

LEAVE MANAGEMENT POLICY FOR THE AMAHLATHI LOCAL MUNICIPALITY

Council Resolution Number: 02/2023 Ordinary Council Meeting	Approval Date: 29 June 2023
Review Date: 19 April 2023	Effective Date: 01 July 2023

Speaker of Council
Cllr Ms. N. Mlahleki

Date: 30 JUNE 2023

LEAVE MANAGEMENT POLICY	
Policy Status	Active
Version	2014
Date of First Implementation	01 July 2018
Date Last Amended	30 June 2022
Date of Next Review	30 June 2024
Aims and Objectives	To ensure that leave is administered in line with the prescripts of the law and applicable collective agreements.
Policy Custodian	Director Corporate Services
Related Policies	Local Government: Municipal Systems Act
Applicability	Amahlathi prospective and existing employees
Policy Benchmark and References	Regional, District, Metro and Provincial Government – COGTA and SALGA
Stakeholders Consulted	Local Labour Forum(LLF); Technical Committee; Institutional Committee; SALGA and COGTA
Date of Approval	29 June 2023
Approving Authority	Council

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1. DEFINITIONS

TERM	DEFINITION
Council	Means a municipal council of Amahlathi Local Municipality.
Councillor	Means a member of the Council;
Date of Adoption	Means the date on which the adoption of the policy by the Council
Employee	Means any person in the employ of the municipality; for more than 24 hours.
Pay	Means salary or wages paid to an employee.

2. LEGISLATION FRAME WORK

- 2.1 Basic Conditions of Employment Act
- 2.3 South African Local Government Bargaining Council Main Collective Agreement.
- 2.4 Labour Relations Act
- 2.5 Senior Management (Directors be included in this policy)

3. OBJECTIVES OF THE POLICY

To ensure that leave is administered in line with the prescripts of the law and applicable collective agreements.

4. APPLICATION OF THIS POLICY

- 4.1 The provisions of this policy do not apply to an employee who works less than 24 hours a month for the employer.
- 4.2 Unless an agreement provides otherwise, the provisions of this policy do not apply to special projects such as the Community and Youth Development Programmes (CYDP).
- 4.3 Temporary employees who are on fixed term contract are covered by this policy.

5. POLICY DETAILS

5.1 ANNUAL LEAVE

The annual leave cycle is the period commencing on 1 January each year. Employees are entitled to take leave as follows:

- 5.1.1 24 days for a five (5) day worker annual leave on full remuneration in respect of each leave cycle; or
- 5.1.2 by agreement, one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

- 5.1.3 by agreement, one hour of annual leave on full remuneration for every 17 hours on which the employee worked or was entitled to be paid.
- 5.1.4 an employee is required to take 16 compulsory leave days within each leave cycle.
- 5.1.5 An employee is entitled to take leave accumulated in an annual leave cycle.
- 5.1.6 An employer must grant 6 months' grace period after leave cycle has expired before it is forfeited.
- 5.1.7 Should an employee request for annual leave and be denied or be recalled from leave as a result of operational requirements, then his/her Superior/Immediate Superior/Head of Department /Designee must explain in writing the reasons why the employee cannot take leave and an agreement be reached as to when the employee may be released to take such leave.
- 5.1.8 An employer may not require or permit an employee to take annual leave during:
- 5.1.8.1 Any other period of leave to which the employee is not entitled to.
- 5.1.8.2 Any period of notice of termination of employment.
- 5.1.9 Despite subsection 5.1.8, an employer must permit an employee, at the employee's written request, to take leave during a period of unpaid leave.
- 5.1.10 An employer may reduce an employee's entitlement to annual leave by the number of days of occasional leave on full remuneration granted to the employee at the employee's request in that leave cycle.
- 5.1.11 An employer must grant an employee an additional day of paid leave if a public holiday falls on a day during an employee's annual leave on which the employee would ordinarily have worked.
- 5.1.12 Annual leave must be taken in accordance with an agreement between the employer and employee.

- 5.1.13 Employees who earn above the threshold that is annually declared by the national minister in terms of the basic conditions of employment act are not permitted to receive pay and are required to take time-off in lieu of pay.
- 5.1.14 An employer may not grant annual leave on termination of employment; and in accordance with the Collective agreement.
- 5.1.15 Submission and approval of annual leave forms should be 7 days before its commencement.

