

LEAVE OF ABSENCE

PRESENTATION

1

OVERVIEW

- Purpose
- Types of Leave
- Roles and Responsibilities
- Prescribed Leave Forms
- Reference

ANNUAL LEAVE

Annual Leave Cycle :

1 January to 31 December of each year

Office based Public Service Personnel and Educators

- Less than 10 years service : 22 days
- 10 years or more service : 30 days
- Leave must be scheduled – leave roster
- Prior approval

ANNUAL LEAVE ...

Institution based Personnel

- - Educators : Annual leave during institution closure period
- - PS Employees :
 - Less than 10 years service : 27 days
 - 10 years or more service : 30 days
 - at least 22 of the 27 or 30 days – taken during closure period.
 - Remaining 5 or 8 days – may be taken during school time
 - Leave must be scheduled – leave roster
 - Prior approval
 - May request employee to report for normal duties
 - Paid time off for days in excess of the entitlement

CAPPED LEAVE

- Leave credits accrued prior to 01 July 2000
- Unused leave credits for period 01 July to 31 December 2000 added to leave days accrued prior to 01 July 2000.

- Payable upon:
 - Death
 - Retirement
 - Medical Boarding

- Subject to audit :
 - Unaudited period: 6 days per year up to 100 days
 - Audited period leave entitlement.

CAPPED LEAVE ...

- **Example**

- Appointment date: 20 July 1996

- Leave Accrual: 1996 (Aug – Dec): 5 days
1997 (Jan – Dec) : 12 days
1998 (Jan - Dec): 12 days
1999 (Jan – Dec): 12 days
2000 (Jan – Jun): 6 days
2000 (Jul – Dec): 6 days*

TOTAL: 53 Days

NB: No unaudited period of leave.

CAPPED LEAVE

CONVERSION TO WORKING DAYS

- Formula:

$$\frac{A \times 5}{7}$$

Where A = no. of audited leave credits

Example

Audited leave days of 365 converts to 260,714 working days

CAPPED LEAVE

IMPLICATION OF CONVERSION TO WORKING DAYS

- Formula for calculation prior to conversion

$$\frac{A \times B}{365}$$

Where A = no. of leave days
 B = Salary Notch

Example

$$08 \times R 134 001 / 365 = R 2 937$$

- Formula for calculation after conversion

$$\frac{A \times B}{260.714}$$

Where A = no. of leave days
 B = Salary Notch

Example

$$5.714 \times R 134 001 / 260 714 = R 2 937$$

SICK LEAVE

Sick Leave Cycle

- 3 year cycle
- Current cycle : 1 January 2013 – 31 December 2015

Entitlement :

- 36 days in a sick leave cycle

GENERAL PROVISIONS

- Clinical procedures – application to be made in advance
- Medical certificate for absences of more than 2 days
- Pattern in leave taking – request medical certificate
- 8 week rule

TEMPORARY INCAPACITY LEAVE

- Not unlimited
- Granted at discretion of Department – PILIR
- Not an entitlement, not a benefit
- Only applicable after normal sick leave expired

Requires completion of the following :

- Annexure A : short period – 1 to 29 days
- Annexure B : long period of 30 days or more
- Fully completed applications :
 - Conditionally grant up to 30 days leave
 - referred to HRM

TEMPORARY INCAPACITY LEAVE...

- HRM :
 - may undertake primary and/or secondary assessment (fruitless expenditure)
 - Advice on incapacity and leave applied for
- Take decision regarding application
 - Grant TIL
 - Refuse TIL – notify employee of reasons for refusal
 - utilize available vacation leave, else unpaid
 - lodge grievance

TEMPORARY INCAPACITY LEAVE...

- Prolonged leave of absence
- Initial application followed by further application for continuous period
- Applications for long periods
- Obligation to prevent salary overpayment (PFMA) may necessitate stopping of salary for unexpired period of leave where :
 - the application for TIL has not been advised by the HRM
 - directed to resume duties but submits another application for leave for the same incapacity; and
 - same incapacity which was previously not advised by the HRM.

TITEMPORARY INCAPACITY LEAVE...

