



the dr&pw

Department:
Roads and Public Works
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

DEPARTMENTAL POLICY ON LEAVE OF ABSENCE

Version 2
(Reviewed in March 2015)

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1. DEFINITIONS

"Accounting Officer"	Refers to the Head of Department.
"BCEA"	Means the Basic Conditions of Employment Act, Act No. 75 of 1997, as amended.
"COIDA"	The Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993, as amended.
"Department"	Means Northern Cape Department of Roads and Public Works.
"DPSA"	Means the Department of Public Service and Administration.
"HCM"	Means Human Capital Management.
"HOD"	Means Head of Department.
"NCDRPW"	Means Northern Cape Department of Roads and Public Works.
"Transfer"	The relocation of an employee from one place of work to another
"Programme Managers"	The Senior Management Service Members who are responsible for managing a certain Departmental Programme / Directorate.
"PSCBC"	Means Public Service Coordinating Bargaining Council.
"PSR"	Means Public Service Regulations.
"SMS"	Senior Management Service.
"Unrest"	Unforeseen circumstances that prohibit an employee to attend to his/her work.
"Employee"	An employee includes all employees of the Department employed in terms of the Public Service

	Act of 1994, the Basic Conditions of Employment Act of 1998, as amended and includes contract workers, interns, volunteers and prospective employees.
"Working Week"	An official period of service which an employee is required to complete in respect of a period which ended from midnight between a Saturday and a Sunday to midnight between the following Saturday and Sunday.
"Annual leave cycle"	Commencing on 1 January of each year
"Calendar days"	Inclusive of all days in a month including public holidays
"Calendar month"	Means a period extending from the first to the last day of a month, both days inclusive, e.g 1 – 31 January.
"Capped leave"	Converted vacation leave credits as at 30 June 2000
"Current leave cycle"	Period 1 January to 31 December of the current year
"Previous leave cycle"	Period 1 January to 31 December of previous annual leave cycle
"Three-year sick leave cycle"	Employees are entitled to 36 working days sick leave with full pay over a three year cycle. Unused sick leave shall lapse at the expiry of the three-year cycle. An employee may take one day's sick leave for every 26 days worked during the first six months of employment and thereafter an employee may take the number of days he/she normally works in six weeks during every three year cycle.
"Immediate family"	Spouse/life partner, child, parents, brothers, sisters (siblings), in-laws, grand-parents, grand-children, adoptive parents and adopted children (The Determination on Leave of Absence in the Public Service, July 2009)
"Spouse"	A person who is legally married according to a court

	of law, including persons who were joined in marriage under a customary law, e.g. "lobola"
"Life partner"	A person who takes the position of a husband/wife but commonly not married lawfully to qualify as spouse
"Trimester"	A period of three (3) months
"Unpaid leave"	All calendar working days (Mondays to Fridays), including weekends and public holidays
"Working days"	Monday to Friday, excluding weekends and public holidays
"Medical practitioners"	All practitioners as defined by the Health Professionals Council of South Africa (Medical and Dental Practitioners)
"Permanent incapacity"	A permanent physical or mental condition which substantially limits prospects of entry into or advancement in employment
"Rehabilitation"	To restore or bring to a condition of health or useful activity
"Study (50/50 Basis)"	For each day vacation leave utilized, one day's special leave is awarded for study purposes.

2. INTRODUCTION

- 2.1. The purpose of this policy is to ensure that leave is granted to employees under circumstances which necessitate their absence from work, where such absence is in the interest of the employee, the Department or the Country.
- 2.2. The Basic Conditions of Employment Act of 1997 sets out guidelines for the leave of absence.
- 2.3. The Department of Roads and Public Works also recognizes that circumstances may arise which call for the allowance of special or extraordinary leave for an employee.

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- 2.4. This policy document provides guidelines and procedures to follow when applying for or granting all forms of leave of absence.

3. REGULATORY FRAMEWORK

- 3.1. The Constitution of the Republic of South Africa (Act No. 108 of 1996), section 215 and 217.
- 3.2. The Public Finance Management Act no.1 of 1999 (as amended by Act no 29 of 1999):
- section 38 dealing with general responsibilities of accounting officers and specifically subsection 38 (1)(a)(i), 38(1)(b),38(1)(d),38(1)(h); and
 - section 45 dealing with the responsibilities of other officials.
- 3.3. Treasury Regulations issued in terms of the Public Finance Management Act,1999, Section 8.2.2 (Approval of Expenditure), 10.1.1 and 10.1.2 (Asset Management).
- 3.4. Other applicable legislations as stated below:
- 3.4.1. The Basic Conditions of Employment Act, Act No. 75 of 1997, as amended.
- 3.4.2. The Code of Good Practice on the Regulation of Leave of Absence.
- 3.4.3. The Public Service Act, Act No. 103 of 1994, as amended.
- 3.4.4. The Public Service Regulations, 2001, Chapter 1, Part VG)
- 3.4.5. Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 3 of 1999, Resolution 7 of 2000 and 1 of 2007.
- 3.4.6. The Labour Relations Act, Act No. 66 of 1995, as amended.
- 3.4.7. The Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993, as amended.
- 3.4.8. The DPSA Financial Manual.
- 3.4.9. PSCBC Resolution 1/2012: (Improvements on conditions of service in the Public Service – 2012/2013)
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3.4.9. The Determinations on Leave of Absence in the Public Service, as revised annually by the Minister of the DPSA.

3.4.10. The Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR) of November 2005.

4. OBJECTIVE

This policy is formulated in order:-

- 4.1. to regulate an employee's absence from duty by means of granting leave;
- 4.2. to identify those circumstances for which the employee shall not be required to utilise leave within the framework and measures set out in this policy; and
- 4.3. to indicate the circumstances under which the HOD or his/her delegate shall authorise special leave with full pay.

5. PRINCIPLES, VALUES AND PHILOSOPHY

This policy is intended to reflect the department's commitment to the principles, goals and ideals described in the departmental vision and core values.

