

NDLAMBE MUNICIPALITY CORPORATE SERVICES



LEAVE POLICY

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1. PREAMBLE

The Municipality abides by legislation and collective agreements to grant leave to all employees and subject to the requirements of each type of leave.

2. PURPOSE

The purpose of this policy is to provide all employees with the requirements for application for various types of leave available to them, and the management thereof.

3. SCOPE

The policy is applicable to all employees of the Municipality, except temporary employees who work less than 24 (twenty-four) hours a month.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- South African Local Government Bargaining Council: Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Leave is equitable to hard cash therefore must be monitored with precision to avoid any deviation

7. POLICY PROVISIONS

7.1 Annual Leave

7.1.1 Calculation of Annual Leave

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

- a.** Twenty-four (24) working days for a five (5) day worker, provided that the leave for an employee that works less than a five (5) day week shall be calculated on a pro rata basis.
- b.** Twenty-seven (27) working days for a six (6) day worker.

7.1.1.2 An employee shall take leave not later than six (6) months after the end of the annual leave cycle.

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

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

7.1.1.4 Annual leave shall only be accumulated to a maximum of forty-eight (48) working days.

7.1.1.5 Any leave in excess of forty-eight (48) working days may not 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.

7.1.1.6 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.

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

7.1.1.8 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, as amended and not exceeding 48 days.

7.1.2 Application for leave

7.1.2.1 Application for leave shall be made on the prescribed form and / or system and approved by the Head of Department on the recommendation of the applicant's supervisor, before the employee may go on leave.

7.1.2.2 Annual leave shall be recorded in the annual leave register and may not be taken in advance. Any leave taken prior to approval and recording as prescribed shall be treated as unpaid leave.

7.1.2.3 All leave of absence due, granted and taken shall be recorded in a leave register at the HRM Unit and an employee's leave record shall be available for inspection by him / her during office hours.

7.1.2.4 Application must be made in advance equal to the period of Annual Leave to be taken.

7.1.2.5 Subject to consultation with the employee, the Municipality may change or withdraw annual leave already granted.

7.1.2.6 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.

7.1.2.7 Annual leave can be taken at any time during the year, provided approval is given by management.

7.1.3 Unpaid Leave

The Municipality shall grant an employee unpaid leave to a maximum equivalent to the annual leave allocation subject to the following:

7.1.3.1 Application shall be made in advance equal to the period of leave without salary to be taken.

7.1.3.2 Subject to consultation with the employee, the Municipality may change unpaid leave already granted.

7.2 Sick Leave

7.2.1 Determination of Sick leave

7.2.1.1 The Municipality shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle, provided that new appointments / employees may not take more than thirty (30) days sick leave in the first year of employment

7.2.1.2 If more than two (2) consecutive days are taken as sick leave, the employee shall be required to submit a medical certificate from a registered medical practitioner, or any other person who is certified to diagnose and treat patients, and who is registered with a professions council established by an Act of Parliament: Provided that the Municipality may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.

7.2.1.3 The Municipality is not required to pay the employee if absent on more than two (2) occasions during an eight- (8) week period, and on request by the Municipality, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

7.2.1.4 Additional sick leave

An employee is entitled to a further sixty (60) working days which is 30 day on full pay and 30 days on half pay per sick leave cycle.

7.2.1.5 Sick leave without pay

- a.** 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 forty (40) consecutive days,

the employee must be examined by a registered medical practitioner or registered traditional healer appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

- b. An employee to whom the maximum period of full and half pay sick leave, and leave in terms of above clause has been exhausted, and the employee has applied for medical boarding, the Municipality shall grant such an employee additional forty (40) sick leave days without pay, and the employee shall be examined by a registered medical practitioner or registered traditional healer appointed by the Municipality. The cost of such examination shall be borne by the Municipality.

7.2.1.6 Special sick leave for injury on duty cases and occupational diseases

- a. 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 granted special sick leave on full pay for the period during which he / she is unfit to perform his / her duties.
- b. If the case falls within the ambit of the Compensation for Occupational Injuries and Diseases Act (COIDA), 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 Municipality has already advanced the amounts to the employee.
- c. Special sick leave may only be granted if the Municipality was notified of an accident or disease as required in terms of COIDA and that a medical certificate from a registered professional is submitted to the Municipality

7.2.2 Granting sick leave

- 7.2.2.1 Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition, or injury.

7.2.2.2 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 failure to make use of vacation leave.