5.2 PAY FOR ANNUAL LEAVE

- 5.2.1 An employer must pay an employee leave day(s) at least equivalent to the remuneration that the employee would have received for working for a period equal to the period of annual leave, calculated at the employee's rate of remuneration immediately before the beginning of the period of annual leave; and in accordance with the Collective Agreement.

5.3 SICK LEAVE

- 5.3.1 In this Policy, 'Sick Leave Cycle' means the period of 36 months' employment with the same employer immediately following:
 - 5.3.1.1 An employee's commencement of employment; or
 - 5.3.1.2 The completion of that employee's prior sick leave cycle.
- 5.3.2 During every sick leave cycle, an employee is entitled to an amount of paid sick leaves equal to the number of days the employee would normally work during a period of six weeks.
- 5.3.3 Despite subsection 5.3.1.1, during the first six months of employment, an employee is entitled to one day's paid sick leave for every 26 days worked.
- 5.3.4 During an employee's first sick leave cycle, an employer may reduce the employee's entitlement to sick leave in terms of subsection 5.3.2 by the number of days' sick leave taken in terms of subsection 5.3.3.
- 5.3.5 Subject to section 5.3.1, an employer must pay an employee for a day's sick leave:

- 5.3.5.1 The wage the employee would ordinarily have received for work on that day; and
- 5.3.5.2 On the employee's usual pay day.
- 5.3.6 An agreement may reduce the pay to which an employee is entitled in respect of any day's absence if the number of days of paid sick leave is increased at least commensurately with any reduction in the daily amount of sick pay; and the employee's entitlement to pay for any day's sick leave is at least 75 per cent of the wage payable to the employee for the ordinary hours the employee would have worked on that day; and
- 5.3.7 Sick leave shall be regulated in consecutive cycles of three years and shall accrue to an employee on the first day of every such cycle in accordance with this policy; provided that an employee who is appointed to the service of the Council during any such cycle shall on appointment be credited with sick leave in accordance with this policy on a basis proportionate to the period from the date of his appointment to the end of such cycle.
- 5.3.8 The first sick leave cycle shall commence on the first day of January of the year immediately following the year of adoption.
- 5.3.9 Sick leave may, in the discretion of the Council, be refused in respect of any illness, indisposition or injury due to misconduct or failure to take reasonable precautions.
- 5.3.10 No sick leave shall be granted in respect of neurasthenia, insomnia, debility or other ill-defined illness or indisposition unless it is established to the satisfaction of the Council that the applicant's health condition incapacitates him/her for duty.
- 5.3.11 The Council shall require an employee who applies for sick leave or who is on sick leave to submit him/herself for examination by a medical board and shall require him/her to submit him/herself to such examination if 80 days' sick leave has already been granted and he/she applies for further sick leave on full pay. If as a result of such examination the Council is satisfied that granting or continuance of sick leave is not justified or if the employee fails to

submit him/herself for examination the Council may refuse to grant sick leave or, as the case may be, cancel the sick leave.

- 5.3.12 If an employee who is on vacation leave becomes ill or indisposed or sustains an injury, the portion of the leave taken during which such illness, indisposition or injury endured may, be converted to sick leave.
- 5.3.13 A maximum of 30 days' sick leave on full pay standing to the credit of an employee at the end of a cycle of three years can be accumulated to a maximum of 80 days.
- 5.3.14 Over and above the preceding provisions for the granting of sick leave, the granting of sick leave to an employee is subject to:
 - 5.3.14.1 The Municipal Manager's prior approval
 - 5.3.14.2 Sick leave with full pay which an employee may accrue to his credit in a cycle of three years shall first be exhausted.
- 5.3.15 If all vacation leave and all sick leave on full pay standing to the credit of an employee have been exhausted, additional sick leave shall be applied for in line with the SALGBC Collective Agreement.
- 5.3.16 All unused sick leave, over and above that sick leave an employee can accumulate in accordance with subsection 5.3.15.16 shall lapse at the end of a cycle of three years.