- 5.1 All employees shall be informed of their leave of absence entitlements.
- 5.2 The Department will, before granting special leave, ensure that the leave request complies with these circumstances in the policy.
- 5.3 Leave provisions will be implemented in a fair and equitable manner.
- 5.4 A leave form must be completed, authorized and submitted to the Human Capital Management Unit together with the necessary proof required.

6. SCOPE AND APPLICABILITY

- 6.1. This policy is applicable to persons as stipulated in the Basic Conditions of Employment Act; the Public Service Act, of 1999 and its Regulations.
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6.2. The individuals to whom the policy is applicable are the following:

- All permanent employees (including employees on probation) of the department, including employees on contract.

7. PROCEDURES

The following Procedures are applicable for leave applications. There are several categories as well as sub-categories of leave as outlined below, i.e:

7.1 VACATION LEAVE

7.1.1 Vacation leave entitlements

- (a) Employees shall accrue the following number of days leave (working days) per annual leave cycle, which takes effect annually and becomes available for utilisation from 1 January each year:
- (i) Employees with less than 10 years service: **22** working days.
 - (ii) Employees with more than 10 years service: **30** working days.
 - (iii) Employees appointed on a fixed term contract: **22** working days (**allocated on a pro rata basis**).
- (b) For each fifteen (15) consecutive days (including weekends) vacation leave taken without pay, the employee's annual leave entitlement shall be reduced by 1/24th.
NB: For the purpose of granting annual leave, working days shall mean Monday to Friday, except in the case of shift workers whose annual leave may be taken on a Saturday and Sunday.

7.1.2 Utilisation of vacation leave

- (a) A period of ten (10) working days leave per annual leave cycle shall become compulsory vacation leave. The ten (10) days should be reduced proportionally if an employee is in service for less than twelve (12) months. The utilisation of leave must take into account the service delivery requirements of the post an employee occupies. Supervisors must ensure that employees use their annual
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leave entitlements during the twelve months leave cycle (1/01 -31/12). Employees must plan their annual leave at the start of a leave cycle. Managers must ensure that a leave planner, which makes provision for the planning of at least 80% of leave, of his/her Unit is submitted to the Unit: Human Capital Management (HCM) within the first month of the commencement of the leave cycle, but not later than the end of February of the relevant leave cycle.

- (b) Annual leave entitlements should only in exceptional circumstances be carried over into the extra six (6) months period for utilisation. The purpose of the six (6) months grace period is to re-schedule leave that could not be used due to service delivery requirements in the preceding leave cycle. The remaining days shall be utilised within an eighteen (18) month period calculated from the start of the relevant leave cycle.
- (c) Supervisors should not unreasonably refuse to grant leave to employees who apply, although they should take into consideration service delivery requirements. If leave is not granted, the supervisor should indicate on the leave application the reason for denying the leave, as well as an alternative date(s) for leave to be taken within the prescribed 18-month period, for record purposes.

7.1.3 Unused leave credits

Unused vacation leave credits shall lapse at the end of the eighteen (18) month period. This is also applicable to employees who have not utilised vacation leave credits due to scholarships locally or abroad. However, where leave due is not taken, which has resulted from the employer service delivery requirements, such leave shall be paid by means of a written request with reasons and proof of refusal of leave (by direct supervisor/manager) from the employee at the end of the eighteen (18) month period.

7.2 NORMAL SICK LEAVE

7.2.1 Sick leave entitlements

- (a) Employees shall be granted thirty-six (36) working days sick leave with full pay in a three-year cycle.
- (b) For each fifteen (15) consecutive days vacation leave taken without pay, the employee's thirty-six (36) days sick leave entitlement shall be reduced by 1/36th per sick leave cycle.
- (c) Information concerning the medical condition of an employee may not be divulged to any other person(s) not directly involved in the decision-making process regarding the granting of sick leave. If any employee involves him/herself in divulging such confidential information of one employee to any other, unauthorized person she/he could be disciplined in terms of the Disciplinary Code.

7.2.2 Utilisation of sick leave

- (a) If three (3) or more consecutive days are taken as sick leave, a medical certificate from a registered medical practitioner is required, citing the reason and the duration of absence.
 - (b) Medical certificates not describing an employee's illness for sick leave taken during the normal sick leave cycle (36 working days in 3-year cycle) should be accepted. The Medical Practitioner must however indicate the period booked off. The employee should give the Medical Practitioner concerned his/her informed consent to reveal the nature and extent of his/her illness.
 - (c) In the event of abuse of the normal sick leave, e.g. if there appears to be a pattern of regular sick leave on Mondays and Fridays up to a maximum of 3 days, an employee shall produce a medical certificate describing the nature and extent of the illness at the request of the supervisor before the granting of sick leave
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with full pay, even in cases of sick leave less than three (3) days. Action should be taken as soon as an employee's absenteeism reaches an unacceptable level. The supervisor should not wait until the sick leave provision has been exhausted.

- (d) Failing to submit a medical certificate in circumstances where a medical certificate is a prescribed requirement will result in the sick leave being regarded as vacation leave with full pay or, if the employee does not have sufficient vacation or capped leave with full pay to his/her credit, the granting of vacation leave without pay.
 - (e) If an employee becomes ill while on duty and he/she has to leave the place of work within four hours after starting time, it will be regarded as sick leave utilised. Any absences from work due to ill health (after four hours from starting time) will be regarded as on duty for the full day.
 - (f) Normal sick leave may be granted in the event where an employee has to –
 - (i) consult a doctor, therapist etc for reasons related to the employees health/wellness; or
 - (ii) go for maintenance work for equipment used as a result of his /her disability.
 - (g) Time off for absence from duty as set out in paragraph (g) above, should be monitored by supervisors and an application form for normal sick leave must be submitted to the Unit: Human Capital Management for every eight (8) hours away from office, supported by documentary proof of such events.
 - (h) An employee who has exhausted his/her normal sick leave, temporary incapacity leave may be considered.
NB: Unused sick leave credits shall lapse at the end of a three-year cycle. In considering applications for paid sick leave in excess of 36 days, management will take into account, inter alia, the employee's previous leave record.
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- (i) If an employee to whom vacation leave has been granted, becomes ill after he/she has left duties to proceed on vacation leave, that portion of the said leave in respect of which he/she submitted a medical certificate will be converted to sick leave. Vacation leave without pay may not be converted into sick leave.