- Implications for stopping salary :
 - Statutory and other deductions will not be effected;
 - Debit order payments on the employees account will not be effected;
 - Membership to medical aid scheme will cease
- Due process (consultation)
- Existing cases – to be investigated (returns)

PERMANENT INCAPACITY LEAVE

- Cannot be directly accessed
- Incapacity assessed as permanent
- Undertake investigation : alternative placement or adapting duties
- Alternative placement – without reduction in benefits or reduction with consent
- Unable to render effective service – proceed with application for ill-health retirement
 - Annexure E – employee initiated
 - Annexure F employer initiated
- Application for ill-health retirement is not an application for leave

LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

- Compliance with directives and procedures relating to COIDA
 - Incident reported to Compensation Commissioner
 - Progress/final medical reports and application for leave form
- on acceptance of liability :
 - Grant leave for period the employee cannot work
 - Pay for medical expenses

PRE-NATAL LEAVE

- Effective Date : 1 January 2013
- eight working days pre-natal leave per pregnancy
- for medical examination/s or tests relating to the pregnancy.
- Application for leave form supported by reasonable proof

MATERNITY LEAVE

- 4 consecutive calendar months per pregnancy
- Commencing date :
 - any time from 4 weeks before the date of birth; or
 - from a date considered necessary by medical practitioner; or
 - Actual date of birth, in case of premature confinement
- Application for leave form and supporting documents submitted in advance
- Cannot return to work for at least 6 weeks after birth

MATERNITY LEAVE.....

- Miscarriage, still-birth or termination of pregnancy during maternity leave period :
 - Eligible for 6 weeks maternity leave
 - May be extended by Sick leave for medical complications

ADOPTION LEAVE & SURROGACY LEAVE

- 45 working days adoption leave
- an employee who adopts a child younger than two years
- both spouses or life partners qualify but cannot exceed 45 days
- commence no earlier than the date on which the child is brought home
- Application for Leave Form and
 - Certified copy of the adoption order, and
 - written declaration from the spouse/life partner
- Also applicable for surrogacy leave for surrogacy arrangement through High Court

FAMILY RESPONSIBILITY LEAVE (FRL)

Public Service Personnel and Office-Based Educators

- 5 working days per annual leave cycle for birth of a child or if the child, spouse or life partner is sick; and
- 5 working days per annual leave cycle if the child, spouse or life partner dies or an employee's immediate family member dies.

FRL.....

Institution Based Educators

- 3 working days per annual leave cycle for birth of a child or if the child, spouse or life partner is sick; and
- 5 working days per annual leave cycle if the child, spouse or life partner dies or an employee's immediate family member dies.
- unused leave days in respect of FRL and remaining days not exceeding 12 days may be utilized as **Special Leave for Urgent Private Affairs (UPA)**, the nature of which is such that it warrants absence from work

FRL.....

- FRL for death :
 - ‘immediate family member’ means the employee’s parents, adoptive parents, parents-in-law, sister and brother-in-laws, grandparent, child, adopted child, step child, grand child or siblings.
 - “child” means the employee’s son or daughter, and where applicable, son-or-daughter-in-law of any age.

FRL

- FRL & UPA - granted with due consideration to the employee's cultural responsibilities
- Entitlement is per annual leave cycle and unused days lapses
- Application for Leave Form accompanied by a letter indicating the reason/s for the application
- where doubts exist - request additional supporting documentation.

UNPAID LEAVE

- up to 184 calendar days may be granted
- Application for Leave Form accompanied by supporting documents
- Prior approval necessary
- No obligation to contribute to Pension Fund

SPECIAL LEAVE

- May grant special leave not exceeding 3 days for :
 - Professional development
 - Personal development
 - Religious observation
- May grant special leave for study purposes
 - Not for professionally qualified educators
- May grant special leave for examination purposes
 - 1 day for examination and 1 additional day

TIME OFF FOR UNION DUTIES

- Only applicable to duly elected representatives
- To carry out duties agreed to in ELRC incl :
 - Disciplinary hearings
 - Grievance and Dispute procedures
 - Dismissal procedures
 - Retrenchment and redundancy procedures
 - labour relations training
 - Workplace forums
- Entitlement : maximum of 3 days at a time, limited to 12 days per annum

TIME OFF FOR UNION ACTIVITIES

- Subject to academic program not being interrupted
- Must be member in good standing of registered union
- To attend :
 - pre-arranged workplace meetings
 - Meeting full time officials by arrangement and agreement
 - Voting during employee organisation elections
 - Voting i.r.o procedural/lawful strike action
- Entitlement : maximum of 8 hours per annum

