

Ref : 4/4/1

Date : 28 November 2022

**MADAM SPEAKER
COUNCIL ITEM**

PROCEDURE FOR THE GRANTING OF LEAVE FOR MANGAUNG COUNCILLORS

1. PURPOSE

The purpose of this report is to request the Municipal Council to consider and approve the procedure for the granting of leave for Mangaung Councillor.

2. BACKGROUND

Councillors from time to time apply for leave of absence from work and in most instances absence from committee and council meetings. The Standing Rules and Orders of Council, in particular rule 22 state as follows, namely

22.1. Applications for leave of absence from any council or committee meeting must be submitted to the Speaker or the chairperson in writing and signed by the member applying for leave.

22.2. Application for leave must be submitted at least 12 hours before the starting time of the meeting.

22.3. The Speaker or chairperson shall grant leave at his or her discretion, and the Speaker is at liberty to reject such application for leave of absence.

22.4. Leave will be deemed to have been granted if a councillor has been delegated to attend a meeting or engagement on behalf of the council.

The above provisions of the Standing Rules and Orders are limited in scope details and only relate to members to apply for leave of absence for meetings. The attached standing procedure was submitted to council during the June 30 and August 31 Council meeting, however members requested that a clear distinction be made between full time and part time members.

As it is well known that full time office bearers are required to be in office five working days in a week and are required to submit their application for leave of absence in accordance with the office they hold.

3.1. ENFORCING ACCOUNTABILITY

The amended Municipal Structures Act, schedule 7, section 4 dealing with attendance of meetings provide the framework in instances when a member may be entitled to submit leave of absence.

This provision of the code of conduct of councillors stipulate that "councillors must attend meetings of the council or committees of which they are members unless they have obtained leave of absence or are required to withdraw from the meeting. Councillors can be granted leave of absence in terms of applicable national or provincial legislation or the council's standing rules and orders. The council may impose fines for a councillor not attending a meeting that he or she is required to attend or for a councillor failing to remain in attendance at such a meeting. However, failure to attend three or more consecutive council or committee meetings without having obtained leave of absence is problematic and may result to an investigation by the Speaker".

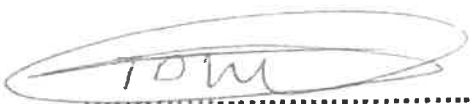
4. RECOMMENDATIONS


It is hereby recommended that it be resolved, namely

- a) That the Municipal Council take note of this report;
- b) That the Municipal Council approve the standing procedure for the granting of leave for councillors;
- c) That the standing procedure for the granting of leave for councillors be implemented from the date of the council approval.

Submitted

APPROVAL/ ~~NOT APPROVAL~~


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MR. T MOTLASHUPING
ACTING CITY MANAGER
28/11/2022

 28 / 11 / 2022
.....
COUNCILLOR SB LOCKMAN-NAIDOO
SPEAKER OF COUNCIL



STANDING PROCEDURE AND GUIDELINES FOR THE GRANTING OF LEAVE FOR MANGAUNG COUNCILLORS

INTRODUCTION

Mangaung Councillors will be granted leave in accordance with the Standing Rules and Orders of Councillors and further in line with the provisions of schedule 7 of the Amended Structures Act. The Code of Conduct of Councillors is based on and consistent with:

- 1.1. Public Office Bearers Act No. (Act No.20 of 1998)
- 1.2. The Municipal Structures Act (Act No. 117 of 1998)
- 1.3. The Municipal Systems Act (Act No. 32 of 2000)
- 1.4. Standing Rules and Orders of Council
- 1.5. Determination of Upper Limits of Councillors

2. Leave of absence is classified as follows:

- 2.1. Annual leave
- 2.2. Sick leave with full pay
- 2.3. Family responsibility leave (including religious leave, Bereavement and Cultural events)
- 2.4. Maternity leave
- 2.5. Paternity leave
- 2.6. Absence from duty due to injury
- 2.7. **Absence due to Family member Indisposition** (partner, children and parents)
- 2.7. Examination leave
- 2.8. Attendance at courses
- 2.9. Master's and Doctoral leave
- 2.10. Unauthorised (Absence without Leave) absence

2.11. Party political deployment leave (outside the jurisdiction of the municipality)

2.12 Special leave : On condition that acceptable documentary proof is submitted to substantiate the specific application, special leave may be considered in the following instances:

1. to participate in recognised sport activities at provincial, national level or internally;
2. to appear as a State witness;
3. to relocate next of kin (child or family member) to a new location.

