



PROVINCE OF KWAZULU-NATAL
ISIFUNDAZWE SAKWAZULU-NATALI
PROVINSIE KWAZULU-NATAL

DEPARTMENT OF EDUCATION
UMNYANGO WEMFUNDO
DEPARTEMENT VAN ONDERWYS

Telephone : 033-8465126/7
Fax : 033-8465179

Private Bag X9137
Pietermaritzburg
3200

228 Pietermaritz Street
Pietermaritzburg, 3201

INHLOKOHHOVISI

HEAD OFFICE

PIETERMARITZBURG

Enquiries: Mr TL Hlela
Imibuzo:
Navrae:

Reference:S3/2/1
Inkomba:
Verwysing:

Date: 19 April 2005
Usuku:
Datum

**To : Senior Managers at Head Office
Regional Senior Managers
District Managers
Circuit Managers and Ward Managers
Rectors of Further Education and Training Centres
Principals of Schools
Chairperson of School Governing Bodies / College Councils**

HRM CIRCULAR NO. 24 OF 2005

MANAGEMENT OF THE INTERMITTENT USE OF NORMAL SICK LEAVE: INTRODUCTION OF THE EIGHT-WEEK RULE

1. In terms of the new leave measures for both Public Service Personnel and Educators, provision exists for normal sick leave of 36 working days to be granted with full pay over a three year sick leave cycle. The granting of this sick leave is subject to the following:
 - ✓ In instances where the period of absence as a result of illness is three days or more, the employee concerned must submit a medical certificate, citing the duration of absence, from a registered medical practitioner, and / or
 - ✓ In instances where a pattern in the utilization of normal sick leave has been established, a medical certificate may be required for absences of less than three working days.
2. The intermittent use of the normal sick leave benefits is of serious concern. In this regard it is clearly evident that employees are abusing this benefit by being absent from duty for less than 3 working days on a regular basis. The leave measures have contributed to a certain extent to this unsatisfactory practice in that a medical certificate is only required for absence for three days or more. Therefore there is no obligation on the part of employees to produce medical certificate for absences of less than three working days.
3. A provision available to departments is the 8-week rule as contained in Chapter 3, section 23 (1) of the Basic Conditions of Employment Act, 1997 (BCEA).

4. This section stipulates that (a) an employer is not required to pay an employee if the employee has been absent from work for more than two consecutive days or (b) on more than two occasions during an eight – week period and on request by the employer does not produce a medical certificate stating that the employee was unable to work for the duration of the employee’s absence on account of sickness or injury.
5. With due consideration to the above it was decided to extend the current provision to also include the 8 week rule. The Minister for the Public Service and Administration therefore determined in terms of section 3 (3) © of the Public Service Act, 1994, as amended, that with effect from 01 April 2005 -:
 - (a) an employee in his/her first 36 days normal sick leave period, who has been absent from work on more than two occasions during an eight –week period, must regardless of the duration of the sickness or injury, submit a medical certificate stating that the employee was unable to work for the duration of the employee’s absence on account of sickness or injury, failing which such leave will be covered by normal vacation leave (with the employee’s consent) or alternatively unpaid leave; and
 - (b) the 8-week shall be a calendar period and shall commence on the first day of an employee’s absence due to sickness or injury. Any subsequent day of absence due to sickness or injury after the above-mentioned period must then be regarded as the first day of the next 8-week period.
6. All Heads of Sections and Institutions as well as officials in supervisory levels are required to ensure that this provision is strictly adhered to and it must be noted that the implementation date is **01 April 2005**.
7. The contents of this circular must be brought to the attention of all Public Service Personnel as well as Educators.

MR DT NDHLOVU
ACTING SUPERINTENDENT –GENERAL

DATE : _____