5.4 PROOF OF INCAPACITY

- 5.4.1 An employer is not required to pay an employee if the employee has been absent from work for more than two consecutive days or on more than two occasions during an eight-week period and, on request by the employer, 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.

- 5.4.2 The medical certificate must be issued and signed by a medical practitioner or any other person who is certified to diagnose including a registered traditional healer who treats patients and who is registered.

5.5 MATERNITY LEAVE

- 5.5.1 An employee is entitled to at least three consecutive months' maternity leave.
- 5.5.2 An employee may commence maternity leave:
- 5.5.2.1 At any time from four weeks before the expected date of birth, unless otherwise agreed; or
- 5.5.2.2 On a date from which a medical practitioner or midwife certifies that it is necessary for the employee's health or that of her unborn child.
- 5.5.3 In order to qualify for maternity leave, an employee must have completed one-year service with the municipality in line with the SALGBC Collective Agreement.
- 5.5.4 No employee may work immediately after six weeks from the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- 5.5.5 An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave of six weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or still birth.
- 5.5.6 An employee must notify an employer of the date on which the employee intends to commence maternity leave and return to work after maternity leave, at least four weeks before the employee intends to commence maternity leave; or if it is not reasonably practicable to do so, as soon as is reasonably practicable.

5.6 FAMILY RESPONSIBILITY LEAVE

- 5.6.1 This section applies to an employee who has been in employment with the municipality for longer than four months and has works on at least four days a week.
- 5.6.2 An employee shall be granted during each annual leave cycle, at his/her request, five days paid leave:
- 5.6.2.1 when his/her child is born or sick;
 - 5.6.2.2 when the spouse or life partner is sick; or
 - 5.6.2.3 in the event of the death of the spouse or life partner; or the parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
- 5.6.3 An employee may take family responsibility leave in respect of the whole or a part of a day.
- 5.6.4 Before paying an employee for leave in terms of this section, an employer may require reasonable proof for which the leave was required.
- 5.6.5 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.
- 5.6.6 A collective agreement may vary the number of days and the circumstances under which leave is to be granted in terms of this section.

5.7 STUDY LEAVE

- 5.7.1 An employee is entitled to 12 days per annum
- 5.7.2 An employee may be granted leave for studying and examination purposes if in the opinion of the Municipal Manager the course of study better equips the employee to fulfil his or her functions as an employee or is likely to be of benefit to the Municipality, and shall be granted leave for studying and examination purposes as follows:
- 5.7.2.1 In order to allow the employee to prepare for examinations, 1-day leave per subject may be granted.

- 5.7.2.2 In order to enable the employee to sit for examinations, 1-day leave per examination may be granted.
- 5.7.2 Proof of examination in the form of the examination timetable from the institution where the employee is studying must be submitted before special leave may be considered.
- 5.7.3 The examination timetable must be submitted to the Head of Department at least 3 weeks prior to writing the first paper, or 1 month if the period of absence will be more than 2 weeks, unless there are factors beyond the staff member's control, for example, late issue of timetable by the institution. Failure to make the submission within the timeframes above will result in the application not being approved.
- 5.7.4 Study leave applies to an employee who has been in the employment of the Municipality for more than four months.
- 5.7.5 Rewriting examinations does not entitle an employee for study, however a special one (1) full working day for the purpose of rewriting the examination shall be granted by the municipality.

5.8 LEAVE REGISTER

- 5.8.1 All leave due and leave taken, and the authority for taking such leave shall be recorded in one or more leave registers to be kept for the purpose. Every such register shall be under the control of the relevant senior official at every workplace of the Council or some other employee of the Council designated by him/her. The register shall be open for inspection by an HOD/Municipal Manager at all reasonable times during office hours.
- 5.8.2 All leave shall be reckoned as including the first working day or, which the employee concerned is absent from duty and thereafter all days whether working days or not, up to and including the last working day before the day on which he resumes duty, provided that vacation leave shall not be reckoned as including public holidays to which an employee is entitled in terms of his conditions of service.