7.3 INCAPACITY LEAVE

Incapacity leave shall be managed in accordance with the Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR) of November 2005, determined in terms of section (3) (3) (c) of the Public Service Act, 1994, by the Minister for Public Service and Administration.

7.4 LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

- (a) Employees who as a result of their work, suffer occupational injuries or contract occupational diseases shall be granted occupational injury and disease leave for the duration of the period they cannot work, provided the Compensation Commissioner accepts it as injury on duty.
- (b) If an employee suffers a work-related injury as a result of an accident involving a third party, the Department may grant him/ her occupational injury and disease leave, provided that the employee –
- (i) submits a claim for compensation against the third party; and
 - (ii) undertakes to use compensation, in terms of the Compensation for Occupational Injuries and Diseases Act of 1993, received to recompense as far as possible for the costs arising from the accident.
 - (iii) The HOD or delegated authority shall be obliged to take reasonable steps to assist an employee to claim compensation in terms of COIDA.
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7.5 PARENTAL LEAVE

7.5.1 Maternity Leave

(a) Maternity leave entitlement

- (i) Employees are entitled to four (4) consecutive months paid maternity leave. There is no limitation on the number of confinements.
- (ii) Maternity leave is calculated in calendar days (e.g. if an employee's maternity leave commences on 15th May, the four months expires on 14 September).

(b) Commencement of maternity leave

- (i) Maternity leave may commence -
 - four (4) weeks before the expected date of birth unless otherwise agreed; or
 - on the date from which a medical practitioner or midwife certifies that it is necessary for the employee's health or that of her unborn child.
 - (ii) A medical certificate indicating the expected date of delivery must accompany the application for maternity leave. In the event of maternity leave commencing at a later date, the medical certificate must clearly state that the employee is fit to continue with her normal duties until a date before the expected date of delivery. The medical certificate must be submitted to the Unit: Human Capital Management prior to the employee going on maternity leave. Should no medical certificate be submitted, it would be assumed that the maternity leave commenced four (4) weeks before the date of birth of the child.
 - (iii) No employee may return to work within six (6) weeks after the birth of her child, unless a medical practitioner/ midwife certifies that she is fit to do so.
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(c) Extension of maternity leave

- (i) If an employee has utilised all her maternity leave, and wishes to extend the leave as a result of complications, she shall in the order below utilise –
- any sick leave due to her;
 - available vacation leave or capped leave; and/or
 - receive up to ninety (90) days of unpaid leave.

(d) Termination of pregnancy on medical grounds

- (i) An employee who during the third trimester of her pregnancy experiences a miscarriage, still-birth or termination of pregnancy on medical grounds is entitled to-
- six (6) consecutive weeks maternity leave with full pay; and
 - thereafter she may utilise sick leave.
- (ii) The same conditions will apply in the event of a miscarriage; still-birth or termination of pregnancy on medical grounds after paid maternity leave takes place.
- (iii) An employee whose child is born and passes away a few days thereafter, is not allowed to return to work within six weeks after the birth of the child. Such employees may be granted 6 weeks maternity leave.
- (iv) Miscarriage/still-birth/termination of pregnancy experienced by an employee during the first two trimesters of the pregnancy will be regarded as normal sick leave.

(e) Interruption of maternity leave

- (i) Maternity leave may be interrupted if –
- the baby is born prematurely and is hospitalised during maternity leave; or
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- the baby becomes ill and is hospitalised for a period longer than a month during the maternity leave.

7.5.2 Adoption Leave

- (a) An employee who adopts a child who is younger than two years on the day the child is received by the adoptive parents, shall qualify for adoption leave to a maximum of forty-five (45) working days.
- (b) If both spouses or life partners are employed in the Public Service, they will both qualify for adoption leave, provided that the combined leave taken does not exceed forty-five (45) working days.
- (c) An employee requesting adoption leave must declare his/her spouse's/ -life partner's employment status.
- (d) An employee requesting adoption leave has to provide proof of adoption and a birth certificate of the child.
- (e) Extension of adoption leave:
If the employee wishes to extend the period, the absence must be covered by -
 - i) available vacation or capped leave; and/or
 - ii) unpaid leave up to 90 days.

7.5.3 Family Responsibility Leave

- (a) Employees shall be granted three (5) working days paid family responsibility leave per annual leave cycle (substantiated with a medical certificate) for utilisation if -
 - i) an employee's spouse or life partner gives birth to a child; or
 - ii) an employee's dependant child, spouse, or life partner is sick.
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- (b) An employee shall be granted five (5) working days paid leave per annual leave cycle (substantiated with documentary proof, e.g. copy of death certificate, funeral letter) for utilisation if -
 - (i) an employee's child, spouse or life partner dies; or
 - (ii) an employee's immediate family member dies.
 - (c) The total number of days family responsibility leave utilised shall not exceed five (5) working days in an annual leave cycle, unless special circumstances warrant further responsibility leave at the discretion of the HOD or delegated authority.
 - (d) Unused family responsibility leave entitlements lapse at the end of the relevant annual leave cycle.
 - (e) An employee who has utilised all his/her family responsibility leave may utilise: -
 - i) available vacation or capped leave; or
 - ii) unpaid leave up to 90 days.
 - (f) An employee should apply in advance for family responsibility leave, unless it is due to unforeseen circumstances (e.g. sick child). In such cases the employee should inform his/her supervisor of the incident before 10h00 on the day the leave commences. It would not be acceptable for employees to stay away from the office without informing his/her supervisor.

