

CJA Telecommunications - Leave Policy

Company Leave Policy

SCOPE:

As per the legal statutes and regulations of this country (Republic of South Africa) and the Allowances of this Company, several types of leave are permissible, compulsory and due to employees at this Company. Therefore this Policy would have relevance and bearing on all salaried employees.

OBJECTIVE:

The Objective of this Document would be to make clear and plain the allowances, benefits, constraints and rights of all employees as well as the rights and expectations of the Employer with regards to all relevant occurrences and types of leave relevant to the Company and its employees.

1. Annual Leave (on a 5 day work week Cycle)

- 1.1 The employee is entitled to 15 working days per annum (12 month Cycle) on full pay. The annual Leave Cycle commences on 1st March of every year and runs for 12 months until 28/29 February of the following year and coincides with the financial year of the Company.
- 1.2 The Calculation of accrual of leave is calculated at 1.25 days paid leave per completed month worked or one day for every 17days worked
- 1.3 The Maximum Annual Leave that an employee may accrue is 21 days. If an employee has accrued more than this, then The Employer has the right to demand that the employee take leave to remedy the situation.


1.4 Carry Over and Termination Pay-out

- 1.4.1 Annual Leave carries over from one cycle to the next and any leave not claimed within that cycle will remain as an entitlement to the employee for the full duration of employ until such time as the leave is taken.
- 1.4.2 Any accrued and unclaimed leave due to the employee at the time when the employee is terminated for any reason whatsoever will be paid out to the employee at the rate at which it was accrued. Such Payments will be made no later than, the end of the month directly following the month in which the Employee left the company.
- 1.4.3 The Employer has the right to withhold any equal portion of this amount in lieu of costs/fees/damages for which the employee is to be held accountable for based on contractual obligations, agreements or policies of which the employee has been made aware of at the time of termination.

1.5 Public holidays falling during a period of annual leave.

Should a public holiday fall during a period whilst an employee is on annual leave, and the public holiday falls on the day on which the employee would ordinarily work, then this public holiday shall not be deducted from the employee's accrued annual leave.

2. Annual leave and shutdown.

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- 2.1.1 Should the Employee be working within a department / section / project that is impacted by an annual/intermittent/announced/forced shutdown period (for instance but not limited to the December Festive season) The Employer stipulates that annual leave must be taken to coincide with that shutdown period. Should an employee utilize his annual leave at another time during the year, then the shutdown period will be treated as unpaid leave for the whole closure or the portion for which the employee has insufficient leave accrued.
- 2.1.2 However, should the Employee be working within a department / section / project were Company activities and requirements necessitate that all employees are unable to take annual leave over any shutdown period the employee must take his leave throughout the year whether all at once or scattered as per operational schedule. The Employee understands and agrees that in Operational Projects with Critical section such as, but not limited to EMS and CM operations annual leave may only be taken at a maximum of 7 calendar days per occurrence
- 2.1.3 If an employee has by choice or by virtue of his/her starting date not accrued enough paid leave days for any shutdown period then the balance of the days short will be deemed as Unpaid Leave. Any request by an employee for a specific allowance/waving on this rule would be at the express discretion of Senior Management and shall be decided upon based on the merits of that request. Any such decision taken in such an instance would be final and no additional deliberations will be entered into.

3. Remuneration for work done during annual leave (Special Occurrences)

If an employee (in cases of an operational emergency/project demand/any valid and justifiable reason deemed such by the Employer) is tasked/requested to perform work during annual leave and the employee has agreed to such a request, then such hours worked will be credited to the employee as a non-monetary leave credit. Which would mean that the employee would be able to access this leave sacrificed in future as annual leave.

4. Overtime worked to be redeemed as Annual Leave instead of being paid out:


- 4.1 The Employer may at his own discretion based on specific operational and cost requirements require that employees working within specified environments not be paid out for overtime tasked but these hours be deemed as additional paid time off
- 4.2 The employee may reversely request that Overtime worked be redeemed as Annual Leave. However, any decision to do so would be at the sole discretion of the Employer. It is important to note that this practice is not and should not be seen as standard or expectable by the employee.

