

MOQHAKA LOCAL MUNICIPALITY (VILJOENSKROON/RAMMULOTSI TRANSITIONAL LOCAL COUNCIL)

LEAVE REGULATIONS

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The Member of the Executive Council responsible for Local Government Management and Housing has, in terms of the provisions of Section 150(1) of Ordinance No. 8 of 1962, approved the following regulations made by the Transitional Local Council of Viljoenskroon.

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1.

In these regulations, unless the context otherwise indicates:-

“**continuous service**” means the period from the date of appointment to the date of the final termination of service and shall include all period during which an employee is absent on authorised leave and all period of suspension from duty followed by reinstatement to the performance of the same or other duties;

“**Council**” means the Transitional Local Council of Viljoenskroon/Rammulotsi;

“**Ordinance**” means the Local Government Ordinance, 1962 (No. 8 of 1962);

“**permanent employee**” means the employee, excluding a contract employee and a temporary employee, occupying a post on the fixed establishment of the Council in a permanent capacity, whether full-time or part-time, and includes an apprentice and a person appointed in such post for a probationary period;

“**permanent service record**” the posts that are created for the normal and regular duties of the Council;

“**public holiday**” means any public holiday as defined in the Public Holidays Act, 1994 (No. 36 of 1994);

“**temporary employee**” means an employee, excluding a contract employee, appointed to a post on the fixed or temporary establishment of the Council in a temporary capacity, whether full-time or part-time, for a continuous period not exceeding 12 (twelve) months: Provided that the Industrial Council may, at the request of the Council, approve a longer period;

“**working day**” means any day of the week other than a public holiday, Saturday and Sunday;

“**year of leave**” means the date of entering the service of the Council until the next anniversary of such date.

2. **Leave register**

All leave credit, leave granted and leave taken, shall be entered in a leave register kept for such purpose. The Council is in charge of such register.

3. **Leave classification**

Leave of absence from duty on working days, shall be classified as follows:-

3.1 Vacation leave

3.2 Special leave

3.3 Sick leave

3.4 Occasional leave

3.5 Long leave

4. **Leave schedule**

Leave shall be granted as follows:-

4.1 Vacation leave

Employees on the permanent service record are entitled to vacation leave as follows:-

CLASSIFICATION	GROUP	ANNUAL ACCRUAL
Town Clerk and Head of Departments post level 1	A	30 working days with full pay
Deputy and Assistant Heads of Departments and Section Heads on post levels 2 to 3	B	26 working days with full pay
Members of staff on post levels 4 to 12	C	22 working days with full pay
Members of staff on post levels 13 to 15	D	18 working days with full pay
Temporary staff	-	15 working days with full pay

4.1.1. Vacation leave is granted with full pay: Provided however that public holidays shall not be calculated as vacation leave.

4.1.2. An employee is compelled to, unless otherwise decided by the Council, take at least 10 days of his vacation leave due to him after a year of service has been completed, within a period of 12 months after completion of the year of service. Mentioned leave will be forfeited in case it is not taken.

4.2 Special leave

Special leave may be granted to any employee with full pay:-

4.2.1 to attend any meeting or conference as a delegate, by resolution of the Council;

4.2.2 to attend voluntary or compulsory military training or service in the Republic of South Africa: Provided that such an employee shall undertake in writing to remain in the service of the Council after completion of such training or service for a period equal to the period of training or service: Provided further that failure on the part of the employee to comply with such undertaking by him, shall empower the Council to recover from him the total amount paid to him;

4.2.3 to sit for any examination pertaining to his vocation and indeed as follows:-

one day study leave and one day leave for examination for each day on which examination is to take place;

4.2.4 the following accumulative special leave is granted to officials for the purpose of attendance of meetings and overtime worked without payment:-

Town Clerk and Town Secretary: 12 working days

Other Head of Departments on post level 1: 10 working days

Deputy and Assistant Heads of Departments on post levels 2 to 3: 6 working days.

4.2.5 Special leave may be granted to an employee under other circumstances for such period and upon such terms of payment and on conditions as may be decided on by the Council.

4.3 Sick leave

Employees on the permanent service record shall be entitled to sick leave as follows:-

4.3.1 120 calendar days with full pay and 120 calendar days with half pay in a cycle of 3 years.

4.3.2 Sick leave required beyond the expired time, may in special cases be granted on such conditions as the Council shall determine.

4.3.3 Vacation leave can be changed to sick leave on presentation of a medical/dental certificate.

4.3.4 Sick leave shall be granted to an employee only in respect of an indisposition, illness or injury which cannot be ascribed to any unusual, immoral way of life, disorderly conduct or the employee's own carelessness or gross and wilful misconduct.

4.3.5 An application for sick leave for any period exceeding three working days, shall be supported by a medical/dental certificate at the expense of the employee. In the event of an application for less than three working days, the Council may require a medical/dental certificate in support of such application in which case the Council will bear the cost thereof.

4.3.6 The Council may at any time require an employee who has been granted sick leave to submit to an examination by a registered medical practitioner nominated by the

Council at its expense.

4.4 Occasional leave

Occasional leave with full pay not exceeding two consecutive days and in all not exceeding eight working days during any calendar year, may be granted to an employee on the permanent record service by the Council: Provided that such leave is not accumulative and shall be forfeited if not taken.

4.5 Long leave

Long leave is granted to employees on the permanent service record in congruence with the allocations made by the Industrial Council or other statutory body from time to time.

5. Application for leave

- 5.1. All applications for leave shall be in writing on the form provided by the Council and, except in the case of sick leave, and such application must be approved before commencement of such leave.
- 5.2. No employee shall be entitled to take more leave than he has to his credit.
- 5.3. An employee may be required to take leave at any time if so determined by the Council.
- 5.4. All leave taken by an employee shall be considered as completed service.
- 5.5. Vacation leave shall accrue on a proportionate basis according to the period of completed service.
- 5.6. An employee on vacation leave may at any time, when it is considered to be in the interest of the Council, be recalled. The unexpired period of such leave may then be taken subject to the exigencies of the service or placed to the employee's credit. Any cost incurred by an employee if so recalled, shall be borne by the Council.
- 5.7. All leave shall be reckoned as including the first working day on which the employee is absent from duty and excluding the working day on which he resumes duty.
- 5.8. An employee shall be entitled to accumulate vacation leave due to him after twelve months service for a maximum period of 250 days in all, and on final termination of service, payment in lieu of such accumulated leave shall be made to the employee.

6. Remuneration during leave

- 6.1. An employee who has been granted leave is entitled to receive on the 1st day of work before such leave is about to commence, the salary or wages which would otherwise have been paid to him during the period in respect of which leave has been granted to him.
- 6.2. On final termination of service except in the case of grave misconduct, dishonesty or fraud:-
 - 6.2.1 a pro rata share of vacation leave in respect of any uncompleted year of service, shall be added in the leave register to the total of leave accrued;
 - 6.2.2 the value of vacation leave not taken shall be paid to the employee or if termination

of service be by death, to his estate.

7. Leave bonus

A leave bonus equal to one month's salary be paid annually on the 30th November to all personnel on the permanent service record.

8. Adoption of scheme

All employees are granted one opportunity to accept this newly determined leave scheme, further any employee who wishes not to accept this new scheme, may stay with the schemes as determined by the Black Local Authorities Act, 1982 (Act No. 102 of 1982) and Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983).

9. Implication of regulations

These leave regulations will be implemented as from the date of proclamation hereof.

10. Repeal of previous regulations

The regulations promulgated under Administrator's Notice No. 306 of 1976, as amended, are hereby repealed.