ROLES AND RESPONSIBILITY

- All leave of absence covered by leave form.
- Responsibility to Manage leave of absence
 - Immediate Supervisor iro employees attached to Offices
 - Head of Institution iro employees attached to educational institutions and SEM iro of Heads of Institutions
 - All line function supervisors
- HR component is responsible for the Administration of leave of absence

COMPLETION OF LEAVE FORM

- Employee is responsible to ensure that :
 - the correct leave form is completed.
 - all supporting documents are furnished (Checklist in paragraph 4, Part D of Annexure A and paragraph 10, Part A of Annexure B)
- Grant LWOP :
 - completion and submission of the incorrect leave form
 - failure to furnish all relevant supporting document
 - failure by the medical practitioner to write legibly
 - incomplete Annexure A or B
 - reasons furnished are the same as that previously not advised by HRM.

PLANNED LEAVE

- Examples of planned leave
 - Vacation Leave
 - Study Leave
 - Maternity Leave
 - Adoptive Leave
 - Unpaid Leave
 - Prenatal Leave

PLANNED LEAVE CONT....

- Prior approval must be obtained before proceeding on leave
 - advised of approval by HR Component.
- Employees are required to :
 - submit leave forms which allows sufficient time for consideration and approval;
 - pursue outcome of application, in consultation with Supervisor, with HR Component
 - assume leave applied for has not been approved, if decision has not been conveyed
- Only proceed on leave upon being advised of approval by HR Component

PLANNED LEAVE CONT....

- without prior approval,
 - absence is unauthorised;
 - covered by leave without pay; and
 - disciplinary action.
- All line function Supervisor and Heads of Institutions must ensure compliance in a fair and consistent manner.

PLANNED LEAVE CONT....

- The HR Component must upon receipt of the prescribed application for leave form : -
 - check application for correctness and, where applicable, supporting documents;
 - consider the application and take decision
 - advise employee of decision timeously
 - update PERSAL Record
- Delays by HR Component in advising of decision would compromise any disciplinary action

UNPLANNED LEAVE

Examples of unplanned leave (i.e. unable to report for duty for compelling reasons including illness/injury)

- Sick Leave
- Temporary Incapacity Leave
- Permanent Incapacity Leave
- Family Responsibility Leave

VERBAL CONTACT

Employee must :

- inform supervisor/HOI of the reasons for the absence by 10:00 on the first day of absence.
- message by a relative, fellow employee or friend is unacceptable unless the reason for the absence prevents the employee from making the verbal contact
- If no verbal contact is made the Supervisor/HOI must :
 - regard the absence as unauthorised
 - recommend leave without pay
 - institute disciplinary action

VERBAL CONTACT CONT....

- If reason is unacceptable, Supervisor/HOI to :
 - direct the employee to report for duty forthwith, and
 - advise that failure to comply would result in the absence being unauthorised , covered by LWOP and lead to disciplinary action.

TIMEFRAME FOR SUBMISSION OF LEAVE FORM

- Employee to:
 - complete the prescribed leave form for type of leave being applied for and, where necessary, include all supporting documents
 - ensure completed leave form and, where necessary, supporting documents are submitted to the Supervisor/HOI within 5 days from the first day of absence.
- If not submitted within the 5 day period, the Supervisor/HOI must notify the employee in writing that if the leave form is not received within a further 2 days, the leave will be covered by LWOP

LEAVE FORM IS RECEIVED WITHIN 5 DAYS OR THE FURTHER 2 DAYS, THE SUPERVISOR/HOI MUST :

SITUATION	ACTION
No verbal contact	Forward leave form under cover of a letter to HR Component requesting that as no verbal contact had been made the leave be covered by the granting of LWOP.
No verbal contact but written reasons furnished	Forward leave form and other relevant documents under cover of a letter indicating his/her recommendation and reason for the recommendation.
No verbal contact but employee elects to use vacation/capped leave	Submit leave form and relevant election to HR Component
Verbal Contact made	Endorse leave form accordingly and submit to HR Component

SUBMISSION OF LEAVE FORM CONT...

- If the leave form is not received within the 5 and the further 2 days, the Supervisor/HOI must :
- In stances where the employee already resumed duties
 - notify him/her on the 8th day that the leave will be covered by LWOP
 - Afford the employee to elect to utilise available vacation leave within 2 days
 - Submit to the HR Component the notification and the election (if applicable) under cover of a letter clearly indicating the period of absence to be covered by LWOP (No need for leave forms)

SUBMISSION OF LEAVE FORM CONT...

