.1 His /her supervisor is informed that he/she is ill.

9.1.2 A relevant registered medical or dental practitioner has certified such a condition in advance as Temporal Incapacity except where conditions do not allow this.

- 9.2 The recommendation of temporal incapacity leave is delegated to the Corporate Services who will consider requests on the basis of medical evidence and individual circumstances.
- 9.3 The employer shall during 30 working days, investigate the extent of incapacity to perform normal official duties, the degree of incapacity and the cause thereof. The investigation shall be in accordance with section 10(1) of Schedule 8 in the Labour Relations Act of 1995. In the investigation the employee should be allowed the opportunity to state his/her case in response to allegations and to be assisted by a fellow employee in the absence of a trade union.
- 9.4 The employer may complete the investigation within 30 working days, unless circumstance warrants a further period at the discretion of the Chief Executive Officer.
- 9.5 The employer shall grant temporal incapacity leave to the maximum of 60 days as follows:
- 9.5.1 30 working days on full pay;
 - 9.5.2 30 working days on half pay,

10. PERMANENT INCAPACITY

- 10.1 Employee whose degree of incapacity has been certified by a competent medical practitioner as permanent shall, with the recommendation of the Corporate Services be granted a maximum of 30 working days paid sick leave, or such additional number of days required by the employer to finalise the process mentioned below.
- 10.1.1 The employer shall within 30 working days, ascertain the feasibility of alternative employment; or adapting duties or work circumstances to accommodate the employee.
 - 10.1.2 If the redeployment necessitates reallocation to a job of a lower grading, such should be explained well in advanced and the continued utilisation of such an employee should in this regard be with his or her written consent.
 - 10.1.3 In instances where the employee's redeployment entails retraining or retooling, the employer shall take required resources (time and

financially) and potential returns into consideration before approving redeployment

- 10.1.4 The redeployment of employee's services should ensure the optimal utilisation of his or her competencies and should not compromise service delivery.
- 10.1.5 If the employer is convinced that the employee will never be able to render an effective service at his or her level or rank, the employer should proceed with an application for termination of service due to ill health.

11. LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

- 11.1 Employees who, as a result of their work, suffered occupational injuries or contract occupational diseases shall be granted Special Leave for the duration of the period they can not work. The approval of this leave is delegated to the Corporate Services.
- 11.2 If an employee who suffered work relate injuries as a result of an accident involving a third party, the employer may grant him or her Special Leave provided that the employee:
 - 11.2.1 Brings a claim for compensation against the third party, and
 - 11.2.2 Undertakes to use compensation (in terms of the Compensation for Occupational Injuries and Diseases Act of 1993) received to recompensate as far as possible the cost arising from the accident.
- 11.3 The employer shall be obliged to take reasonable steps to assist the employee to claim the compensation.

12. MATERNITY LEAVE

- 12.1 A maximum period of 120 consecutive calendar days (4 months) maternity leave is granted to an employee for the birth of child of which,
- 12.1.1 90 consecutive calendar days will be at full pay.
 - 12.1.2 The remaining 30 days should be claimed from UIF. The employee may arrange that a portion of the three months full pay salary be deferred to the fourth (4th) month.
- 12.2 To qualify for paid maternity leave, an employee must have one (1) years' service with the employer.
- 12.3 No employee is allowed to return to work for at least six(6) weeks after the date of birth of a child
- 12.4 Employees who, during the third trimester of their pregnancy, experience a miscarriage or termination of the pregnancy on medical grounds, shall be eligible for 6 consecutive weeks maternity leave, where the leave is to commence after the miscarriage or termination of pregnancy. If an employee takes a period off due to a miscarriage, stillbirth or termination of pregnancy on a medical ground during the first two trimesters of pregnancy, it will be regarded as normal sick leave. *There is no limit to the number of occasions for which this type of leave may be granted.*
- 12.5 Maternity leave commences at any time from 30 calendar days prior to the expected confinement date, unless otherwise agreed, or from the date determined by the medical practitioner or midwife when it is necessary for the employee's health or that of her unborn child, and continues to at least 45 calendar days thereafter unless a medical practitioner or midwife certifies that she is fit to start at an earlier date.
- 12.6 If an employee has utilised all her maternity leave and wishes to extend the leave as a result of complications arising from confinement, she shall:
- 12.6.1 utilise available vacation leave and or
 - 12.6.2 receive up to 90 days unpaid leave

13. ADOPTION LEAVE

- 13.1 An employee who legally adopts a child who is younger than three (3) months qualifies for an adoption leave for a maximum of three (3) months per leave cycle.
- 13.2 The commencing date of adoption leave is to be decided between the head of Agency/delegated authority and the employee, provided it commences not later than the date on which the child is brought home.
- 13.3 If both spouses or life partners are employed in the Agency, both partners will qualify for an adoption leave provided that the combined leave taken by both does not exceed the three (3) months as in 13.1 above. Employees must therefore upon application, declare how adoption leave will be utilized by both spouses.