7.6 SPECIAL LEAVE

7.6.1 Examinations

Special leave with full remuneration may be granted to an employee for two (2) days; one (1) day for examination preparation and one (1) day on which he/she sits for an examination/s, which in the opinion of the Department: -

- (a) has the objective of improving the skills of the employee concerned for a career in the Public Service, irrespective of whether it relates to his/her immediate field of work or not; or
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- (b) is in a field of study, which is in full or in part in the interest of the Department.

Examinations may include ordinary school subjects up to matric, as well as examinations in respect of which certificates is not necessarily issued to successful candidates.

Special leave for examinations may be awarded once only in respect of re-examination or an end of the year examination pertaining to a study course (or part of a study course) which an officer or employee failed and which he/she has to repeat.

- (a) Proof of examination in the form of the examination time table from the institution where the employee is studying must be submitted before special leave may be considered.
- (b) Subsequent changes in the time-table must be reflected on an amended leave application.

7.6.2 Study (50/50 Basis)

Study leave may be granted on the basis of one day's special leave with full remuneration for each day's vacation leave with full remuneration taken by an employee in connection with his/her studies, and thereafter, if necessary, vacation leave without pay, provided that the Head of Department or delegated authority is satisfied that the studies are in the fields which is in the interest of the Public Service in the following circumstances:

- (d) Full time study at a recognised educational institution within the Republic or abroad.
- (e) Special studies abroad (including a study tour).
- (f) Part-time studies and studies by means of correspondence when leave is needed once or twice a year, to do essential preparatory or research work. Study leave on 50-50 basis for part-time studies shall be limited to two days' vacation leave with full remuneration and two day's special leave with full remuneration, per examination subject (including compulsory semesters tests in order to get admission to examinations)
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Employees who want to utilize more time for this purpose can use vacation leave.

- (g) Research work and the writing of an essay or a thesis for a postgraduate qualification on approval of the Head of Department for a maximum period of 20 working days per annum. (10 days special leave/10 days' vacation leave).
- (h) Study in a field, which requires the performance of practical work for a particular period annually.
- (i) Attendance of a preparatory course with a view to sitting for a qualifying examination in order to obtain admission to a particular field of study.
- (j) Practical work required as a prerequisite for registration in a particular profession.
- (k) Attendance of a self-enrichment course which is in the interest of the Department.

50/50 Study leave may be applied once only in cases where an employee does preparatory and research work with a view to writing a re-examination or an end of the year examination in respect of a study course which he/she failed and had to repeat.

If an employee is required to perform practical work in an office, institution or school/educational institution of a government department, he/she must be regarded as being on official duty. Any travelling and subsistence expenses arising there from must be borne by the employee him/herself, except in pursuance of obtaining scarce skills, related to the core functions of the department.

To receive remuneration for practical work or practice teaching, an employee must apply to do remunerative work outside employment in the Public Service in accordance with section 30(b) of the Public Service Act, 1994 as amended.

Study leave on 50/50 basis shall only be granted to an employee who complies with the circumstances as set out above, when that employee provides the Department with the necessary proof.

It is the responsibility of the supervisor to manage the process.

An employee who studies part-time or by means of correspondence at a recognised educational institution and who, as a result of his/her studies, is required to be absent from his/her place of work may be released from duty on condition that he/she takes a day's vacation leave with full remuneration (or leave without remuneration if an employee has no leave to his/her credit), for every full sixteen (16) hours he/she is released from duty.

An employee who repeats a course or part thereof may with the approval of the head of department be released from duty on condition that he/she takes one day's vacation leave with full pay or if he/she does not have leave to his/her credit one day's vacation leave without pay be granted in respect of every full eight hours (seven hours if a six-day or longer working week is observed) he/she is so released.

The granting of the above-mentioned leave privileges are subject to the head of department being satisfied that the studies are in the interest of the Department.

Scope of applicability

- (a) Research work and/or writing an essay or thesis for a postgraduate qualification.
 - (b) Study in a direction that requires the performance of a practical work for a period annually.
 - (c) Attendance of a preparatory course with a view to sit for qualifying for an examination in order to obtain admission to a particular field of study, e.g. Accounting Board Exams.
 - (d) Practical work required as a prerequisite for registration in a particular profession.
 - (e) Self-enrichment courses that are in the interest of the Department, but not paid for by the Department.
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- (f) To attend classes, presentations, write tests as a package that substitute examination (block attendance).
 - (g) For attendance of classes that is only scheduled during official hours. Supervisors must keep record of the time away from office and ensure that the employee completes an application form for special leave for every eight (8) hours away from office.
 - (h) If an employee is required to perform the practical work in an office, institution or a government Department, he/she must be regarded as being on official duty.

7.6.3 Sport, Arts and Other Cultural Activities

Special leave with full pay may be granted to an employee when he/she:-

- (a) Is selected by a recognised sports association to take part, as a member of an organised sports group, in a sporting tour outside the Republic as a competitor, coach, manager or official up to a maximum of 30 days leave on a 50/50 basis to represent South Africa.
 - (b) Accompanies a foreign national team visiting the Republic, as a representative of the South African sports association organising the tour.
 - (c) Accompanies a team organised within the South African public service (departmental/provincial/national government team), as a representative of the public service sports association organising the tour.
 - (d) Serves as a referee, an official or a judge at an organised amateur sports meeting at international level inside or outside the boundaries of the Republic.
 - (e) Serves as a referee, an official or a judge at an organised sports meeting of a team organised within the South African public service (departmental/provincial/national government team).
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Special leave with full remuneration may be granted on the following basis to an employee when he/she is selected by a recognised amateur sport association to take part in sport within the Republic at inter- provincial level, or a level between provincial and national level or a level lower than national level against an international team:

- I. One day's special leave with full pay is granted for each day vacation leave with full pay which the employee takes (50/50 basis), provided that the number of days special leave which may be granted per person per year ending December 31, for the purposes in question, be limited to a maximum of 10 days. A total of 20 days sport leave (10 days special leave and 10 days' vacation leave) may therefore be granted.
- II. When an employee desires to take only one day's sport leave the employee and the Department should in turn respectively take one day vacation leave with full pay or grant one day special leave with full pay.
- III. If a period of sport leave amounts to an unequal number of days, the employee and the Department should in turn respectively either take the larger number of days' vacation leave with full pay and grant the smaller number of days special leave with full pay, or alternatively take the smaller number of days' vacation leave with full pay and grant the larger number of days special leave with full pay. Where the employee has no vacation leave to his/her credit special leave for sports purpose on a 50/50 basis cannot be granted to him / her.

