

MOLEMOLE LOCAL MUNICIPALITY



Attendance and Absenteeism

POLICY : ATTENDANCE AND ABSENTEEISM

APPLICABLE : MOLEMOLE LOCAL MUNICIPALITY EMPLOYEES

1. POLICY STATEMENT

Molemole Local Municipality is responsible for providing the public, both residents and businesses alike, with services required to effectively and efficiently operate the Municipality. In doing so, the Municipality is open for business from Monday to Friday during normal business hours as follows:

- 8H00 a.m. to 16H30 p.m.

Additionally, the Municipality provides certain services to the Public that do not fall within the normal business hours. The municipality must be able to schedule employees in support of such services and be assured that these employees will be present as scheduled.

As an employer, Molemole Local Municipality provides full-time employees with benefit programs that allow for paid absence from work for vacation, illness, family responsibilities, and maternity as addressed in the Conditions of Service. These programs are intended to provide employees with a balanced approach towards maintaining acceptable performance standards while attending to their personal and/or family needs.

To successfully meet the needs of the public and concurrently provide time-off programs to full-time employees; the Municipality will utilize a consistent approach, as found in this attendance policy, in administering employee paid absence programs and maintaining favourable attendance standards. The success of the Municipality is dependent upon everyone working together.

Absenteeism, while recognized as sometimes beyond the control of employees, affects service delivery, increases costs and negatively affects other employees and management alike. It is the objective of the Municipality to inform all employees regarding the appropriate use of different types of leave to ensure work commitments are maintained and to promote a healthy workplace in which operational effectiveness is not jeopardized by frequent and/or unnecessary absenteeism.

2. DEFINITIONS

2.1 Hours of work, Lunch periods

2.1.1 Starting time

Starting time may vary by department in order to meet the needs of the public, but in general, the Municipality and its employees will observe the established "normal business hours". Employees are expected to be ready for work at the beginning of their assigned shift. In order to be "ready" employees need to arrive to work with sufficient time to attend to their

personal needs. In other words, employees must be at work and ready to service the public at 8H00 a.m.

2.1.2 Lunch period

All employees are provided thirty minutes for lunch on a daily basis. The lunch time will be from 13H00 to 13H30 daily, during normal business hours.

2.1.3 Ending time

The municipality will be open for services to the public from the beginning of the work day; therefore employees are required to be at their work stations until 16H30 p.m. Employees must observe the starting, lunch and ending time.

3. INTENT

The Municipality recognizes the need to manage work attendance across the entire institution while ensuring that the interests of individual employees are balanced with the Municipality's need for regular attendance at work. In terms of the common law an employee is required, in the context of work requirements, to tender full performance to the employer and failure to do so, for example by being absent from work, constitutes a breach of the common law and or the employment contract.

The Municipality strives to ensure that employees who are excessively absent are made aware of Council's concerns as well as Council's expectation that their level of absences will be kept to the minimum and absenteeism itself will be used only in real emergencies, which can be substantiated in writing. Employees who demonstrate that they can no longer act in accordance with their employment obligations will be addressed in a consistent manner according to the disciplinary code.

3.1 ATTENDANCE REGISTERS

The Municipality recognizes the need and importance of attendance registers in order to protect the rights of employees regarding accurate time keeping and accurate payment for time worked.

It is further an obligation to keep records according to section 31(1)(b) of the Basic Conditions of Employment Act, 1997 which stipulates that: "Every employer must keep a record containing at least the following information:

(b) the time worked by each employee;"

Accurate proof of attendance is also required in terms of the Compensation for Injuries on Duty Act, 1993 to be able to claim compensation for injuries on duty.

Accurate attendance records will there for be kept by means of an electronic attendance system at all workplaces.

The Electronic Attendance Registers will allow employees to register their arrival time and departure time of each work day at any workstation throughout day depending on their work schedule.

The Electronic Attendance Register will be integrated with the Human Resources software currently in use.

4. PAID TIME-OFF BENEFITS

4.1 ANNUAL LEAVE

Molemole Local Municipality provides employees with annual leave so employees can enjoy time-off with their family and friends throughout the year. The amount of vacation that an employee is eligible for is specified in the Main Collective Agreement.

Employees will be granted annual leave according to the terms of the appropriate collective agreement of employment in conjunction with the need of the municipality. All annual leave must be applied for by the applicant at least three (3) days prior to the date of commencement for short periods and one month in advance for annual leave longer than five (5) days. This will assist Departments in making arrangements for substitution during the employee's absence. Employees may not "call in" and request annual leave for the same day.

Leave must be approved by the relevant Manager/Supervisor before employees absent themselves and it remains the responsibility of the employee to ensure that the leave he/she applied for is approved in time.