7.2.2.3 The Municipality may at any time require an employee to submit him / herself to an examination by a registered health professional appointed by the Municipality, and the cost of such examination shall be borne by the Municipality.

7.2.2.4 The Municipality may, on the recommendation of a registered health professional or traditional healer, compel an employee who, in the Municipality's opinion, is so indisposed that he / she cannot perform his / her duties properly, to take sick leave.

7.3 Maternity Leave

7.3.1 An employee, including an employee adopting a child under three (3) months, shall be entitled to receive four (4) 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. (Subject to the SALGBC being amended)

7.3.2 To qualify for paid maternity leave, an employee must have one (1) year of service with the Municipality. Employees with less than one (1) years' service shall qualify for one (1) month's fully paid maternity leave and three (3) months unpaid maternity leave.

7.3.3 An employee may commence maternity leave any time from four weeks before the expected date of birth, unless otherwise agreed. Alternatively, an employee may commence with maternity leave from a date which a medical doctor or midwife certifies it is necessary for the employee's health and/or that of her unborn baby.

7.3.4 The application for maternity leave shall be accompanied by a certificate from the doctor, which states the expected date of confinement, or evidence of legal adoption of a child.

- 7.3.5** Maternity leave is to be taken consecutively and may in normal circumstances not be split and taken on an *ad hoc* basis.
- 7.3.6** An employee may apply to supplement maternity leave with annual leave. Approval of annual leave in these circumstances is, as with any other application for annual leave, at the sole and entire discretion of the line manager or Municipal Manager and shall be dependent on the operational needs of the Municipality. No negative leave may be applied for to supplement maternity leave.
- 7.3.7** Unpaid leave over and above maternity leave and annual leave to supplement maternity leave may be granted. Such approval is at the discretion of the employer and shall be subject to the needs of the Municipality. Any such unpaid leave may not exceed two (2) months.
- 7.3.8** It is expected that any employee who learns of her pregnancy or confirmation of adoption shall advise the employer as soon as possible. The purpose of this is to facilitate planning, both for the period of absence as well as the employee's return to work.
- 7.3.9** Employees shall submit supporting documentation prior to commencing maternity leave either by way of a medical certificate confirming the expected date of birth or documentation from the relevant authorities confirming the adoption of a child.
- 7.3.10** No employee may work for six weeks after the birth of her child, unless a medical doctor or midwife certifies that she is fit to do so.
- 7.3.11** 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, even if the employee has not yet proceeded on maternity leave.
- 7.3.12** All employees proceeding on maternity leave shall be offered their original position upon return, unless they are consulted on alternatives prior to or during the course of maternity leave, and such alternatives have been accepted.
- 7.3.13** Absence from work for the purposes of maternity leave shall count towards qualifying years of service with the Municipality (e.g. long service awards) regardless of whether this absence is unpaid, part-paid or fully paid.

7.3.14 Any incentive payable at the discretion of the Municipality, for which an employee may qualify in terms of the applicable criteria, may be pro-rated in view of the extended temporary absence from work whilst on maternity leave.

7.3.15 Employees on maternity leave shall remain eligible for increases and promotions in the normal course.

7.4 Parental leave

7.4.1 An employee who is a parent of a child is entitled to at least ten (10) consecutive days' parental leave. An employee may commence parental leave on the day that the employee's child is born, or the date that:

7.4.1.1 the adoption order is granted; or

7.4.1.2 a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child.

7.4.2 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence parental leave, and return to work, after parental leave. Notification shall be given at least one month before the employee's child is expected to be born, or the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order. A Parental leave shall be completed

7.4.3 The Municipality is not required to pay the employee during the parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.5 Adoption leave

7.5.1 An employee who is an adoptive parent of a child who is below the age of two, is entitled to an adoption leave of at least ten (10) consecutive weeks, or the parental leave under 7.4 above. If there are two adoptive parents, one should chose adoption leave, and the other parental leave. An employee may commence adoption leave on the day that:

7.5.1.1 the adoption order is granted; or

7.5.1.2 a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child.

7.5.2 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence adoption leave, and return to work, after adoption leave. Notification shall be given at least one month before the date of adoption order, or date the child is placed in the care of a prospective adoptive parent by a competent court pending the finalisation of an adoption order. An Adopting leave shall be completed

7.5.3 The Municipality is not required to pay the employee during the adoption leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.6 Commissioning parental leave

7.6.1 An employee who is a commissioning parent in a surrogate motherhood agreement is entitled to a commissioning parental leave of at least ten (10) consecutive weeks, or the parental leave under 7.4 above. If there are two commissioning parents, one should choose commissioning parental leave, and the other parental leave.