The above mentioned also applies to an employee who serves as a referee, official, judge, coach or manager at an amateur sports meeting as contemplated in the above.

7.6.4 Resettlement as a result of a transfer

A maximum of two days special leave with full remuneration may be granted to an employee who is transferred at state expense at the workplace from which he/she is transferred as well as at the workplace to which he/she is transferred, to supervise the packing/loading and unpacking, unloading of personal belongings.

7.6.5 Other Reasons for Special Leave

Special leave may be granted to an employee when:

- (a) He/she is absent from duty as a result of segregation or isolation on medical instructions where she/he was in contact with a person who has contracted, or is suspected of having contracted, an infectious or contagious disease. The granting of special leave shall be subject to the submission of a certificate by a registered medical practitioner indicating the period of and the reason for segregation or isolation.
 - (b) He/she is arrested or has to appear before a court of law on a criminal charge and he/she is subsequently acquitted or the charge withdrawn.
 - (c) He/she is a party in a civil/criminal action in a court of law.
 - (d) In the case of a disabled person, he/she must attend a recognised orientation course, or a recognised training course in respect of his/her disability.
 - (e) The area in which he/she is working is struck by a natural disaster and the Head of Department is satisfied that it is impossible for the person concerned at the time to continue with his/her official duties.
 - (f) As a result of unrest in the area in which he/she is working, he/she is prevented at that time from continuing his/her official duties in that area.
 - (g) He/she is absent from duty as a result of treatment for substance/alcohol abuse. (Documentary proof must be provided indicating that an employee has attended a rehabilitation program). (To be read with the departmental policy on Employee Health and Wellness).
 - (h) Special leave granted in terms of the above-mentioned may, where appropriate, include any period necessarily spent on travelling for the purposes in respect of which leave is granted.
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(i) Absence from duty not recorded as leave:

An employee is not regarded as being absent from duty in the following instances:-

- When he/she appears as a witness in any of the following:
 - (i) in a court case;
 - (ii) in a misconduct case in terms of the law.
 - (iii) before a commission or committee of inquiry appointed by the State at an inquest;
 - (iv) at a rent board inquiry, except he/she is the initiator, in which case his/her absence from duty must be covered by the granting of vacation leave;
 - (v) defendant or co-defendant in a civil court case arising from his/her official duties and in which the State has a direct interest.
 - When he/she attends a course, lecture, etc. presented by his/her own or other Department or the private sector and in respect of which he/she has been granted permission by his/her Head of Department to attend such course during official hours.
 - When he/she assists or represents an employee with permission of his/her employee during a disciplinary or misconduct inquiry or during an investigation into a complaint or grievance.
 - When he or she assists or represents an employee in a conciliation board in so far as such a representative or nominee is an employee in the same Department as the person requesting the establishment of the conciliation board.
 - When he/she is attending an interview within the Public Service away from the Department in another city or town.
 - Any other leave for any other circumstances not listed above which the HOD deems necessary to approve.
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- When an employee is absent from duty-
 - As the aggrieved person during an investigation into his/her complaint or grievance;
 - As the person charged with misconduct during a disciplinary or misconduct inquiry;
 - As the person utilising a conciliation board.

7.6.6 Special leave for Union Representatives

- (a) An employee who is an office bearer or shop steward of a recognised union shall receive up to ten (10) days paid leave per annum for activities related to his/her union position.
- (b) Proof must be submitted.

7.6.7 Leave for the purposes of participation in municipal councils

- (a) If an employee has to perform duties as a municipal councilor (part-time) during his/her official hours at work, the department should require that vacation leave be taken on a basis of 1 day for every 8 hours of absence.

General

- All applications for special leave must be supported by applicable documentation.
- Applications for leave must be in advance as approval is required prior to the employee going on leave.

7.7 PAY OUT OF LEAVE CREDITS

7.7.1 Pay out of leave credits at expiry of 18-month period

- (a) Any unused annual vacation leave credits shall fall away at the end of the 18-month period (30 June of each year).
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- (b) If, due to the Department's service delivery requirements an employee's leave is denied and not rescheduled, such leave must, upon request and
 - (c) on recommendation of the relevant senior manager, and approval of the HOD be paid out *at* the end of the 18-month period (31 December of each year. The pay out of leave is restricted to a maximum equivalent of the annual leave entitlements, calculated on the salary notch of the employee as on 31 December of each year. The employee's request for pay out of unused leave must be:
 - i) in writing;
 - ii) accompanied by written proof of refusal of leave; and
 - i) written proof that leave could not be rescheduled.

7.7.2 Conditions

- (a) First time applications for leave during the last two (2) months of the 24-months leave cycle (November and December of each year) will not be considered for pay out if denied due to service delivery requirements.
- (b) Sufficient proof of evidence must be submitted of denial and attempts to have leave rescheduled.
- (c) The application form, which is not approved, must be retained by the official and a copy must be submitted immediately to the Unit: HCM.
- (d) The HOD shall at the end of the relevant 18-months' period report to the relevant legislature on the number of employees denied annual leave, reasons for such denial and the amount paid out in this regard.