4.2 SICK LEAVE

Molemole Local Municipality provides employees with paid sick leave days so employees can be off from work with pay for personal illness or injury. The amount of sick days that an employees is eligible for is specified in the Main Collective Agreement.

The intent for sick leave was to provide an opportunity to recover and economic relief to an injured or ill employee. If an employee becomes incapacitated due to illness or injury, the municipality does not provide any compensation except for approved sick days, and when exhausted, any accrued annual leave. The municipality will not advance an employee any sick leave, annual leave or family responsibility days to cover an unsubstantiated and unapproved absence.

Employees are to notify their supervisors before 10H00 when they are unable to attend work due to illness or injury. Should the illness or injury disable the employee for more than two consecutive days, a medical certificate from a registered medical practitioner is required to prove the illness or injury.

The employer is not obliged to pay an employee if the employee is off sick on more than two occasions over an eight week period if the employee does not provide a medical certificate from a registered medical practitioner.

4.3 FAMILY RESPONSIBILITY LEAVE

Molemole Local Municipality provides employees with paid family responsibility time off from work. This benefit is provided so employees may attend to their personal business without incurring a loss of income.

Employees will be granted time according to the terms of the appropriate Collective Bargaining or Employment Agreement.

5. EXPECTATIONS

5.1 EMPLOYEES:

The Municipality expects its employees to meet their employment obligations and to attend work on a regular basis. To that end the Municipality will Endeavour to foster and encourage effective and efficient workplace conditions.

5.2 MANAGEMENT:

Management will ensure the consistent administration of this policy.

6. ABSENTEEISM

It is the policy of Molemole local municipality to reduce absenteeism by way of investigating all absenteeism in the organization and render assistance, if and when possible, through a process of counseling in order to correct the problem or to work around the problem. Where it is not possible to correct or work around the problem, then the appropriate action must be taken. Molemole Local Municipality must ensure that this policy and its procedures are communicated to employees and form part of induction process for new employees.

Molemole Local Municipality is expected to provide cost effective and efficient services to the Public. The ability to provide such services is determined by the proper utilization of all the Municipal resources including employees.

Molemole Local Municipality has dedicated employees who serve the public on a daily basis as expected and desired. However, the Municipality may also have certain individuals who are habitually absent from the workplace.

6.1 HABITUAL ABSENTEEISM:

- Is defined as frequent and repetitive unsubstantiated absences from the workplace that hinders an employee's ability or their fellow employee's ability to satisfactorily perform and complete their assignments.
- Habitual absenteeism includes but it is not limited to:
 1. Absence that cannot be substantiated by a valid sick note.
 2. Failure to notify (no call/no show) by not calling to advise your Manager, Supervisor or Departmental Head of your absence due to illness or (non-occupational) injury, depending on the merit of each case.

3. Reporting to be sick for reasons other than illness or injury.
- A habitually absent employee is one who is incapable of sustaining regular attendance and has absences which are typically short-term and for a multiplicity of unsound reasons. Such absences do not include pre-approved annual leave and family responsibility time. In addressing employee absenteeism, the Municipality will review several aspects of an employee's performance and employment as follows:

6.2 ABSENTEEISM PROCEDURES AND ACCOUNTABILITY

6.2.1 Employees shall:

- Notify their supervisors before 10H00 when they are absent for any urgent personal reason other than illness.
- When an employee is absent on for illness reasons he /she must maintain contact with the supervisor during the absence with regard to treatment and progress.
- When requested or after three consecutive days of absence provide a valid medical note that is dated the day of or during the period of absence stating the employee was unfit for work.
- Ensure that the medical documentation is accurately completed and received by the direct supervisor.
- Immediately notify their direct supervisor of any injury due to a workplace accident.
- Be deemed discharged from Council's services, if the employee absented himself/herself from work for more than five consecutive days without informing the supervisor.

6.2.2 Managers shall:

- Ensure the accurate and detailed monitoring and recording of absence and will forward attendance data and all medical documentation to the Human Resource Department each month.
- Adhere to this policy and its procedures in accordance with the employee's Collective Agreement.
- Follow the Counseling process

6.2.2. (a) STAGE ONE (by immediate Supervisor)

1. The counselling process may involve the employee who should be asked to personally involve himself/herself in attempting to assist with the problem. The process itself should be approached constructively and not in an antagonistic and adversarial fashion.
2. The employee and his/her representative should be called aside and in a discussion asked to review the issue of the employee's absenteeism or repeated absenteeism. Notice of such "review" is not required since the employee is merely being asked to comment on factual situation.
3. The counselling process could involve three distinct stages:-

a) **Provide Facts:** firstly, the employee should be informed of why it is considered that his/her attendance is inadequate and unacceptable, eg. "You have been absent on 4 separate occasions during the last 8 weeks and because of your important role in the Department, your absence has a seriously disruptive effect on the normal operation of your department";

b) **Listen to Explanation:** secondly, the employee must be asked to provide an explanation for his/her absenteeism and to suggest reasonable ways in which the problem may be rectified;

c) **Find Acceptable Solution:** the final stage requires both the supervisor/manager and the employee to accept that a problem exists regarding attendance together with the problems this causes and for the employee to commit himself/herself to taking active steps to remedy the problem. It should be specifically brought to the employee's attention that the municipality cannot allow poor attendance to continue.