3. PURPOSE

The purpose of this Standing Procedure Manual is to regulate leave of absence and to provide guidelines when taking of leave for Mangaung Municipal Councillors.

4. OWNERSHIP

The Office of the Speaker is the custodian of this standing procedure manual

5. SCOPE OF PRACTISE

These standing procedure manual applies when a councillor seeks permission to be granted leave. The application of these procedures will apply differently from the full-time and part-time councillors. And should not be unfairly applied to councillors.

6. TYPE OF STANDING PROCEDURE MANUAL

This Standing Procedure Manual is of an operational nature and is effective and applicable immediately after the endorsement by the Rules Committee and signing there-off of the recommendations by the Speaker finally for consideration by the Council.

DEFINITIONS

6.1. **Accrued leave:** Refers to leave days provided at an incremental rate of 2.01 days per month up to 24 days per annum.

6.2. **Accumulated leave:** Refers to any untaken leave days which are carried forward on a quarterly up to an annual basis.

6.3. **Calendar month:** A period from the first to the last day of any of the twelve calendar months of the year.

6.4. **Councillor:** An elected public representative, representing different political parties, who is a member of the Mangaung Municipal Council on a fulltime/part-time basis.

6.5. **Pay:** Refers to the applicable salary scale.

6.6. **Sabbatical leave:** a period of paid leave granted away from work to a councillor for purposes of study research and /or dissertations and professional reasons

6.7. **Compulsory occasional leave:** it is compulsory leave granted during the Council recess period in December to middle of January.

6.8. **Ex gratia sick leave:** is additional sick leave granted to a councillor in deserving circumstances at the discretion of the Speaker.

6.9. **Religious Leave:** it is the leave taken for the purpose of spiritual beliefs or observances.

6.10. **Examination leave:** it is when councillor is unable to attend Council or Committee meetings due to writing structured examinations

6.10. **Unauthorised (Absence without Leave) absence:** happens when a councillors just ignores notices for Council or committee meetings or activities which result to non-attendance

6.11. **Party political deployment leave:** when members of different parties are required by their parties to attend party related deployments / responsibilities outside the municipal jurisdiction, the Speaker will grant leave to councillor concerned

6.12. **official leave :** any leave of absence granted by Council or by the Speaker under the terms set out in the provisions of work schedule to a councillor to attend official business of the Municipality, primarily outside the borders of the city

6.13. **Absence due to Family member Indisposition:** leave shall be granted to a councillor when a partner, child or parent is ill or sick.

6.14. **Sick leave:** when a members is indisposed, and unable to attend to work as a result

6.14. **Maternity leave:** a period of absence from work granted to a mother before and after the birth of her child.

6.15. **Paternity leave:** a period of absence from work granted to a father after or shortly before the birth of his child.

A. ABSENCE FROM MEETINGS

(1) A councillor who-

(a) is unable to attend a meeting or hearing of which notice had been given; or

(b) is unable to remain in attendance at a meeting or hearing; or

(c) will arrive after the stipulated time for a meeting or hearing must, at least 12 hours before the commencement of the meeting or hearing, lodge with the municipal manager an oral or written application for leave of absence from the whole or any part of the meeting or hearing concerned.

(2) As soon as it is possible for him or her to do so, a councillor who did not apply for leave of absence in terms of sub-rule (1) and who was absent from a meeting or hearing or a part thereof may, after that meeting or hearing, lodge with the city manager and office of the

Speaker or relevant chairperson of a committee a written application for leave of absence from that meeting or hearing. Such a late application for leave of absence must-

- (a) state the reasons for the late submission of the application; and
- (b) the reasons for his or her absence from the meeting or hearing.

(3) The city manager must inform the chairperson of the meeting or hearing concerned of any application for leave of absence.