5. Selling of Accrued Leave

The selling of leave in any case is frowned upon by Labour legislation and can easily be deemed as an unfair labour practice. The employee must therefore have no expectation that the monetary value of leave can be paid out any other time than at the point of termination of employment.

6. Maternity Leave

- 6.1 A pregnant employee is entitled to a maximum of four months unpaid maternity leave.
- 6.2 Maternity leave must commence not later than four weeks before the expected date of birth of the child and the employee may not return to work for six weeks after the birth of the child.

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6.3 The Pregnant employee must inform the Employer in writing (no later than 4 weeks before the leave will start) of the date from which this leave will be taken and the date on which the employee will return to work.

7. Sick Leave (5 day work week cycle)

7.1 A sick leave cycle is a period of 36 months employment with this Company immediately following the date of commencement of employment, or the completion of the prior sick leave cycle.

7.2 The employee is entitled to 30 days Paid Leave over the 36 month cycle

7.3 During the first 6 months of employment, the employee is entitled to 1 day sick leave for every completed month worked.

7.4 On the first working day of month number 7, the balance of the 30 days becomes available to the employee, less any days taken sick during the first 6 months of employment.

7.5 Sick Leave does not accrue nor does it carry over. Any such Leave that is unclaimed at the end of the 36 month cycle will be forfeit. The new 30 day entitlement will be available from the first day of the next cycle.

7.6 If an employee has used all his entitled sick leave days before the end of a 36 month cycle no sick leave will be awarded to the employee until the start of the new cycle. Any such leave occurrences will then be either deducted as Paid Annual Leave or Unpaid Leave within the month of the occurrence.

7.7 In the case where any Absence claimed as Sick leave for more than 2 consecutive scheduled worked days or any occurrence of more than 2 days within any 8 week period the employee must provide the Employer with a Medical Certificate stating that the employee was unable to work for the duration of the employees absence on account of sickness or injury.

7.8 The Medical certificate must be signed by a medical practitioner 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

7.9 Only an employee who is too sick to work, may claim paid sick leave. If the employer is in a position to prove that the employee was not sick, disciplinary steps may be taken against the employee.

7.10 If an Employee is absent for more than two consecutive days without a medical certificate, the employer does not have to pay the employee. This means that an employee needs to produce a medical certificate on the third day in order to receive pay for the full period of absence.

8. Family Responsibility Leave

8.1 Employees who have been in employment with this Company for more than 4 months and who work for the Company at least 4 days per week are entitled to 3 days Family Responsibility Leave (full pay) per annum.

8.2 Family responsibility leave may be used when

8.2.1 the employee's child is born,

8.2.2 when the employee's child is sick,

8.2.3 upon the death of the employee's spouse or life partner

8.2.3.1 the employee's parent,

8.2.3.2 adoptive parent,


8.2.3.3 grandparent,

8.2.3.4 adopted child,

8.2.3.5 grandchild,

8.2.3.6 Or sibling.

8.2.4 It is unlawful for the employee to claim Family Responsibility leave for any other instances except that which is listed above.

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- 8.3 The Employer will require proof of relation and/or proof of event before a leave occurrence can be documented as Family Responsibility.
- 8.3.1 Such proof needs to be given timeously and it is therefore a fair expectation that this documentation be given/forwarded to the employer no later than 14 consecutive days after the event.
- 8.4 Family Responsibility Leave does not accrue and does not carry over – any such leave not taken within the 12 month cycle will be forfeit and the employee starts again with the allocation of 3 days from the first day of the next cycle.

