

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF SOCIAL DEVELOPMENT



SPECIAL LEAVE

POLICY

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- 1. INTRODUCTION: The State as an Employer and Organised Labour have concluded to a collective agreement on framework for granting a special leave absence to Public Servants. This Policy is a Legal Document for**

Social Development on how to grant special leave for Departmental Employees.

1. **OBJECTIVE:** To indicate circumstances and/or responsibilities under which the Department of Social Development as an employer shall authorize special leave with full pay and thus give effect to PART IV (F) of the Public Service Regulations, 1999, as amended read with Section 7.8 of PSCBC Resolution 7 of 2000.

3. LEGAL FRAMEWORK

- Public Service Act, 1994
- Public Service Regulations, 2001
- PSCBC Resolution No. 7 of 2000
- Basic conditions of Employment Act, 1997
- Directive on leave of absence in the Public Service issued by the Minister for Public Service and Administration, 30 November 2000.
- Compensation for Occupational Injuries & Disease Act, 1993

4. **SCOPE OF APPLICABILITY:** The provisions of the policy shall apply to all employees appointed in the Department of Social Development in terms of the Public Service Act, 1994 either on a full time/ part time/ casual basis.

DEPLOYMENT: The following special leave shall be granted:

1. Examinations
2. Study leave
3. Class attendance
4. Scholarship
5. Sabbatical Leave
6. National commitment (participation in sport)
7. Resettlement/Relocation due to a transfer
8. Quarantine (Isolation for medical reasons)

9. Miscellaneous
10. Special sick leave
11. Sport purposes
12. Members of professional councils
13. Trade Union Office Bearers
14. Military purposes
15. Pregnancy and Confinements

1. EXAMINATION LEAVE

Two consecutive working days special leave shall be granted to an employee to enable him/her to prepare and sit for examinations on each subject registered for, regarding a field of study that aims at better equipping him/her for an improved career and proficiency in the public service. Proof of registration, timetable and results must be produced as supporting documents for having sat for examinations.

Examinations referred to above may include ABET, National Certificate Vocational, University Qualification, Learners Licence as well as examinations in respect of which a certificate is not necessarily issued to successful candidates.

This provision may be applied only once in respect of re-examination for supplementary purposes.

Special leave shall only be granted for bona fide final examinations and not for class tests, etc.

For the purpose of this policy, final examinations include all examinations that will lead to the conclusion of a subject (including semester courses).

Employees who must sit for examination on a Saturday or a day of rest may be granted one (1) working day per course as special leave in order to enable them to prepare for examination.

2. STUDY LEAVE

The success of any organization depends on the value it attaches to its human capital. The department is therefore committed to the training and development of its human capital to higher levels of competency and proficiency. The department shall therefore, subject to operational requirements, assist its workforce as far as possible with study leave to obtain higher educational qualifications by means of part-time /correspondence studies at recognised South African or Overseas institutions. Study leave on 50/50 basis to a maximum of three months all inclusive may be granted to an employee to conclude his or her studies on the final year. For this purpose, the field of study should be in line with the departments' strategic objectives and the leave must have been applied for and approved at the beginning of the relevant academic year.

3. SCHOLARSHIP

The Head of Department may grant an employee special leave to study through scholarship. The duration of the leave will depend upon the scholarship.

OTHER

Two (2) days study leave with full pay may be granted limited to two sessions per annum in connection with the following:

For attending classes, do presentations and writing Tests as a package that substitutes examinations (block attendance).
Research work and/or writing of essay or a thesis for a postgraduate qualification.

Attendance of a preparatory course with a view to sit for a qualifying examination in order to obtain admission to a particular field of study.

Attendance of a self-enrichment course (e.g. Advanced

Secretarial Course) which is in the interest of the department.

This provision may be applied only once in case of re-examination.

If an employee referred to above is required to perform practical work or practical teaching in an office, institution of a government department, he/she must be regarded as being on official duty.

Any travelling subsistence expenses arising thereof must be borne by the employee him/herself.

If an employee is to receive remuneration for the practical work or the practical teaching, his/her case must be dealt with in terms of section 30 (b) of the Public Service Act, 1994.