7.6.2 An employee may commence parental leave on the day that the employee's child is born as a result of the surrogate motherhood agreement.

7.6.3 An employee shall notify the Municipality in writing of the dates on which the employee intends to commence commissioning parental leave, and return to work, after commissioning parental leave. Notification shall be given at least one month before the employee's child is expected to be born as a result of surrogate motherhood agreement.

7.6.4 The Municipality is not required to pay the employee during the commissioning parental leave, but the employee may qualify for benefits under the Unemployment Insurance Act 63 of 2001, as is the case with maternity leave.

7.7 Family responsibility leave

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:

7.7.1 The employee's child is sick

7.7.2 The employee's spouse or life partner is sick

7.7.3 In the event of death of the employee's spouse or life partner, the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling

7.8 Special leave for study and examination purposes

7.8.1 Leave for examination purposes

7.8.1.1 Special leave may be granted to an employee for the working day on which he / she sits for an examination.

7.8.1.2 The examination should be prescribed by an educational institution in order to qualify for a formal qualification.

7.8.1.3 Two (2) working days special leave for every paper / examination for which an employee sits for an examination shall be granted to enable him / her to prepare for the examination.

7.8.1.4 The examination roster shall be included with the submission of the study leave application.

7.8.1.5 Results of the examination shall be submitted to the Human Resources Office as soon as they are available, and not later than three (3) months after the examination was written.

7.8.1.6 In cases where examinations were not written, the examination and study leave shall revert to annual leave unless a medical certificate is provided, in which case sick leave may be granted.

7.8.1.7 In case where the employee fails the examination and has to sit for a re-examination, the above provisions may apply again, once only.

7.8.2 Additional leave for Post Graduate Studies

Special leave for a dissertation or thesis shall be granted with full pay to a maximum of five (5) working days in a year, per qualification.

7.8.3 Attending of classes during working hours

7.8.3.1 An employee who studies part time or through correspondence in a field applicable to the Municipality and who, as a result of his / her studies is required to be absent from work shall be granted vacation leave and special leave on a 50:50 basis for the time he / she is released from duty, subject to the requirements of the department.

7.8.3.2 If no leave to his / her credit, unpaid vacation leave shall be granted.

7.9 Special leave for ad hoc instances

Special leave with a maximum of ten (10) days on full pay per annum may be granted to an employee when the employee:

7.9.1 performs police duties in terms of the South African Police Act 68 of 1995, after the Municipality has given permission that the employee may become a member of the reserve police force.

7.9.2 partake in a recognised sport activity at provincial and higher level, in which case the special leave with full pay shall not exceed three (3) working days per event and these three (3) working days may include travelling time.

7.9.3 has been arrested or is to appear in court on a criminal charge and is later acquitted or the charge is withdrawn.

7.9.4 gives evidence in a court case after a summons were served on the employee.

7.9.5 attends a meeting or conference approved by the Municipality.

7.9.6 participate in trade union activities as a shop steward in terms of the Recognition Agreement.

7.10 Additional Leave Conditions

7.10.1 No employee shall take leave whilst serving a notice period following the tendering of a resignation. Any such leave of absence shall be recovered as leave without pay from portion of pay due to the employee as a result of termination of service.

7.10.2 The Municipal Manager and Heads of Department shall use their discretion to ensure that the Municipality remains operational during any mass leave periods, by ensuring an equitable granting of leave during the most-preferred periods of the year.

7.10.3 In all cases, and especially in the most critical functional areas of the Municipality, application of leave by an employee and the granting of leave by any manager shall at all times be made against the necessary arrangements made to ensure continuity of the work during leave.

7.11 Long service leave bonus

7.11.1 An employee shall qualify for long service leave (bonus) as recognition for continuous service at the Municipality, additional to normal leave. The long service leave / bonus shall apply as follows:

7.11.1.1	After 5 years' service	-	5 working days
7.11.1.2	After 10 years' service	-	10 working days
7.11.1.3	After 15 years' service	-	15 working days
7.11.1.4	After 20 years' service	-	15 working days
7.11.1.5	After 25 years' service	-	15 working days
7.11.1.6	After 30 years' service	-	15 working days
7.11.1.7	After 35 years' service	-	15 working days
7.11.1.8	After 40 years' service	-	15 working days
7.11.1.9	After 45 years' service	-	15 working days

7.11.2 An employee may choose to utilise the leave as annual leave within any days as long as the employee is in the service of the Municipality and the days must not be encashed in any circumstances.