5.9 VACATION LEAVE

- 5.9.1 Vacation leave on full pay shall accrue to an employee's credit in accordance with this policy on the completion of every calendar month of his/her service, provided that:
- 5.9.1.1 any accumulative leave which has accrued to an employee's credit on 1 January of each year and shall thereafter be deemed to be vacation leave;
 - 5.9.1.2 if an employee commences service not later than the 15th day of a month he shall be deemed for leave purposes to have commenced his service on the first day of that month, and if an employee commences services after the 15th day of a month he shall be deemed for leave purposes to have commenced his service on the first day of the following month; and
 - 5.9.1.3 if an employee's services terminate not later than the 15th day of a month his services shall be deemed for leave purposes to have commenced his service on the first day of that month, and if an employee service terminates after the 15th day of a month, his services shall be deemed for leave purposes to have terminated on the last day of that month.
- 5.9.2 Where for any purpose, it becomes necessary to calculate the amount of leave accrued to an employee for any period being less than twelve months, any fraction of a day in the total so obtained shall be ignored.
- 5.9.3 Vacation leave accrued may be accumulated to a maximum threshold of 48 days and thereafter any days in excess of these days may be forfeited unless approved otherwise by the Municipal Manager on grounds based on operational requirements.
- 5.9.4 Vacation leave granted to an employee shall not be for a continuous period in excess of 24 days provided that the aforesaid limits in regard to the number of days may be exceeded by:
- 5.9.4.1 a period of vacation leave in respect of which the Council is satisfied that it was required for urgent private affairs; and

- 5.9.4.2 a period of vacation leave taken because the employee had insufficient sick leave standing to his credit when suffering from an illness or injury for which sick leave could have been granted.
- 5.9.5 If an employee is absent from duty without authorised leave, he may in respect of such absence be granted vacation leave, provided that the granting of such leave shall not debar the Council from taking disciplinary action against such employee if the circumstances warrant such action.
- 5.9.6 If an employee has been granted leave in excess of the leave standing to his credit, such over-grant may, as far as maybe necessary, be deducted from vacation leave, which subsequently accrues to him; provided that if such employee's services terminate before sufficient leave has accrued to him, so much of such over-grant which cannot be so deducted shall be treated as leave without pay and the overpayment shall be recovered from him.
- 5.9.7 The vacation leave standing to the credit of an employee on the date of adoption shall be recorded to his credit in the leave register; provided that if an employee has on such date completed portion of a period at the end of which his leave is to accrue, leave on a basis proportionate to such portion shall be so recorded to his credit.
- 5.9.8 Notwithstanding anything to the contrary in any other law or in the conditions of service pertaining to any employee, every employee shall, if a Council closes its offices for any period of time between the twenty-fifth day of December in any year to and including the second day of January in the immediately succeeding year, be required to take leave for the whole of such period excluding any day in such period which is a public holiday.

5.10 ADDITIONAL SICK LEAVE

- 5.10.1 Employees who have a balance of at least 60 working days unused sick leave at the end of a three-year cycle, shall receive an additional 20 working days paid sick leave to which he/she will be entitled in the ensuing cycle, providing that in respect of any sick leave cycle no employee shall become entitled to more than 100 working days' sick leave on full pay.

- 5.10.2 If the maximum period of sick leave to which an employee is entitled has been granted to him/her and, owing to reasons of ill health, he/she is not able to resume duty, the Municipality may grant such employee an additional 60 working days' sick leave in respect of chronic illnesses and/or illnesses requiring hospitalization, which shall be made up as follows:
 - 5.10.2.1 30 working days on full pay
 - 5.10.2.2 30 working days on half pay
- 5.10.3 The following conditions apply:
 - 5.10.3.1 Provided that the employee has submitted a satisfactory certificate from a registered medical or dental practitioner, or a Traditional Healer registered with a recognised professional council in terms of legislation; and
 - 5.10.3.2 If the employer is satisfied that the employee is at that moment not permanently incapacitated to resume his/her normal duties.
 - 5.10.3.3 Such additional sick leave may be granted in respect of separate periods of absence and in respect of indisposition of different kinds.
- 5.10.4 On written application by an employee, who has exhausted his/her full paid sick leave and additional full paid sick leave, annual leave which he/she has to his/her credit may be granted to supplement sick leave on half pay or no pay.
- 5.10.5 Measures to manage the taking, accrual and/or conversion of sick leave and administrative arrangements for the taking of sick leave:
 - 5.10.5.1 If an employee to whom annual leave has been granted is certified sick by a registered medical or dental practitioner after his/her annual leave has commenced, that part of his/her annual leave during which he/she was thus certified sick shall be converted into sick leave on submission of the prescribed certificate by such medical or dental practitioner or a Traditional Healer registered with a recognised professional council in terms of legislation.