(4) An application in terms of sub-rule (1) or (2) is considered and granted by-

- (a) the speaker, in the case of a council meeting or public meeting or hearing;
- (b) the relevant chairperson in the case of any other committee meeting.

FULL TIME COUNCILLORS “ ANNEXURE A”

B. LEAVE PROVISIONS

7. APPLICATION FOR LEAVE

7.1. An councillor should, under normal circumstances, apply for annual leave at least five working days before the proposed date of leave;

7.2. This application for leave should be submitted in writing, through an email, or per hand to the office of the Speaker and copy send to the Secretariat for updating in the personnel file of the councillor concerned;

7.3. If special leave is required, the specific type of leave must be indicated on the yellow leave form available at the Secretariat services;

7.4. A councillor who has applied for annual leave may not be absent from the office before receiving approval from the office of the Speaker, all councillors with the exception of Members of the Mayoral Committee;

7.5. Members of the Mayoral Committee should apply to be granted leave of absence by the Executive Mayor, a copy of the granting or approval of the leave should also be forwarded to the Secretariat for capturing;

7.6. Application for leave to be excused for the Municipal Council or Council Committee should be submitted at least six hours prior to the meeting in writing to the chairperson of the Committee and copy also send or mailed to the Secretariat for capturing.

8. ANNUAL LEAVE

8.1. NUMBER OF LEAVE DAYS

The annual leave accrues on a pro rata basis at 6 days per quarter of the year. Meaning three days accrue per quarter and add up to 24 days per annum, if a member does not take leave during the course of the year.

- a) Annual leave may not be taken in the first three months from the date of commencement of new council cycle after the elections.
- b) After three months of been elected, a councillor will be entitled to annual leave equal to the number of days accrued for the period worked.
- c) Compulsory occasional leave will be granted to councillors between 25 December and 1 January. These days will be in addition to the 24 working days annual leave.
- d) Any untaken accrued leave must be taken no later than six months after the end of the annual leave cycle.
- e) a councillor should, under normal circumstances, apply for leave at least 5 working days before the proposed date of annual leave.

9. GRANTING OF SICK LEAVE

- a) Paid sick leave will be granted only in respect of absence from duty of a councillor due to an illness, indisposition or injury not due to his/her misconduct.
- b) a councillor who is absent due to ill-health must report his/her absence within 24 hours, or if circumstances do not permit, within a reasonable time but must be within a maximum of 48 hours. Reasonable time will be determined on the basis of the nature of the illness and whether the councillor access to communication facilities (e.g. telephone, email, cell phone, fax, etc).

10. SUBMISSION OF MEDICAL CERTIFICATE

If a councillor is absent from duty for a continuous period of more than two consecutive working days owing to illness, he/she may be granted sick leave, only if he/she furnishes a valid medical certificate signed by a medical practitioner, dentist or psychologist, or any other person who is certified to diagnose and treat patients, and who is registered with a professional council established by an Act of Parliament. If his/her traditional healer does not give medical certificates, a councillor may be asked to go to one who does.

11. FAMILY RESPONSIBILITY LEAVE

* A councillor is entitled to five (5) working days per annum. A councillor unused entitlement to leave in terms of this section lapses at the end of the calendar year in which it accrues i.e. these days cannot be accumulated and carried over to the following calendar year.

* a councillor shall be granted five (5) working days, if a councillors 's spouse or life partner dies; or a councillors parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling and the parents/siblings of one's life partner/spouse dies.

* Councillor shall be granted three (3) working days if a councillor's child, spouse or life partner is sick. Councillor shall be granted two (2) working days for religious leave, cultural activity

13. SPECIAL LEAVE

13.1. MATERNITY LEAVE

13.1.1. Maternity leave may be granted for purposes of confinement of councillor on the following conditions: four (4) consecutive months' maternity leave may be taken per confinement all female councillors, regardless of marital status, qualify for maternity leave.

13.1.2. A councillor who has completed one full year of continuous employment with Municipal Council will be entitled to maternity leave with full pay.

13.1.3. A councillor who has not completed one full year of continuous employment with the Municipal will be entitled to maternity leave without pay.