14. PATERNITY LEAVE

- 14.1 Paternity leave of ten (10) continuous days with full pay per annual leave cycle may be granted to a male employee in the event of the birth of his biological child provided he has completed at least one (1) year's continuous service with the Agency;
- 14.2 An employee's unused entitlement to paternity leave lapses at the end of the annual cycle in which it accrued;
- 14.3 The ten (10) continuous days' paternity leave must be taken consecutively; and
- 14.4 The employee concerned shall be required to produce reasonable proof for which the leave was required.

15. FAMILY RESPONSIBILITY LEAVE

- 15.1 Non-cumulative family responsibility leave of five (5) calendar days on full pay per annum i.e. (July–June) may be granted to an employee for the following purposes:
- (i) When employee's Spouse/life partner gives birth to a child;
 - (ii) When the employee's child or life partner is sick;

- (iii) In the event of the death of the employee's life partner, or the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild, or sibling.
- 15.2 Unused family responsibility leave credits shall lapse at the end of the annual leave cycle.
- 15.3 All the above require a reasonable proof to that effect. The employee is required to complete Employee Self Service online leave.

16. STUDY LEAVE

16.1 Examinations

Exam leave for purposes of examinations approved by Entity may be granted as follows:

- 16.1.1 **Two (2)** days leave prior to the examination for each paper written
- 16.1.2 One(1) day leave for the day of the examination, irrespective of the number of papers written per day; such leave is granted only after proof has been submitted such as Examination Timetable
- 16.1.3 A period of more than 3 days that requires an employee to be absent for preparation of exams such as Research Programme and other related developmental programmes will be subject to approval by Chief Executive Officer through the recommendation of Corporate Services.

16.2 Lecture Attendance

- 16.2.1 Attendance leave must be approved by the immediate manager/supervisor for purposes of allowing the employee to attend to a specific study programme. Such programme has to entail a mandatory student gathering for purposes of pursuing the relevant qualification programme for a given period and approval is to be granted on submission of an acceptable proof.
- 16.2.2 Attendance leave shall only be granted for educational programmes approved by Ntinga as adding value to the mission of Ntinga. Ntinga reserves the right to determine acceptability of

the proof for and attendance leave application. Attendance leave has to be applied for at least one full calendar month before it being taken.

16.2.3 Study leave for the purpose of attending lectures approved by NTINGA may be granted as follows:

- (a) A maximum of 20 calendar days per annum allowed by the employer on submission of proof of attendance acceptable to the Chief Executive Officer or a designated official;
- (b) Only lecture days fall into this ambit, days required for travelling to the place of attendance should be taken as part of the employee's vacation leave.
- (c) The above arrangement is allowed subject to; submission to the Chief Executive Officer or the designated official, proof of registration and possible attendance dates.

17. TERMINATION OF SERVICE DURING LEAVE

17.1 Subject to approval by Head of Department under special circumstances, a period of notice of termination of an employee's service may not run concurrently with annual leave, nor may an employee or entity give any notice when an employee is on annual leave.

17.2 CEO may grant annual leave to run concurrent with the notice period under certain circumstances

17.3 An employee may be granted sick leave or temporary disability leave if normal sick leave credits are exhausted, provided a medical certificate is submitted in both instances.

18. UNAUTHORISED ABSENCE FROM WORK

18.1 Any absence of an employee from work without approved leave or express permission of his/her Manager is absence without leave and should, unless a valid reason for the absence is advanced by an employee, be treated as leave without pay.

- 18.2 Whenever an employee who was absent without leave returns to work he/she must complete a leave application through Employee Self Services System. The number of days of his/her absence shall be deducted from the annual leave to his/her credit, if the leave is ratified.
- 18.3 Notwithstanding the fact that an employee may have sufficient leave to his/her credit to cover any unauthorised absence from work, a manager must make an arrangement on such employee's return to work, that the employee be charged with misconduct in addition to the withholding of pay to the employee for the period of unauthorised absence.
- 18.4 An employee who is absent from work without approved leave or the express permission of his/her manager for a period in excess of ten (10) days shall be deemed to have absconded and shall be subjected to a disciplinary hearing and/ or his services be terminated.