- 5.10.5.2 If, due to illness, an employee is unable to take annual leave already deducted, shall be credited with an equal number of annual leave days.
- 5.10.5.3 An employee may not during any period of sick leave approved in terms of these conditions, resume service without the approval of a registered medical practitioner.
- 5.10.5.4 An employee who is absent from service because of illness must take all reasonable steps to notify his/her immediate superior (or nominee) as soon as possible.
- 5.10.5.5 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 250 working days in any cycle if the Municipality is satisfied that such employee is not permanently incapacitated to resume his/her duties, provided that where sick leave without pay exceeds 40 consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality. The cost of such examination shall be borne by the Municipality.
- 5.10.5.6 Sick leave shall be granted only in connection with an employee's absence from duty owing to illness, indisposition or injury. In the case of nervous disorder/s, insomnia, debility or similar less well-defined illness or indisposition, sick leave shall be granted only if the Municipality is satisfied that the employee's state of health renders him unfit for work.
- 5.10.5.7 The Municipality may, prior to granting additional paid sick leave, required an employee to submit himself to an examination by a registered medical or dental practitioner appointed by the Municipality and the cost of such examination shall be borne by the Municipality.
- 5.10.5.8 In circumstances where an employee has exhausted all the above types of leave and is still unfit to resume work, a communique will be furnished to the affected employee to consider medical boarding. The employee will also be offered the option of a full unpaid leave whilst on recovery

- 5.10.5.9 An employee who has been deemed fit to resume work after a defined period by his or her medical doctor. ALM shall be entitled to solicit a second opinion.

5.11 SPECIAL SICK LEAVE (INJURY ON DUTY)

- 5.11.1 An employee who is absent from duty owing to an injury arising out of his duties and occurring in the course thereof or owing to an illness contracted in the course of and as a result of his duties, such sick leave shall be governed by the provisions of the Compensation for Occupational Injuries and Diseases Act 1993 (Act No 130 of 1993)

5.12 SPECIAL LEAVE

- 5.12.1 For a period of 10 days or less in any calendar year, and the Municipal Manager is of the opinion that the circumstances of the case justify the granting of leave, the Municipal Manager may grant such leave.
- 5.12.2 Special leave on full pay shall be granted to an employee for the period that he is necessarily absent from duty:
- 5.12.2.1 In order to attend court to give evidence after having been subpoenaed as a witness;
- 5.12.2.2 as a result of being placed under quarantine or isolation in terms of the Public Health Act or any regulations in force there under, while an employee is not suffering from an illness, indisposition or injury in respect of which sick leave or accident leave may be granted, provided a certificate of a medical practitioner indicating the period and the reason for such quarantine or isolation is produced;
- 5.12.2.3 If an employee is selected by a recognised sports association to represent South Africa as a competitor at international sporting events within and outside the Republic, accompany teams representing South Africa at international sporting events within and outside the country.

5.13 LEAVE WITHOUT PAY

- 5.13.1 Leave without pay may at the discretion of the Municipal Manager at any time and shall be granted to an employee.

5.14 APPLICATION FOR LEAVE

- 5.14.1 Every application for leave shall be made by the employee on a form prescribed by the Council, be it paper-based or electronically.

5.15 TERMINATION OF SERVICE

- 5.15.1 On termination of the employee's service with the municipality, an employee shall be paid as follows:

5.15.1.1 in the case of an employee who retires or is compelled to retire from the service of the municipality in certain circumstances, in respect of all the vacation leave standing to his credit as at the date on which he retires; or in the case of an employee who retires or is compelled to retire from the service of the municipality in the circumstances shall be paid all leave days accrued to-date and these shall not exceed 48 days unless approved by the Municipal Manager on the recommendation of the Head of Department.