7.12 Roles and responsibilities

7.12.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.12.2 The financial implications related to implementing this policy shall be

qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management: Signature: _____ Date: _____

Consulted with Local Labour Forum: *Management Representative*: Signature: _____
Date: _____

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1. PREAMBLE

The Municipality views the termination of service as a necessary management tool on the one hand, and as an inevitable process of employment contract on the other hand. The Municipality would strive to apply termination of service in accordance with the circumstances of the employment contract, and the applicable legislation.

2. PURPOSE

- 2.1** To provide framework for all instances for termination of service within the Municipality.
- 2.2** To ensure that employees' services are terminated appropriately and in line with the best practices and legislation within the Municipality.
- 2.3** To regulate the termination of services of employees across the Municipality's offices, sections, operating areas in line with the applicable reasons for termination of service.

3. SCOPE AND APPLICATION

This policy applies to all employees of the Municipality except Section 56 Senior Managers.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- South African Local Government Bargaining Council (SALGBC): Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Termination should be a process that will not lead to constructive dismissal.

7. POLICY PROVISIONS

7.1 *Voluntary Resignation*

7.1.1 An employee may resign from the service of Municipality with or without stating any reason.

7.1.2 A permanent employee shall give at least thirty (30) days' written notice of resignation.

7.1.3 The Municipal Manager may approve other periods of notice of resignation in exceptional cases.

7.2 *Termination by Mutual Agreement*

7.2.1 An employee's services may be terminated by mutual agreement between the employee and the Municipality.

7.2.2 The employee and the Municipal Manager may agree on the period of notice.

7.3 *Termination on Completion of Project or Condition of Employment*

7.3.1 An employee's services may be terminated on completion of a project where the employee was appointed as a temporary employee in terms of the limited duration of the project and / or employment agreement, or in fulfilment of a written stipulation in the conditions of employment.

7.3.2 The notice period is not applicable in this instance.

7.4 *Retirement at Normal Retirement Age*

An employee shall retire on pension at the end of the month in which the employee reaches retirement age established by the Municipality on the basis of collective agreements or pension fund rules.

7.5 *Early Retirement*

- 7.5.1** An employee may retire earlier than normal retirement age in terms of the rules of the Retirement or Pension Fund of the Municipality.
- 7.5.2** The reasons could vary from medical fitness, to exercising of choice provided in the Fund rules.
- 7.5.3** Early retirement as a result of medical disability is subject to the terms and conditions of the relevant insurance policy or retirement fund applicable to the disability of the employee.

7.6 *Incapacity due to ill-health*

- 7.6.1** An employee's services may be terminated due to ill-health on their part.
- 7.6.2** The process shall be handled through the Municipality' policy on Incapacity due to ill-health.

7.7 *Incapacity due to operational requirements*

- 7.7.1** An employee's services may be terminated as part of operational requirements of the Municipality, where such requirements could be based on the economic, technological, structural or similar needs of the Municipality.
- 7.7.2** The process shall be handled through the Municipality' policy on Incapacity due to operational requirements.

7.8 *Incapacity due to poor performance*

- 7.8.1** An employee's services may be terminated due to the persistent poor performance on their part.
- 7.8.2** The process shall be handled through the Municipality' policy on Incapacity due to poor performance.

7.9 *Termination due to misconduct*

- 7.9.1** An employee's services may be terminated as a result of being found guilty of misconduct in terms of the code of conduct and ethics.
- 7.9.2** The process shall be handled through the Municipality' policy on Discipline.

7.10 *Employee-initiated / voluntary severance package*

An employee may apply for an employee-initiated or voluntary severance package when affected by transformation and restructuring. The application is subject to the approval of Council, on recommendation of the Municipal Manager.

7.11.1 Matters for considering the application

7.10.1.1 In considering the application, the following shall, as a minimum, be taken into account:

- a.** The impact of the employees' exit from the Municipality on its service delivery capabilities.
- b.** The employee's competence and suitability for continued employment.
- c.** The manner in which the employee's exit will support transformation and restructuring of the Municipality.
- d.** The specific reasons for the employee's request.
- e.** The ability of the Municipality to finance the costs related to the payment of the severance package (e.g. refunding Pension Fund, severance pay, leave pay, etc.).
- f.** The impact of the granting of the severance package on the morale of other employees.
- g.** Whether the employee occupies a post on the Municipality's establishment or whether the employee is held additional to the establishment.