19. SPECIAL LEAVE

- 19.1 A maximum of thirty (30) working days special leave full pay per year shall be granted to an employee ,subject to the submission of supporting documents ,if the employee:
- 19.1.1 Is required to remain in quarantine on the instruction of a registered practitioner.
- 19.1.2 Is required to represent South Africa or the Province as a selected member or official bona fide sport event or a provincial or National arts and cultural event
- 19.2 Special leave on a full pay shall be granted to an employee who is subpoenaed to appear in Court as a witness, this must be accompanied with proof.

20. LEAVE IN LIEU OF OVERTIME

- 20.1 Employees earning more than the gazetted threshold, may take leave in lieu of overtime which was pre-approved.
- 20.2 The overtime leave may not exceed ten (10) days per annum

21. OFFICE OPERATION IN DECEMBER

- 21.1 Managers should submit leave schedules to the Corporate Services Department for processing, indicating those officials who will be on leave during the period and those who will be working.
- 21.2 Leave during the shut-down period in December and January will be compulsory to all employees whose operational requirements allow them to be absent from work during that period.

22. GENERAL PROVISIONS

Except in exceptional circumstances, the employee may not stay away from her or his place of duty unless an application for leave of absence has been lodged in writing and he/she has been informed by the immediate supervisor that the application has been approved.

23. ROLES AND RESPONSIBILITY

Role	Responsibility
Board	<ul style="list-style-type: none">▪ Approves the Policy
Chief Executive Officer	<ul style="list-style-type: none">▪ Approves the Implementation of the Policy
Chief Financial Officer	<ul style="list-style-type: none">▪ Support the implementation of the Policy through budget confirmation▪ Recommends Leave Provisions in Financial year
Immediate Supervisor	<ul style="list-style-type: none">▪ Recommends lave applications to eligible employees
Head of Department/ Enterprise Manager/	<ul style="list-style-type: none">▪ Approves leave applications to eligible employees
Human Resources	<ul style="list-style-type: none">▪ Confirms leave application to eligible employees▪ Custodian of employee leave reports and produce reports/statistics▪ Keep records of Leave Management▪ Facilitate the implementation of the Leave Management Policy
Employees	<ul style="list-style-type: none">▪ Submit leave application on time and comply with the rest of the provisions of the policy

24. HEADS OF BUSINESS UNIT MUST ENSURE THAT:

- 24.1 Leave applications in ESS are submitted for all absences and all outstanding leave application must strictly be followed up.
- 24.2 Head of Business Units are responsible to ensure that all leave applications are forwarded to Human Resources Officer for report trail on a daily basis and there are no backlogs in respect of each annual leave cycle.
- 24.3 Individual utilisation of leave is communicated to employees at the end of each annual leave cycle in respect of vacation leave.
- 24.4 Human Resources Officer should undertake leave reconciliation monthly and produce reports.

25. DISPUTE RESOLUTION.

Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy.

26. PENALTIES

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 Disciplinary Code and Procedure.

27. RECORD KEEPING

All Leave Management documentation, reports and payment thereof will be kept by Corporate Services.

28. BUDGET AND RESOURCE IMPLICATIONS

Corporate Services Department shall be responsible for budgeting for the implementation, monitoring and evaluation of the policy. All leave provisions and leave payouts will be responsibility of Corporate Services.

29. IMPLEMENTATION, MONITORING AND EVALUATION

This Policy will be implemented and effective once recommended by the Human Resources and Remuneration Committee and approved by the Board of Directors. The Human Resources Management section will be responsible for implementation and monitoring of the policy.

30. COMMUNICATION AND CONSULTATION

The Policy will be communicated to all employees of Ntinga using the full range of communication methods available to the entity and posted on the entity's internet.

31. POLICY REVIEW.

This policy shall be reviewed annually from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time as necessary to reflect substantial organisational changes at the entity or any change required by law.

32. APPROVAL AND SIGNATURES

FORMULATED BY: DATE 28/08/2020

CEO RECOMMENDATION: DATE 28/08/2020

BOARD APPROVAL: DATE 28/08/2020

BOARD APPROVED COPY NTINGA O.R. TAMBO DEV. AGENCY	
Date:.....	DATE 28/08/2020
Signature:.....	