8. ATTENDANCE OF CLASSES DURING OFFICE HOURS

An employee who studies part-time or by means of correspondence at a University or other recognised educational institution and who as a result of his/her studies is required to attend classes during working hours may be granted (one) 1 day special leave with full-pay for every accumulated eight hours, he/she is so released from duty. (Departments should record all these absence).

9. SABBATICAL LEAVE

Special leave with full pay (Sabbatical leave) may be granted on the following basis to an officer or employee in the public service who is appointed in a joint or tripartite capacity (in which a department and a university are involved with the aim of providing inter alia training to students to an able him or her by means of study or research (which may not necessarily lead to the obtainment of a higher qualification) to a more in depth knowledge of his or her field of study:

- (a) The granting of leave must be done with consideration to the needs of the employer.
- (b) The officers or employees study or research programme must be approved by the Head of Department and on completion thereof a report must be submitted to the department.
- (c) Three or six calendar months sabbatical leave may respectively be granted after every completed three or six years continuous full time service, during which the person was appointed with the aim of providing training. Such leave may not accumulate to more than twelve months.
- (d) The granting of sabbatical leave by the department may not coincide with the payment of study fees and travel and subsistence costs from State funds.

4.3.2. Previous continuous full time service, during which a person was appointed with aim of providing training, can be taken into account for the purpose of the calculation of sabbatical leave already utilised if such previous service period, must be taken from the leave credit indicated above.

10. NATIONAL COMMITMENT LEAVE

Special leave with full-pay will be granted to an employee in respect of any participation in national recreation activities for the duration of his /her participation. The period will be inclusive of travelling involved, if any.

11. RESETTLEMENT LEAVE

Two (2) days special leave with full-pay may be granted to an employee if he/she is transferred at state expense to any other department in order for him/her to:-

- (i) arrange accommodation
- (ii) supervise the packing/loading and unpacking/unloading of personal effects
- (iii) arrange school for children
- (iv) connect/disconnect water/lights

- a. Special leave for this purpose can only be taken according to bona fide need after physical transfer of an employee to other department and should be taken within one (1) month of physical transfer.
- b. This special leave is only granted if the employee and/or his/her household physically move from one district to another district.
- c. This provision is also applicable to employees who are transferred and appointed in terms of section 15(1) of the Public Service Act, 1994.

12. QUARANTINE

Subject to the submission of a certificate by a registered medical practitioner indicating the period and reason for such segregation/isolation special leave will be granted to an employee who is absent from duty as a result of segregation or isolation on medical instructions, e.g. where he/she was in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease.

13. MISCELLANEOUS

Special leave with full-pay may be granted to an employee for example:-

- a. In the case of a blind employee, he/she must attend a recognised orientation course for the blind, or a recognised training course in handling a guide dog;
- b. if the area in which he/she is working is struck by a natural disaster and the department is satisfied that it was impossible for the employee concerned at that time to continue with his/her official duties;
- c. For attending interviews;
- d. on being a witness in court , etc

14. SPECIAL SICK LEAVE

An employee who in the process of doing an official duty meets with an accident/disease resulting in physical injury/disease shall be entitled to a special sick leave with full pay for the duration or period she/he is receiving medical treatment until she/he recovers.

The employee concerned shall during the time/period off duty on special sick leave, provide the department with progress medical report indicating that she/he is receiving medical treatment.

When the employee recovers fully, she/he shall provide a final medical report from the doctor who has been giving medical treatment to her/him. A resumption report must be completed by the supervisor when she/he has resumed duty on the date reflected on the final medical report.

NB An employee should not receive medical treatment for an occupational injury/disease for a period exceeding 24 months from the date of accident/disease diagnosed. If that happens, the head of the department must consult the compensation commissioner for an advice in considering compensation award on the basis of permanent disability as a result of the occupational injury/disease in terms of the act. (COIDA)

15. SPORT PURPOSES

15.1. Special leave with full pay may be granted to an officer or employee when he or she-

- (a) is elected by a recognised amateur sport association to -
 - (i) to take part as a member of an organised sports group, in a sport tour outside the republic whether as a competitor, coach or manager, or
 - (ii) representing South Africa, and not merely a club or province, as a competitor, coach or manager at international sporting events within the Republic, or
 - (iii) accompany a foreign national team visiting the Republic, as a representative of the South African sports association organising the tour, and

(b) serve as a referee, an official or a judge at an organised amateur sport meeting at international level inside or outside the boundaries of the Republic.