4. **Set up Monitor/Feedback System:** The parties should agree that the employee's attendance will be monitored over the following 8 week period and that they will meet to review the situation should this prove necessary.

5. **Record Event:** This gist of the above process should be summarised in a letter, a copy of which should be given to the employee and a copy placed on his / her personal file.

6.2.2. (b) STAGE TWO (follow up action based on Agreement)

1. If within the following period agreed upon between the supervisor / manager and the employee concerned, the employee's attendance record continues to indicate absenteeism and the supervisor / manager is of the view that the employee is showing no ability / inclination to improve his / her attendance, then stage two of the counselling process should be invoked.

2. Stage two is in essence a repeat of the procedure involved in stage one. In addition the supervisor / manager should highlight to the employee:-

a) The basis of their previous discussion at which a problem was identified and a commitment made to remedy it and why the employee has again failed to meet the required standards;

b) It is important at this stage that the employee be clearly informed that unless he / she is able to improve attendance, the municipality may well have to consider taking more serious action to prevent disruption to the operation of the municipality, which action may include the termination of the employee's services.

3. Again the gist of the above process should be summarised in a letter, a copy of which should be given to the employee and a copy placed on his / her personal file. This letter would take the form of a verbal warning.

6.2.2. (c) STAGE THREE (FORMAL ENQUIRY)

1. Where the situation persists and the supervisor / manager is of the view that the employee is either unable to remedy it, or has shown no positive inclination to do so,

an enquiry should be convened in keeping with the municipality's requirements for the conducting of a fair disciplinary enquiry

2. If the absenteeism is beyond the control of the employee, the incapacity procedure must be followed.
3. The normal prescriptions of progressive discipline should apply i.e. progressive warnings should be issued.
4. The termination of the employee's services will be a measure of last resort.
5. The disciplinary hearing must follow the normal rules of discipline.

- Ensure any termination complies with the contractual and legal obligations

The obligations may flow from a number of sources including a contract of employment, collective agreements and legislations.

- a. Ensure that, if an employee absented himself/herself from work for more than five consecutive days without the knowledge of his/her whereabouts by the employer, he/she is deemed to be discharged from Council's services.
- b. also follow the following procedure to ensure that the above statement was conducted fairly:
 - o Investigate the whereabouts of employees who absented themselves without leave or permission if not notified of the reasons for the employee's absence.
 - o Give an employee a reasonable ultimatum to return to work on a specific date and time, or face possible dismissal.
 - o The ultimatum or letter can be delivered by hand but receipt thereof must be signed for either by the absentee or a witness.
 - o Should you not receive a response within the prescribed period of the ultimatum /letter, then a second ultimatum/letter is to be sent to the employee for him/her to submit written representation by a specific date, which may be considered at a subsequent incapacity enquiry.
 - o Should you again not receive a response within the prescribed period of the ultimatum/letter, a notice of enquiry is to be sent.
 - o Should the employee again not respond to the notice of subsequent incapacity enquiry and/or arrive at the scheduled enquiry, the enquiry shall be convened in absentia. Please note that due to the extraordinary nature of the situation, rules may be relaxed to a certain extent, thus allowing for a shop steward or qualified representative, or spouse to make a representation on behalf of the employee.
 - o Once the outcome of the hearing has been given, send a final outcome letter to the employee before his services are terminated. Once the letter has been sent and/or signed for respectively you can then safely terminate the individual's employment due to desertion.

- The dismissal is with pay till the last day worked by the employee.
- When sending an ultimatum, ensure that the post office gives you a stamped copy of the original sent.
- Compile a report to the Human Resource Office, outlining measures taken to communicate with the employee in terms of the above with recommendations.

7. PROCEDURES FOR ABSCONDMENT / DESERTION AND IMPRISONED EMPLOYEES

7. 1. INTRODUCTION

Once the employee has been absent from work for ten (10) consecutive days without having notified the employer of his/her whereabouts, a fair procedure is to be followed before terminating the individual's services due to desertion.