5.15.1.2 If an employee dies while in the service of the municipality, his full pay in respect of all vacation leave standing to his credit on the date of his death shall be paid to his estate or authorised person.

5.15.1.3 The amount payable in terms of the foregoing provisions of this policy shall be calculated according to the rate of pay to which the employee was entitled on the day immediately preceding the day of the termination of his service or his death, as the case may be.

5.16 TIME OFF FOR TRADE UNION ACTIVITIES

- 5.16.1 Shop stewards shall be entitled to 15 working days per year with full pay during working hours for trade union activities and training.

- 5.16.1 Six days of each shop steward's annual entitlement of time off shall be pooled and re-allocated at the trade union's discretion to the shop stewards at the employer concerned, provided that no single shop steward may take more than 21 days off per year and that the total days in the pool are not exceeded.
- 5.16.2 Further requests for time off for shop stewards shall not be unreasonably refused.

5.17 CHRISTMAS PERIOD

- 5.17.1 During the Christmas period employees are required to take annual, accumulative, long service or carry over leave.
- 5.17.2 In cases where an employee does not have sufficient leave, he or she will be credited with leave that is recoverable by the municipality.

5.18 IMPRISONMENT

- 5.18.1 Provision on abscondment – wrongful arrest = council to reconvene panel to discuss your matter to either bring you back or sustain dismissal – NB: Investigate current cases and report to MANCO.

5.19 MANUAL AND ELECTRONIC REGISTER

- 5.19.1 A working attendance register/time sheet and electrical time and attendance system shall be used as a tool for controlling reporting for duty within the Municipality.
- 5.19.2 Supervisors/HOD's/Delegates/ Office Managers shall sign-off the working attendance register/time sheet and attendance to confirm the correctness of information contained either manual or electronic in the working attendance register and time sheet.
- 5.19.3 Completed weekly or monthly working attendance register/time sheet and attendance shall be submitted to the Corporate Services Department

- 5.19.4 Failure to complete a working attendance register and time sheet by an employee may lead to non-payment or withholding of the proportionate amount salary/wage.
- 5.19.5. The supervisor and Director of each unit / Department shall ensure that all electronic time entries are correct before the system deducts and / or institute non-payment of the proportionate amount, from an employee's salary / wages.

6. IMPLEMENTATION OF THE POLICY

- 6.1. The policy will be communicated throughout the municipality. It will be posted on the Municipal Website for purposes for ease of accessibility by users;
- 6.2. The policy will be signed-off by the Mayor / Speaker and the Municipal Manager as a commitment to its implementation and adherence thereto;
- 6.3. Successful implementation of this policy will be evidenced by effective and efficient administrative processes in relation to departing employees as well as fewer complaints from departing employees with regard to issues of terminal emoluments and notice periods

7. VIOLATION AND ENFORCEMENT

The violation of this policy may lead to disciplinary processes taken against the offender.

8. DEVIATION FROM THE POLICY

Any deviation that affects the contents of this policy shall be sanctioned by Municipal Manager, his/her nominee subject to rectification by council

9. DISPUTE RESOLUTION

Any dispute relating to both the interpretation of provision of the policy as well as the municipality decision on any specific matters shall be dealt with in accordance with the dispute resolution mechanism provided for in the applicable Labour Relations Legislation.

10. POLICY AUDIT

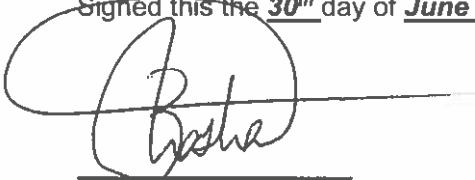
Audits will be conducted on the policy annually to determine its impact in achieving the objectives it is set out to achieve as well as alignment to the process.

11. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL

This policy is adopted and approved by Amahlathi Local Municipality Council for implementation from (Effective Date) 01 July 2023

Approved by Resolution Number 2 of 6.7 on this the 29TH day of June 2023.

Signed this the 30th day of June 2023.



**DR Z. SHASHA
MUNICIPAL MANAGER**

30 June 2023
DATE



**CLLE N. MLAHLEKI
COUNCIL SPEAKER**

30 June 2023
DATE