7.10.1.2 If misconduct or incapacity due to poor performance proceedings are underway against the employee, the decision regarding their application shall be postponed until such proceedings have been finalized.

7.10.1.3 If the Council or Municipal Manager does not approve the application, the employee shall, in writing, be informed that the application is not approved. The employee shall also be provided with adequate reasons for the decision and be informed of any right of review.

7.10.1.4 If the Council or Municipal Manager approves the application, the employee shall be notified in writing of the decision and their exit from the Municipality shall take effect not later than two months after the date of such notice.

7.11.2 Severance package payable

If the Council or Municipal Manager approves the employee-initiated or voluntary severance package application, the following measures shall apply:

7.10.2.1 Retirement / Pension benefits: Employee to be paid retirement benefits in line with the rules of the applicable Retirement or Pension Fund.

7.10.2.2 Severance pay: Employee shall be paid severance package amount or through a formula agreed to in the SALGBC, and approved by Council.

7.10.2.3 Leave pay: Employee shall be paid all unused vacation leave days accumulated in accordance with the leave policy. Leave shall be audited before any leave payments may be made to an employee.

7.10.2.4 Compensation for medical benefits

a. Employees aged 55 and older on the date of service termination who have been members of the registered medical scheme for the year ending with service termination and chose to continue to be members of a medical scheme, will qualify for continued employer contribution at the scale determined for active employees.

b. Employees who are younger than 55 at the date of service termination, and employees who are 55 and older who are not members of registered medical scheme, shall be paid a once-off all-inclusive amount determined by the SAGBC. This amount is in lieu of medical benefits regardless of the employee's participation in the benefit before service termination. These employees shall not qualify for post-retirement medical assistance in future.

7.10.2.5 Service bonus: Employee shall be paid a pro rata service bonus calculated on the basis of the service period of the employee at the date of service termination.

- 7.10.2.6 Contractual obligations:** Employees are to be released from contractual obligations that require from them to remain in service. Payments to third parties and other Municipality debt shall be recovered from retirement benefits, if employees do not make suitable arrangements to settle their debt.
- 7.10.2.7 Official housing:** Where official Municipality housing was provided, employees shall be given a SALGBC-determined notification to vacate official Municipality housing, unless a different period is specified in an individual contract of employment.
- 7.10.2.8 Notice of termination of service:** The employee's termination of service by the Municipality shall take effect within two months after the date of the notice of the approval of their application.
- 7.10.2.9 Subsidized scheme:** Subsidized motor vehicles, where applicable, shall be dealt with in terms of the scheme rules, and where relevant, the travel and transport policy.
- 7.10.2.10 Resettlement benefits:** Notwithstanding the provisions of the resettlement policy, the Municipality shall meet, at the request of the employee who is 55 and older, reasonable costs of resettlement of the employee and their immediate family to a place in South Africa where they were recruited from, or to their country of origin if they were recruited from abroad.

7.11 *Actions by the Municipality on Termination of Service*

Upon termination of service, the Municipality, through the HRM Unit, shall ensure the following are carried out:

7.11.1 Notice periods

- 7.11.1.1** Any period of notice may not run concurrently with any period of leave by the employee.
- 7.11.1.2** No notice or payment in lieu of notice shall be required to be given or paid to an employee whose services are terminated as a result of misconduct or as a result of the termination of a temporary employment agreement by natural expiry of time.

7.11.2 Payment of leave credit

Upon termination of service for any reason all leave due to an employee shall be paid out to such employee and all retirement funds due shall be paid out in terms of the rules of such Retirement Fund unless the monies have been ceded to the Municipality by the employee, or the employee has authorised the Municipality to make deductions from such monies.

7.11.3 Payment of all monies due to employee

All monies due to an employee after termination of service shall be paid to the employee within three (3) months or as soon as possible after termination of service.

7.11.4 Recovery of debts from employee

On termination of service any debt of an employee to the Municipality shall be deducted from such employee's remuneration or any monies owed to the employee, if the employee signed an acknowledgement of debt in terms of the Basic Conditions of Employment Act, or by order of the court.

7.11.5 Issue of Certificate of Service

A Certificate of Service shall be issued to employees on termination of service on the conditions determined by the Council, on recommendations supported by the Local Labour Forum.

7.12 *Roles and responsibilities*

The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy. The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management Unit.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy is in a draft stage and shall be final once approved by the next Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management:

Signature: _____

Date: _____