- In instances where the employee has not reported for duty and not submitted leave form :
 - notify him/her on the 8th day that the leave will be covered by LWOP
 - Afford the employee to elect to utilise available vacation leave within 2 days
 - Also advise him/her of the measures relating to abscondment should he/she fails to report for duty or submit a valid application for leave :
 - Employment of Educators Act : 14 days
 - Public Service Act : one calendar month

SUBMISSION OF LEAVE FORM CONT...

- If the leave form is received within the 14 or 30 day period
 - notify him/her that the leave will be covered by LWOP
 - Afford the employee to elect to utilise available vacation leave within 2 days
 - Submit to the HR Component the notification and the election (if applicable) under cover of a letter clearly indicating the period of absence to be covered by LWOP

SUBMISSION OF LEAVE FORM CONT...

- If leave form is not received within the 14 or 30 day period, the Supervisor/HOI must :
 - Notify the employee on the 15th or 31st day that his/her services have been terminated on the grounds of misconduct (abscondment)
 - Date of termination w.e.f the date following the last day of service
 - Immediately forward under cover of a letter to the Labour Relations Practitioner in the District the following
 - copies of the notification (5th and 8th day) and proof as to how these notifications were served
 - copy of the letter of termination

SUBMISSION OF LEAVE FORM CONT...

- The Labour Relations Practitioner (LRP) must :
 - immediately upon receipt of documents check for compliance with procedures
 - submit documents to HR Component to effect the discharge
- HR Component must :
 - Effect the discharge
 - provide written confirmation that the discharge has been effected within 10 days
- Supervisors /HOI must follow-up with the LRP and HR Component if the written communication is not received within 10 days from the date the documents were submitted.

DEEMED TO BE DISCHARGED

- Provisions relating to “deemed to be discharged”
 - lawful discharge on account of misconduct
 - the discharge is by way of operation of law and requires no decision
 - discharge is effected even if verbal contact has been made (failure to submit leave form therefore no valid reason)
- Apply for reinstatement on “good cause shown” to LRP and in which case:
 - application must be within 30 days or provide substantive reasons for delay
 - reasons must show good cause together with supporting documents
 - provide reasons for the failure to submit the leave forms
- Applications for reinstatement considered by Re-instatement Committee

GENERAL

Supervisors / HOI are required to :

- Institute disciplinary action for transgression of leave measures
- Maintain Leave Record
 - Vacation leave are fully utilised
 - compliance with 8 week rule for sick leave
 - Alert employees once normal sick leave has been exhausted

LEAVE FORMS

- Application for Leave (Z1)
- Annexure A : Application for Temporary Incapacity Leave for short period of 1 up to 29 days
- Annexure B : Application for Temporary Incapacity Leave for long period of 30 days or more

REFERNCE

- HRM CIRCULAR NO. 35 OF 2008 : Implementation of revised determination of leave of absence in the public service as a result of resolution 1 of 2007
- HRM CIRCULAR NO. 49 OF 2009: Implementation of Revised Determination on Leave Of Absence of Educators In Terms Of PSBC Resolution 1 Of 2007

REFERENCE

- HRM CIRCULAR NO. 15 OF 2013 : PROLONGED LEAVE OF ABSENCE
- HRM CIRCULAR NO. 16 OF 2013 : LEAVE OF ABSENCE: ROLES AND RESPONSIBILITIES FOR SUBMISSION OF LEAVE FORMS
- HRM CIRCULAR NO. 17 OF 2013 : ADOPTION AND SURROGACY LEAVE
- HRM CIRCULAR NO. 18 OF 2013 : PRE-NATAL LEAVE
- HRM CIRCULAR NO. 28 OF 2013 : AMENDMENT OF Z1 (a) APPLICATION FOR LEAVE OF ABSENCE FORM
(EXCLUDING TEMPORARY INCAPACITY LEAVE)
- HRM CIRCULAR NO. 29 OF 2013 : LEAVE OF ABSENCE OF 30 DAYS OR LONGER OF SICK AND/OR TEMPORARY INCAPACITY LEAVE AS WELL AS OCCUPATIONAL INJURY AND DISEASES LEAVE (INJURY ON DUTY)
- HRM CIRCULAR NO. 30 OF 2013 : FAMILY RESPONSIBILITY LEAVE