9. Study Leave


- 9.1 Labour legislation is silent on the matter of study leave, and therefore in the purpose of Labour Law, study leave does not exist. This is a matter for arrangement entirely between the employer and the employee.
- 9.2 The Company does however; make allowance for a maximum of 3 days per annum of paid study leave. There are however strict conditions to this as follows:
 - 9.2.1 This allowance would be only for the actual day of Examination / Test.
 - 9.2.2 Proof needs to be supplied by the employee of the Test to be written prior to Study Leave being approved.
 - 9.2.3 Application and Proof of Exam alone does not guarantee the employee that Study leave will be granted and the decision to approve or deny any such request would be entirely up to senior management – any such decision will be final and no further negotiations will be entered into.
 - 9.2.4 If for any reason the Employer decides that the requested Leave will be deemed as either Paid Annual Leave or Leave without Pay then this decision will apply.
 - 9.2.5 Criteria that would be used in the making of this decision would be amongst others but not limited to:
 - 9.2.5.1 Field Of Study and Relevance to the best interest of the Company
 - 9.2.5.2 Appraisal Rating of the employee and or Overall Work Productivity
 - 9.2.5.3 Prevalence of unauthorized leave incidents on the employee’s record

10. Unpaid Leave


- 10.1 Unpaid Leave is not entrenched in any way by South African law. As such,
- 10.2 No employee has the right of demand that any Leave be deemed as Unpaid. Whether any occurrence is in fact documented as such would be at the sole discretion of the Employer.
- 10.3 The employee may however request that a leave occurrence is deemed as unpaid. The specific merits of each request, the best interest of the employee and the interest of the employer will form the basis of any decision taken.
- 10.4 Any unauthorized, uncommunicated or unapproved absence by an employee will automatically be deemed as unpaid leave and processed accordingly and the employee is reminded to follow all relevant leave / absence procedures to prevent such an occurrence from taking place.
- 10.5 It is also important to note that in light of any Shutdown period, the Employer reserves the right to deem any other Annual leave occurrence as unpaid to ensure that the employee carries sufficient leave forward for a potential annual Shutdown.

11. The Application for Leave Process

- 11.1 Any and all leave occurrences must be recorded and documented. Any failure to do so will result in the absence being deemed as Unpaid and could also be met with disciplinary action against the employee.

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- 11.2 **Leave Process prior to the fact:** Where the employee applies/request any type of allowable leave prior to the commencement of such a leave occurrence.
 - 11.2.1 An official Company Leave Request Form must be completed and submitted to the employee’s Senior Line manager for consideration at least 7 working days prior to the leave start date.
 - 11.2.2 An approved and signed Leave Request Form and any supporting documentation (as could be required by the employer) must be given/forwarded to the HR department for capturing and processing at least 3 working days prior to the leave start date by the employee or Senior Line Manager
- 11.3 **Leave Process after the fact:** Where the employee **must** document any type of leave or absence from his/her place of work after a leave of absence has taken place and where this was not documented prior to the Fact.
 - 11.3.1 It is the Employers expectation and demand that in cases where the employee is unable to attend the workplace for any reason whatsoever, that the employee will contact his/her Senior Line Manager via Email, Phone, SMS or WhatsApp before 8h00 the morning of the occurrence to inform their employer of this non-attendance and the reason there for. The employee must also at that time furnish the employer with the date at which they will return to work.
 - 11.3.2 On the day that the Employee returns an Official Return to Work Form must be completed and submitted to their Relevant Line Manager.
 - 11.3.3 It is the Line Managers responsibility to signature and document the return to work discussion (as per the requirements of the Form)
 - 11.3.4 The Authorized Document must reach the HR department for processing and capturing within 24 hours of the employee returning to work.
- 12. As per this Companies Documented Adherence Policy it is important to note that the Biometric and Mobile Clocking system will also be monitored on an ongoing basis for any employee absenteeism. Should an unauthorized absence be noted then the employee’s relevant Line Manager will be informed. Once the absence has been verified it would be the Line manager’s responsibility to institute and communicate to the employee the Return to Work process once the employee does return.

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