13.1.4. Maternity leave may be used before and/or after birth but birth must take place within the period of maternity leave and leave taken for this purpose must be continuous. However, in cases where a baby is hospitalised, maternity leave may be interrupted for the period of such hospitalisation.

A councillor may commence maternity leave:

13.1.5. (a) at any time from four weeks before the expected date of birth, unless otherwise agreed, or

(b) on a date from which a medical practitioner or a midwife certifies that it is necessary for the councillors health or that of her unborn child.

13.1.6. Available leave may be utilised for a further period of absence before and/or after the period of maternity leave. Any leave granted in addition will be granted without pay.

13.1.7. The application for maternity leave must be done in writing, unless the councillor is unable to do so, and must indicate the date on which the councillor intends to:

- * commence maternity leave; and
- * return to work after maternity leave.

13.1.8. Notification for maternity leave must also be given:

- * at least four weeks before an employee intends to commence maternity leave; or
- * if it is not reasonably practical to do so, as soon as is reasonably practical.

13.1.9. A councillor may not work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

- a) A councillor 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, whether or not the councillor had commenced maternity leave at the time of the miscarriage or stillbirth. Councillor whose maternity leave results in a stillbirth should inform the office of the Speaker about their condition so that their leave can be re-arranged.
- b) The benefit will apply in its entirety to the councillor who is the primary caregiver of a legally adopted child who is younger than 24 months on the date of adoption. This period can be reduced from four (4) months to two (2) months at the discretion of Speaker.

14. ABSENCE FROM DUTY DUE TO INJURY ON DUTY

14.1. Special sick leave may be granted to a councillor who is absent from duty due to:

- a) an injury sustained in an accident arising out of and in the course of his/ her duties, or
- b) a disease contracted in the course of and as a result of his/her duties.:
- ba) Special sick leave with full pay will be granted for the period he/she is incapacitated for duty, or special sick leave will be granted with full pay
- bb) Special sick leave will not be granted if injury in an accident is attributable to the serious and wilful misconduct of the councillor.

14.4. A councillor who is granted special sick leave must submit a medical certificate that indicates the nature of the injury or illness and the period necessary for recuperation. Special sick leave will only be granted for a period recommended by a medical practitioner who will also be expected to recommend medical boarding if the special leave granted becomes too extended and disrupts work in the Municipal committee programs. Council reserves the right to seek a second opinion.

14.5. Special sick leave granted will not impact on the councillors of sick leave and will not be taken into account in the calculation of sick leave or any other leave.

14.6. A leave application of Councillor on file, with the supporting documentation from a medical practitioner must nevertheless be completed for the period of absence and it must be indicated clearly that it is special sick leave.

15. EXAMINATION LEAVE

15.1. A councillor is entitled to examination leave with full pay, subject to a maximum of 24 working days per calendar year, in pursuit of studies approved by the Municipal Council.

15.2. A Councillor should, under normal circumstances, apply for leave at least 10 working days before the proposed date of examination leave.

15.3. Examination Leave will be granted as follows:

- a) one day prior to the examination for preparation, and
- b) one day on which the examination is taken.

15.4. Approved Municipal Council studies include:

- a) all councillors should be assisted by Speakers capacity building program
- b) studies undertaken by the councillor for a course of study that is not sponsored by the Municipal Council or SALGA, provided that such course of study has been declared by the councillor and accepted by the office of the Speaker and submission to the Council approval granted at the commencement of the course of study and declared at the beginning of each calendar year where relevant information is provided;
- c) studies should be approved by the office of the Speaker and endorsed by the Remunerations and Benefits Committee.

15.5. The latest available time-tables or relevant documents must accompany such applications for leave.

15.6. The concession of the additional day to prepare for the examination will not apply in respect of a supplementary examination or a year end examination of a study course or part of a study course, which the councillor did not pass and had to repeat.

15.7. The concession of an additional day to prepare for the examination:

- a) will fall away if the examination is written on a day following a weekend or on a day following a public holiday.
- b) is granted per day on which a councillor writes an examination and not granted per examination written. This means that if a councillor writes examinations on one day, he/she would only be entitled to one day study leave prior to the examination.