7.7.3 Pay out of annual leave credits on termination of service

- (a) Employees shall be paid a cash value in respect of unused annual leave credits upon termination of service. The payment will be limited to a maximum number of days equivalent to the annual leave entitlements, calculated on the salary notch of the employee as on the date of termination of service.
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7.7.4 Pay out of leave credits accrued before 1 July 2000 (Capped leave)

- (a) Capped leave is audited leave due to an employee, as at 30 June 2000, converted to working days.
 - (b) Employees who have earned leave accruals in terms of the dispensation applicable prior to 1 July 2000 and which were audited, shall retain the same. The employer shall pay such accrued capped leave on:
 - (i) death
 - (ii) retirement
 - (iii) medical boarding (retirement due to medical reasons),
 - (c) Where no leave records exist, an audit shall be conducted to determine whether there are periods which are audited or unaudited. Should there be a period which is not audited and a period which is audited, then the leave pay-out shall be paid on the basis of 6 days per completed year of service up to 100 days leave, plus the value of the audited (capped) leave.
 - (d) Employees will be allowed to utilise audited (capped) leave over and above the normal leave entitlements on the following conditions:
 - (e) If the leave audit on termination of service (resignation, death, retirement, ill health retirement) of an employee reveals that an employee has been over-granted annual leave with full payment, such portion of over-grant shall be recovered from an employee's capped leave, or otherwise from an employee's pension.
 - (f) Capped leave may be granted on the same conditions as annual vacation leave, sick or special leave, but only if the latter has been totally exhausted.
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7.7.5 Nominations of beneficiaries for pay out of leave credits

- (a) Employees may, if they so desire, designate one or more beneficiaries to whom their leave credits may be paid out in the event of death.
- (b) If an employee dies and has not nominated a beneficiary, his/her leave credits shall be paid out to the spouse/life partner, or otherwise in equal shares to the children or to the employee's estate.
- (c) The same provisions apply for employees appointed on a fixed term contract and casual employees.

7.8 UNPAID LEAVE

- (a) If an employee has utilised all his/her vacation and capped leave with full pay, the Department may grant him/her unpaid leave. Only in exceptional cases shall the Department grant more than 184 days of unpaid vacation leave in a period of 18 months.
 - (b) An employee shall utilise unpaid leave for absence from work due to -
 - (i) a conviction; or
 - (ii) a criminal sentence.
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7.9 ABSENCE FROM DUTY THAT IS NOT RECORDED AS LEAVE

An employee is not regarded as being absent from duty on the following instances:

- (i) If he/she has to appear as a witness in court, at misconduct case, inquest in terms of the law and before a commission/committee of enquiry.
 - (ii) If he/she is a defendant/ co-defendant in a civil court case arising from his-/her employee duties and in which the State has a direct interest.
 - (iii) If he/she attends a course, lecture, etc., presented by a government department or the private sector and in respect of whom the HOD or delegated authority has granted permission to attend such course during office hours.
 - (iv) If an employee with a disability has to undergo training to manage his/her disability (e.g. to be able to utilise equipment or to access the workplace to perform his/her job).
 - (v) If he/she is appointed by the Independent Electoral Commission to assist with parliamentary/ local government elections.
 - (vi) If he/she assists or represents another Public Service employee during a disciplinary/misconduct inquiry or during an investigation into a grievance.
 - (vii) If he/she assists or represents an employee in a dispute resolution structure.
 - (viii) Self-initiated or on instruction of the Department scholarships locally or abroad with retention of salary and benefits.
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7.10 UNAUTHORISED ABSENCE

All unauthorised absence from duty is deemed to be vacation leave without pay, except in the cases acceptable to the HOD or delegated authority.

7.11 DAYS OF REST

A day of rest is defined as:

- (i) A Sunday or a public holiday in the case of an employee who normally does not work on such a day.

A day of rest shall not be regarded as leave and shall not be recorded as leave.

7.12 BONA FIDE OVER-GRANTING OF LEAVE

An employee may not be granted annual leave with full pay in excess of the working days that the employee is entitled to, plus capped leave in respect of employees who were in service prior to 1 July 2000. If, due to a bona fide error, an employee had been granted annual leave with full pay in excess of that which stood to his/her credit or leave entitlement at that time, such over grant will be corrected and/or deducted from the subsequent leave cycle. With termination of service, the latter will be regarded as an overpayment, and will be recovered from his/her pension benefit.

7.13 PROCEDURES FOR LEAVE APPLICATION

- (a) Each employee must confirm his/her leave credits with the Unit: HCM before applying for leave.
 - (b) Employees applying for leave must do so in writing on the Application for Leave of Absence form (Form Z1).
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- (c) Employees must clearly indicate all personal information (name, Persal number, Unit, address and telephone/cell phone number during leave) as well as the type of leave applied for, the period of leave and the number of days. The application form must be signed by the employee and referred to his/her immediate supervisor for recommendation of the leave.
 - (d) Supervisors must verify all information contained in the leave application for correctness and that the condition with regard to the payment of the salary (full-pay/without pay) during the period of leave is completed. After the supervisor is satisfied that the form is correct, he/she must recommend and sign the leave form. The next level of authority must approve/sign the leave form.
 - (e) On completion thereof, the form, together with any attachments, if applicable, (e.g. medical certificate, timetable, etc.) must be submitted to the Unit: HCM.
 - (f) Employees are advised to complete separate leave application forms for separate periods of leave taken.