15.2. Special leave with full pay may be granted on the following basis to an officer or employee when he or she is selected by a recognised amateur sports association to take part within the Republic at inter-provincial level between provincial and national level or a level lower than the national level against an international team:

(a) one day special leave with full pay may be granted for each day vacation leave with full pay which the officer or employee takes (i.e. on a 50/50 basis) provided the number of days special leave may be granted for each day vacation leave may be granted per person per year ending December 31, for the purpose 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. Special leave utilised from 1st January 1994 must be taken into account for purpose of granting special leave in terms of this sub-paragraph for 1994.

(b) A day of rest or days of rest which fall(s) within period of sports leave, form(s) part of the 50/50 basis.

(c) When an officer or employee desires to take only one day sport leave the officer or employee and the Department should in turn respectively take one day vacation leave with full pay of grant one day special leave with full pay or grant one day special leave with full pay.

If the period of sports leave amounts to an equal number of days, the officer or employee and the Department should in turn respectively either take the biggest number of days vacation leave with full pay and grant the smallest number of days special leave with full pay, or take the biggest number of days special

(d) Where the officer or employee has no vacation leave his or her credit special leave referred to in this paragraph cannot be granted to him or her.

15.3. Sub paragraph 2 applies mutatis mutandis to an officer or employee who serves as referee, an official or judge at an organised amateur sports meeting as completed in the aforementioned sub- paragraph.

16. MEMBERS OF PROFESSIONAL COUNCILS

Special leave may be granted to an officer whom is requested by a recognised professional council to attend council meetings. Documentary evidence must be forwarded with the leave form.

17. TRADE UNION OFFICE BEARERS

Special leave with full pay may be granted to Shop stewards of a recognised trade union. Each Shop steward qualifies to a maximum of 10 days annual.

18. MILITARY SERVICES

18.1. Special leave with full pay may be granted to an officer or employee when -

(a) He or She instructed in writing , or called up in terms of the Defence Act, 1957, the Police Act , 1958, or any regulation made there under the performance service or to comply with an obligation of whatever nature including the National Defence Force home front training course for females provided that-

(i) In the case of his or her initial period of continuous compulsory military service as well as in the case of voluntary extended military service for a continuous period of six or twelve calendar months continuous with his or her initial period of compulsory military service.

(ii) an officer or employee who applies and is subsequently selected by the military authorities for voluntary extended military service may be permitted to enlist for such service only condition that the Head Department-

(aa) is notified timeously of the officers or employees selection for such service , and

(bb) has the right to negotiate with authorities in individual Case,

(iii) after she or he has completed his or her compulsory military service and, if applicable, his or her voluntary extended military service as contemplated in sub-paragraph(i) any further voluntary military service must be taken only with consent of his or her Head of Department, and

(b) she is selected to attend the home- front training courses for females presented by the National Defence Force: Provided that-

(i) her application for admission to the course occurs with the permission of her Head of Department,

(ii) she submits acceptable written evidence that she has been selected to attend the course and

(iii) her normal Public Service salary be reduced for the period as Prescribed in Chapter B.III/II/15 of the Public Staff Code.

18.2. An officer or employees mentioned in sub -paragraphs 1(a)(i) and (b) must, before special leave granted to him or her , furnish a written agreement in the form. If that undertaking is not furnished, the period of absence from duty in this regard must be recovered by the granting of special leave without pay.

18.3. If an officer or employees military service is completed before or after the expiration of the period of special leave granted, the relevant application for leave must subsequently be amended to correspond with the actual period of military service. In case of an employee or officer completing his or her military training before the expiry date of the period of special leave granted, he or she must immediately return to his or her duties in the Public Service.

18.4. if the military pay of an officer or employee mentioned in sub paragraph 1, is reduced or suspended in full by the military authorities because he/she was held custody pending trial or was sentenced to a period of detention or as result of unauthorised absence, the appropriate Public Service salary payable to him or her for the relatively

period, must be reduced or suspended in the same proportion as the military pay.