16. ATTENDANCE AT COURSES

17.1. A councillor on approval by the Speaker for studies who, on account of his/her studies is required to be absent from his/her place of work for compulsory course attendance, may be released from duty on condition that for every day of annual leave with full pay granted for attendance at courses, one day special leave with full pay may be granted to the extent that the annual leave allows.

17.2. A councillor should under normal circumstances, apply for leave to attend classes at least 10 working days prior the proposed date on which classes must be attended.

18. MASTERS AND DOCTORAL STUDENTS

- 18.1 A councillor who is entitled to a study leave for Masters and Doctoral studies.
- 18.2 The attendance of the compulsory lectures or block releases is deemed the equivalent of class attendance and must apply for course attendance.
- 18.3 The time required for the assessment of the assignments and presentations towards credits shall be deemed an equivalent of an examination, hence the application for examination leave. This leave is granted for the maximum of 15 working days per calendar year.
- 18.4 The abovementioned is granted annually on submission of the assignment timetables, proof of attendance and the proof of submission of assignments for assessment and/or proof of attendance to present.

20. UNAUTHORISED ABSENCES (ABSENT WITHOUT LEAVE)

Unauthorised absences from duty will, apart from any disciplinary action that may be taken against a councillor, be regarded as absence without pay, unless the Municipal rules otherwise and the following categories fall under the unauthorised absences;

- a) failure to attend Council or Council committees without valid reason or explanation;
- b) failure to attend Council or Council Committee programs or activities which the member is duly required to attend;
- c) failure to honour programs or activities as may be directed by the Council to attend to, for an example service delivery schedules or forums, failure to attend community public participation activities when directed to;
- d) failure to attend formal workshops or capacity building training schedules as directed to attend by the Council or by way of committee resolution.

21. UNPAID LEAVE

The Speaker may grant a councillor who has no leave to his/her credit, leave without pay to a maximum of twenty (20) working days per year or which ever sanction issued by the Council, following the process of disciplinary misconduct as a result of violation of the Code of Conduct for councillors

“ANNEXURE AA”

GRANTING OF LEAVE FOR PART-TIME COUNCILLORS

During the Council meeting held on the 31 August 2022, the Council resolved that the draft procedure regarding granting of leave be refined between full time and part time council members. This annexure relates only to part time council members

Application for leave regarding absence in attending meetings

A. ABSENCE FROM MEETINGS

(1) A councillor who-

(a) is unable to attend a meeting or hearing of which notice had been given; or

(b) is unable to remain in attendance at a meeting or hearing; or

(c) will arrive after the stipulated time for a meeting or hearing must, at least 12 hours before the commencement of the meeting or hearing, lodge with the city manager and office of the speaker or chairperson of the committee, whichever is applicable an oral or written application for leave of absence from the whole or any part of the meeting or hearing concerned.

(2) As soon as it is possible for him or her to do so, a councillor who did not apply for leave of absence in terms of sub-rule (1) and who was absent from a meeting or hearing or a part thereof may, after that meeting or hearing, lodge with the city manager and office of the Speaker or relevant chairperson of a committee a written application for leave of absence from that meeting or hearing. Such a late application for leave of absence must-

(a) state the reasons for the late submission of the application; and

(b) the reasons for his or her absence from the meeting or hearing.

(3) The city manager must inform the chairperson of the meeting or hearing concerned of any application for leave of absence.

(4) An application in terms of sub-rule (1) or (2) is considered and granted by-

(a) the speaker, in the case of a council meeting or public meeting or hearing;

(b) the relevant chairperson in the case of any other committee meeting.

B. GRANTING OF SICK LEAVE

a) Paid sick leave will be granted in respect of absence from duty of a councillor due to an illness, indisposition or injury not due to his/her misconduct.

b) a councillor who is absent due to ill-health must report his/her absence within 24 hours, or if circumstances do not permit, within a reasonable time but must be within a reasonable time period. Reasonable time will be determined on the basis of the nature of the illness and whether the councillor has access to communication facilities (e.g. telephone, email, cell phone, fax, etc).

Date : October 2022

Councillor Tona Mokgothu

Chairperson : Rules Committee