7.14 REGULATORY CONDITIONS

- (a) It is the responsibility of the employee requesting leave and his/her supervisor/head of section who recommends/approves leave, to familiarise himself/herself with the requirements stipulated in the Department's Policy on Leave of Absence and to submit his/her leave with the required documents attached to his/her supervisor.
 - (b) It is the responsibility of each senior manager to plan his/her Chief Unit/ Unit's leave at the start of the annual leave cycle and to submit leave schedules of his/her Unit within the first month of the annual leave cycle (February of each year) to the Unit: HCM.
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- (c) Managers/ supervisors must ensure that -
 - (i) the classification of leave is substantiated with the required documentary proof, recommended and approved before taking leave applications to the Unit: HCM for implementation.
 - (ii) an employee's application for all categories of leave is submitted to the Unit: HCM prior to the commencement of the leave.
 - (d) Updated leave reports will be submitted on request to units to update/verify their internal leave records.
 - (e) Leave credits are reflected on a monthly basis on the salary advices.
 - (f) The HOD (or his/her delegate) may at any time withdraw leave that has been granted, taking the operational requirements of the Department into consideration.
 - (g) The Unit: HCM reserves the right to request a Security access report.
 - (h) Vacation Leave
 - (i) An employee shall not leave or stay away from work until he/she has applied, in writing, for leave and has been advised that the leave application has been approved. Employees may not, therefore, proceed on vacation leave and then telephonically or otherwise inform his/her supervisor of such leave being taken. Hence, vacation leave becomes valid once it has been approved by the relevant supervisor.
 - (ii) In the event of telephonic requests (before 10h00 of the relevant day) for vacation leave for short periods (1 or 2 days) due to unforeseen circumstances (e.g. broken down motor vehicle, domestic problems, etc.) the application for leave form must, clearly state that prior telephonic approval
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was granted for such leave and should be submitted to the Unit: HCM within three (3) working days after reporting for duty.

- (i) Sick Leave
 - (i) It remains the responsibility of the employee to inform the supervisor of his/her absence from office due to sickness before 10h00 of the same day of the illness. If this information is not received in time, the supervisor may, *on good grounds*, refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates. However, where an employee is not in a position to report due to a serious medical condition and the supervisor is satisfied that reason(s) are *bona fide*, the supervisor may waive the submission of notification for illness. In such cases, absence from duty may be covered by sick leave with full pay.
 - (ii) It is the responsibility of each employee to inform his/her supervisor of the time booked off by a medical practitioner.
 - (iii) An application form for sick leave must be submitted to the Unit: HCM within three (3) *working days* after reporting for duty.
 - (iv) An employee may utilise sick leave during his/her notice of service termination period, provided that a medical certificate is submitted.
 - (j) Absence during the last 30 days of service shall apply to -
 - (i) sick leave;
 - (ii) special leave; and
 - (iii) vacation leave granted (substantiated with proof) where sick leave has been exhausted
 - (k) Absence from duty of an employee who is -
 - (i) arrested or has to appear before a court of law on a criminal charge and who is not subsequently acquitted; or
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- (ii) sentenced to imprisonment; or
- (iii) absent from duty owing to illness, indisposition or injury due to his/her misconduct or failure to take reasonable precautions, must be covered by the granting of vacation leave without pay, even if he/she applies beforehand in writing for leave to cover such absence.

8. ROLES AND RESPONSIBILITIES

- 8.1. The **Head of Department or Accounting Officer** is responsible for the approval, implementation and review of this policy.
 - 8.2. The Directorate Strategic Planning Management will monitor and evaluate compliance with, and the impact of, these guidelines by all programmes and sub-programmes in the Department.
 - 8.3. The Directorate **Human Capital Management** must:-
 - 8.3.1. *Ensure that this policy is maintained and communicated to all employees of the Department;*
 - 8.3.2. *Provide advice and guidance to both managers and employees on the application of this policy;*
 - 8.3.3. *Be responsible for the retention of completed applications; and*
 - 8.3.4. *Monitor that all leave taken by an employee is recorded accurately and in full; and*
 - 8.3.5. *Report on the use made of the leave options as appropriate.*
 - 8.4. The **Programme Managers or Heads of Units** have the responsibility for ensuring that requests for leave and special leave are dealt with consistently, compassionately, fairly, sensibly and speedily, paying due consideration to both the Department of Roads and Public Works needs as well as those of the employee. They must ensure that:-
 - 8.4.1. *all special leave absences are covered by a prescribed application form;*
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- 8.4.2. *applications are dealt with promptly;*
- 8.4.3. *they consider each application on its merits, and do not unreasonably refuse granting of leave to eligible; and*
- 8.4.4. *they complete their section of the application form and ensure the original copy of the application is sent to the Human Resource section and encourage employees to keep copies of their leave.*
- 8.5. All employees have a duty to use the provisions available for leave and special leave sensibly and responsibly. In submitting requests for leave employees should:-
- 8.5.1. *Take into account the needs of the department;*
- 8.5.2. *Provide a full explanation where required; and*
- 8.5.3. *Submit requests such as to allow adequate time for due consideration to be given to the request.*

9. FINANCIAL RESOURCE AND BUDGETARY IMPLICATION

The Programme / Responsibility Managers of the Department shall submit budgetary requests to be approved by the Accounting Officer, on the recommendation of the Chief Financial Officer, to ensure that all expenses relating to the granting of leave and special leave are budgeted for through the medium expenditure framework.

10. POLICY MONITORING, EVALUATION AND REVIEW

- 10.1. This policy shall be reviewed in two (2) years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time, as necessary, to reflect substantial organisational or other changes at the Department, or change required by law.
- 10.2. If and when any provision of this policy is amended, the amended provision will supersede the previous one.
- 10.3. Deviations from this policy must be approved by the Accounting Officer.
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11. APPROVAL

This policy is Approved / Not Approved

Comments:

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HEAD OF DEPARTMENT

24.06.2015
DATE

ANNEXURE A: Summary Leave Schedule

Leave	Days	Condition	Payout	Documents Required
Vacation leave	22 working days per annum – employees less than 10 years service (inclusive of employees appointed on a fixed term contract) 30 working days per annum – employees more than 10 years service	<ul style="list-style-type: none"> 10 days compulsory leave per annum Remaining days should be utilised within 6 months after a current leave cycle Submit annual leave planner to the Comp: HRM for control purposes Proof of leave denied due to service requirements	Pay out: <ul style="list-style-type: none"> Due to service requirements the numbers of day's equivalent to the annual leave entitlements (22 or 26 days). On termination of service is limited to a maximum number of days equivalent to the annual leave entitlements (22 or 26 days). 	Leave form. Request for payout of unused leave credits with proof of denial
Capped Leave (leave accrued before 1.7.2000)	Unlimited	It can only be utilised when other leave days are exhausted.	Paid out on: <ul style="list-style-type: none"> Death Retirement Ill-health retirement 	Leave form. Substantiating documentation for pay out
Normal Sick Leave	36 working days per three year cycle	Medical certificate is required: <ul style="list-style-type: none"> For 3 consecutive days or more When a pattern of sick leave is set	Forfeit unused days	Medical practitioner that clearly describes the nature (if employee agrees to it) and extent of illness, where applicable
Incapacity Leave	Refer to PILIR	Refer to PILIR		Refer to PILIR
Occupational Injuries and diseases	Unlimited	A claim for compensation against a third party should be made for compensation to cover costs arising from the accident/injury		Claim form. Medical Certificate or report.
Maternity	4 months per confinement (unlimited)	<ul style="list-style-type: none"> May commence four weeks before birth or on a date from the attending medical practitioner May not return to work within six weeks after birth of child unless advise otherwise by attending medical practitioner		Medical certificate to indicate the expected date and the date deemed fit as last day to work
Adoption	45 working days per annum	<ul style="list-style-type: none"> The child should be younger than 2 years Leave days divided between two partners who are both employed in the Public		<ul style="list-style-type: none"> Proof of adoption Child's birth certificate Proof of spouse's employment status

		Service		
Family Responsibility	5 working days per annum	<ul style="list-style-type: none"> For sickness or death of a family member as prescribed 5 days sickness 5 days death <p>The total number of days may not exceed 5 days</p>	Forfeit at end of leave cycle	Medical or death certificate
Special Leave for examinations	2 days per subject (Permanent employees and contract workers appointed on fixed term contracts)	<ul style="list-style-type: none"> One working day for preparation One working day to sit for examination Weekends are included (e.g. (1) if writing examination on a Monday, then Friday is not considered a special leave day; (2) if writing examination on Tuesday and Wednesday, then only qualifying for Monday as a special leave day) 		Examination Timetable with full names, course studying and student number on the institutions letterhead.
Special Leave 50/50 basis (other study purposes)	Up to a maximum of 20 working days on 50/50 basis	<ul style="list-style-type: none"> Department will provide maximum of 10 days paid special leave and 10 days vacation leave Research work, writing essay/thesis for post graduate qualification, attendance of classes during official hours, block attendance, etc. 		Documentary proof
Sport, Arts and Other Cultural Activities	Up to a maximum of 30 days on a 50/50 basis	<ul style="list-style-type: none"> Department will provide maximum of 15 days paid special leave and 15 days vacation leave 		Documentary proof
Special leave for Union Representatives (Shopstewards)	10 working days per annum	Activities related to union position		Letter from the union
Resettlement	2 working days	One day for packing, 1 day for unpacking		Letter of appointment
Unpaid	184 days per annum	Can be granted when all other leave is exhausted.		Written request

ANNEXURE B: PROCEDURE REGARDING GRANTING OF LEAVE

- 1) Except in cases of emergency, leave must be applied for at least five (5) working days in advance (in the case of short leave, for example one or two days), and 14 days prior to the commencement of leave in the case of long or annual leave.
- 2) Applications should be made on the prescribed leave form Z1 (a).
- 3) Employees must submit their leave forms to their immediate supervisor, who must recommend and submit same to their managers for approval. It is the responsibility of the manager/supervisor to ensure that the leave form is captured and filed in the Human Resource Division. Should anyone go on leave without his/her leave being approved, the employee concerned will be deemed to be absent from work without leave and

will face the consequences of such behaviour.

- 4) The immediate supervisor will decide whether the applicant can be spared from work and that there is no urgent outstanding work. Before granting the leave, the supervisor should establish from Human Resources whether the applicant has accrued the days to be taken. **After the leave form has been signed by the responsible manager, the applicant will be informed accordingly.**
- 5) Applications in cases of emergency will be dealt with on merit and it is important that the employee should furnish reasons for and proof of the emergency to assist in making the decision to grant the leave sought.

NB

- 1) Leave is granted subject to the exigencies of the Provincial Administration, i.e. Employees should not expect to have all requested leave granted as a matter of right.
- 2) While it is not a "right" to have leave whenever the employee chooses, it is also expected that supervisors should be reasonable and make every effort to arrange the work in such a way as to be able to grant the leave as required.
- 3) Supervisor and his/her staff should approach any negotiation on leave in a spirit of understanding.
- 4) Employees who intend consulting a doctor must inform their immediate supervisors timeously.

In light of the above, the following unacceptable conduct has become prevalent and will not be tolerated any longer:

employees tend to remember that they have doctor's appointments or must go to court only on that specific morning, while it is a date which they were given some days before; do not apply for leave timeously but

- (i) push leave forms under their supervisor's door;
- (ii) go on leave first and only report on their return;
- (iii) wait until they are asked about their whereabouts, then report that they are sick or on sick leave;
- (iv) report through their friends that they are not well or on sick leave;
- (v) employees going on extended maternity leave, do not report three (3) weeks in advance about their intended extension of their maternity leave to enable the supervisors to make alternative arrangements;
- (vi) the eight week rule is ignored and not observed by applicants and supervisors;
- (vii) come back from unexpected sick leave, but do not complete the leave forms to record it.

Some supervisors are making themselves guilty of not reporting long absences without leave of their subordinates. This is a serious dereliction of duty on their part, which will lead to disciplinary action.

Misuse of leave is viewed in a very serious light and will be dealt with decisively, without exception.