18.5. A person who is allowed to assume duty provisionally pending examination results and who is called upon to perform military service or whom is selected to attend the home front training course for females, should be granted special leave without pay. As soon it is established that such a person has passed the examination and that he / she therefore qualifies for permanent appointment, in the case where she / he fails the examination and does not, therefore, qualify for permanent appointment but is employed without a break of service in a temporary capacity-

(a) the special leave without pay may be granted, may be converted into special leave-

(i) with full pay,

(ii) with pay as determined in sub-paragraph 1(a)(i) or (b)(iii), and

(c) he or she should, if (a)(i) is applicable, before the leave is converted, furnish a written undertaking as required by sub-paragraph 2. If such undertaking is not given the special leave granted without pay should be left unchanged.

18.6. The provision of sub paragraphs 1 to 5 may be applied mutatis mutandis with regard to non- South African citizen as well as other officers and employees who voluntarily enrolled with the national defence force and selected to perform military service.

19. PREGNANCY AND CONFINMENTS

Special leave with full pay may be granted for the purpose of pregnancy and confinements to female officers or employees (regardless of marital status) (on the following basis:

(a) a maximum of 84 days (which includes weekends and public holidays falling within such period) special leave with full pay may be granted per confinement

(b) a qualifying period of 12 calendar months uninterrupted service must be completed before the provision may be utilised. Previous service rendered at institution listed in regulation C5.7.1 is also taken into consideration provided that no interruption of service occurred.

- (c) The special leave contemplated in this paragraph may be granted for a maximum of two confinements per person.
- (d) The special leave may be utilised before and / or after the confinement but must be in all cases be uninterrupted and continuous with the confinement. The special leave may furthermore be utilised continuously with periods of sick leave or any other kind of leave.
- (e) The special leave may not, subject to the provisions of sub paragraph (f), be converted in part or as a whole to any other kind of leave after it is has commenced.
- (f) With regard to absence from duty as a result of miscarriage, still born or termination of pregnancy on medical advice before a period of special leave commences, sick leave may be granted provided that the requirements of the regulation are complied with. If the miscarriage, still birth or termination of pregnancy on medical advice occurs after the period of special leave commenced, such special leave for the period with immediate precedes the miscarriage, still berth or termination of pregnancy on medical advise is not taken into account for purpose of restriction in paragraph(c) with regard to absence from duty as from the date of miscarriage, still borne or termination of pregnancy on medical advice, sick leave may be granted provided that the requirements of regulation are complied with.
- (g) Together with her application for granting of special leave for purposes of confinement, the officer or employee must also state in writing the number of times in the past she as an officer or employee defined in the Public Service Act, 108 of 1994 make use of the benefit of special leave for the purpose of confinement.
- (h) Utilisation of this service benefit is not coupled to contractual binding.

If an officer or employee qualifies for the granting of special leave with full pay in terms of the provisions and measures in this paragraph and if she applies for the relevant special leave up to a maximum of 84 days in the prescribed manner, the Head of Department or his or her delegated officer, notwithstanding the provisions in C5.1, does not have the discretionary power to grant less special leave than the number

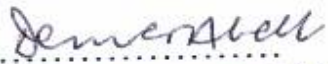
of days special leave she applied for, or to turn her application down.

- (j) The provisions and measures set out in this paragraph apply mutatis mutandis to female officers or employees should they legally adopt a child that is not older than 24 months on the date of adoption the limitations in subparagraph (c) applies to confinements as well as adoptions, is limited to two per person.

20. DECEMBER HOLIDAYS

Employees are encouraged to utilize their ten (10) days continuous compulsory leave (if not utilized earlier) during the last two weeks of December, however adequate skeletal staff must be available based on service delivery imperatives during this period. NB the days for this leave are taken from the vacation leave credit.

RECOMMENDATION OF THE POLICY


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HEAD OF DEPARTMENT
MR DENVER A. WEBB

30/3/2008
DATE


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MEC
SOCIAL DEVELOPMENT
MR KWELITA S.

✓ APPROVAL OF THE POLICY

30/03/08
DATE