Employees who find themselves in prison for alleged criminal offenses, whether these criminal offence are work related or non-work related, often pose a problem for the municipality in terms of procedures to be followed, especially when considering dismissal.

The following may occur:

- a. The employee is arrested and imprisoned and fails to report for duty and to inform the employer of his/her whereabouts.
- b. The employee informs the employer of his/her whereabouts, whether in person or via a co-employee, relative or lawyer;
- c. The employee is arrested and imprisoned for a criminal offence which is work related and the employer is aware of the situation.

The Law of Contract provides that, Conviction is simply breach of contract. The employee party is unable to perform and therefore fails to legally tender services as required by the contract.

The employer must act legally and fairly. This means that the employer must apply a fair procedure and have a fair reason to dismiss.

Managers and Supervisors must follow the following procedure before terminating the individual's services due to desertion:

7.2 STAGE ONE

- Establish contact with the employees.

- Give an employee a reasonable ultimatum to return to work on a specific date and time, or face a disciplinary enquiry. The reasonableness of the ultimatum will depend on the specific circumstances of the case.
- The ultimatum or letter can be delivered by hand but receipt thereof must be signed for either by the absentee or a competent witness.

The telegram/letter is to be worded as follows:

ULTIMATUM TO RETURN TO WORK

You have been absent from work from, to date without permission and/or having notified your superior of your whereabouts. You are therefore required to contact Mr/Mrs. on telephone number within 48 hours of receipt hereof informing him/her of your whereabouts and/or intentions. Should you fail to comply herewith further disciplinary action will be instituted against you.

If sending an ultimatum by post, ensure that the post office gives you a stamped copy of the original sent.

7.3 STAGE TWO

- Should you not receive a response within the prescribed period of the ultimatum /letter in Step 1 then a second ultimatum/letter is to be sent to the employee for him/her to submit written representation by a specific date, which may be considered at a subsequent incapacity enquiry.

The telegram/letter is to be worded as follows:

THE SECOND ULTIMATUM TO RETURN TO WORK

You have failed to respond to the ultimatum/letter sent to you on the You are hereby given a further 24 hours to contact Mr/Mrs. on telephone number informing him/her of your whereabouts and/or intentions. Should you fail to comply herewith a disciplinary hearing will be scheduled for reason of desertion.

7.4 STAGE THREE

- Should you again not receive a response within the prescribed period of the ultimatum/letter in Step 2, a third ultimatum/letter is to be sent.

The ultimatum/letter is to be worded as follows:

You have failed to respond to our ultimatum/letters datedand.....respectively, Notice is hereby given that you are now required to attend a disciplinary hearing scheduled for (Give at least 5 (five) working days notice). The charge that has been brought against you is that of desertion. The hearing will take place at (Time) at (Venue). You have the right to be represented by a shop steward or fellow employee from within the municipality. Should you fail to attend the hearing the hearing shall continue in your absence and as such the chairperson will have only one version on which to base his decision.

7.5 STAGE FOUR

Should the employee again not respond to the notice of the pending incapacity enquiry and/or arrive at the scheduled enquiry, the enquiry must be convened in the normal manner. Please note that due to the extraordinary nature of the situation, rules may be relaxed to a certain extent, thus allowing for a shop steward, or qualified representative to make a representation on behalf of the employee.

The following should be taken into account before taking a decision:

- a. The duration of employee's absence
- b. The position in which the individual is employed;
- c. Whether a trial/bail has been set;
- d. Whether the trial will proceed on the date mentioned above;
- e. Possible prejudice the employer may suffer as a result of the employee's absence;
- f. The personal circumstances of the employee.

Once the outcome of the hearing has been given, send a letter of dismissal due to incapacity to the employee.

The dismissal is with pay till the last day worked by the employee.

NOTE:

The most important issue in this process is to ensure that you receive a stamped copy of every telegram sent and/or signed copy of the letter by the person who received it. These


copies are to be placed on the employee's file in case you are required to defend a case of alleged unfair dismissal at a later stage.

7.6 STAGE FIVE

- Should the employee respond to any of the letters in Step 1 and 2 respectively and return to work, you would then have the right to take the relevant disciplinary action against him/her in accordance with the disciplinary code for unauthorized absence from the workplace.
- If the employee returns after having been dismissed, you may allow him/her to appeal so that the reasons for his absence can be heard.

8. ENDORSEMENT

The Policy shall come into effect on the date of endorsement and shall cease only in the event where changes / variations has been signed by the Accounting Officer. Changes resulting from change in legislation or any mandatory order will have automatic effect.

Signature:	
Initials and Surname:	M.P. Margato
Designation:	Mayor
Council Resolution Number:	
Council Date:	29/05/2015