

## SABBATICAL LEAVE POLICY

ITEM A-CORP (01-2014) CM 26/03/2015	CORPORATE SERVICES OVERSIGHT COMMITTEE REPORT ON THE REQUEST TO ADOPT REVIEWED AND NEW HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT POLICIES
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**RESOLVED:**

1. **That** the report on request to adopt the revised and new Human Resources Management and Development policies **BE NOTED.**
2. **That** the proposed revised Policy attached as **Annexure “A” BE WITHDRAWN.**
3. **That** the proposed revised and new policies attached as **Annexures “B, C, D and E”** to the report of the Executive and the recommendations thereof **BE APPROVED.**



HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT										
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## **1 PURPOSE**

- 1.1 The policy seeks to afford employees extended periods of time away from work during the course of their employment with the municipality.

## **2 SCOPE OF APPLICATION**

- 2.1 The policy covers employees with at least 24 months of continuous service who wish to take extended periods of time away from work during the course of their employment with the municipality.

## **3 PREAMBLE**

- 3.1 This policy seeks to respond to Ekurhuleni Metropolitan Municipality (EMM) employee retention strategy regarding the need to provide employees extended periods of time away from work during the course of their employment with the municipality in order to pursue other interests outside of work including but not limited to: spending time with family, pursuing further education, taking an extended holiday or participating in voluntary / community work but excluding remunerated work, unless prior approval was granted.

## **4 LEGAL FRAMEWORK**

- a. The Constitution of the Republic of South Africa, 1996 (108/ 1996);
- b. Labour Relations Act (66/ 1995);
- c. Employment Equity Act (55/ 1998);
- d. Municipal Systems Act (32/ 2000);
- e. Basic Conditions of Employment Act (75/ 1997);
- f. South African Qualification Authority Act, 58 of 1995;
- g. Municipal Finance Management Act, 56 of 2003;
- h. EMM Abscondment Policy
- i. All relevant Collective Bargaining Agreements of the SALGBC.

## **5 DEFINITION OF TERMS**

**"EMM"** means Ekurhuleni Metropolitan Municipality and includes any committee or employee of the mentioned municipality who acts in terms of delegated powers in respect of this agreement and delegated to such committee or employee and otherwise called City of Ekurhuleni (COE);

**"Employer"** means the same as EMM;

**"Employee"** subject to the definition in Labour Relations Act No 65 of 1995, as amended, means any person, excluding an independent contractor, who works for another person or for the State (EMM in this context) and who receives, or is entitled to receive, any remuneration (for the purpose of the application of this policy: this will exclude people appointed on short term contracts e.g. a person appointed because an incumbent is on sick or maternity leave);

**"HOD"** means Head of Department

## **6 CONTENTS**

### **6.1 AUTHORISED UNPAID LEAVE**

- 5.1.1 The sabbatical leave will be an authorized unpaid leave of absence.
- 5.1.2 Sabbatical leave does not constitute a break in the period of continuous service.
- 5.1.3 Sabbatical leave is granted at the employer's discretion and is not a right.

### **6.2 ELIGIBILITY**

- 6.2.1 Applies to all employees with at least 24 months continuous service and who would have, as a remainder, 12 month's service with COE upon their return to office.

### **6.3 LENGTH OF SABBATICAL**

- 6.3.1 Sabbatical leave may be for any length of time between 1 month and 12 months.
- 6.3.2 Once agreed the length of the period can only be varied by mutual agreement between the involved.

### **6.4 EFFECT ON CONDITIONS OF SERVICE**

- 6.4.1 The employee will not be entitled to payment of a salary and bonus during the sabbatical leave.
- 6.4.2 Annual leave of employees granted sabbatical leave will be governed by the same conditions in law or otherwise for taking annual leave and will not be allowed to retain for periods exceeding the law provision or it to take on their return or receive pay in lieu of annual leave, unless as provided for in the Collective agreement binding Council or any prescript.
- 6.4.3 The employee will not accrue any annual leave during the sabbatical leave.
- 6.4.4 The employer will bear the full costs towards pension, medical aid and UIF deductions.
- 6.4.5 All property of COE should be returned to COE prior to the start of the sabbatical unless otherwise agreed with the line manager.
- 6.4.6 The employee will not be entitled to render services to any other employer during sabbatical leave, unless specifically approved in writing by person dully authorized to do so.

- 6.4.7 Save for what is in 6.4.6, should the employee take up any form of employment during the Sabbatical, the employee's employment will terminate on account of resignation.

## **6.5 CONTACT**

- 6.5.1 Methods and frequency of contact must be agreed between the employee and their line manager before the sabbatical leave period begins.
- 6.5.2 Where organizational changes are proposed which may affect the employee, every attempt will be made to contact them in a timely manner and treat them in same way as other employees.
- 6.5.3 The employee is required to keep the employer informed of any change of address or change of circumstances that arise during the sabbatical leave.

## **6.6 SICKNESS ABSENCE**

- 6.6.1 Where an employee experiences long term sickness during their sabbatical (i.e. a certified medical condition in excess of 4 weeks) then the employee can choose to contact their manager and request to terminate their sabbatical or remain in sabbatical.
- 6.6.2 The employee would be treated as having returned to work and therefore become eligible for paid sick leave. The remainder of any sabbatical leave would be forfeited.

## **6.7 RETURN TO WORK**

- 6.7.1 Should the employee wish to return to work early, they must make a request to do so in writing, allowing a minimum of one month's notice.
- 6.7.2 The manager will consider the request and confirm the decision in writing to the employee, advising them of the revised return to work date.
- 6.7.3 If the employee fails to return to work on the agreed date, the employer will make every effort to contact the employee to confirm the situation and the reasons for this.
- 6.7.4 Should the employee not return to work on the pre-agreed upon date and the time-lines envisaged in the abscondment provisions of the disciplinary code or other applicable prescript have elapsed, the employer shall implement the requisite provisions of the collective agreement or prescript on discipline to handle the abscondment of the employee.

## **6.8 APPROVAL PROCESS**

- 6.8.1 All requests for sabbaticals should be made in writing to the line manager, at least 3 months before the leave of absence is to commence.
- 6.8.2 The request should clearly detail the start and end date of the proposed sabbatical and outline the reasons for the leave, regard being had to 3.1 above.
- 6.8.3 It should also provide an outline on how the absence would impact on service delivery and how work may be covered during the absence.
- 6.8.4 Refer approval mandate schedule below.
- 6.8.5 The decision on whether to grant a sabbatical should be confirmed to the employee in writing within, at least, 20 working days of receiving the request.
- 6.8.6 The HOD HR and City manager shall approval all applications for sabbatical leave.

## **6.9 MANPOWER PLANNING**

- 6.9.1 As a general principle no more than (1) one employee may be granted sabbatical leave per division per (12) twelve month cycle unless the required manpower planning contingencies have been planned to ensure that services delivery is not negatively impacted.

## **7. RECOURSE ON APPLICATION**

- 7.1 In the event that a grievance arises with regard to the application and interpretation of this policy, it shall be handled in terms of the SALGBC Main Collective Agreements”