

# Department of Education & Culture

## *Approved Human Resource Operational Policies (2001)*

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# *Policy on Smoking*

## **1. INTRODUCTION**

- a) The KwaZulu-Natal Department of Education and Culture acknowledges its responsibility to promote healthy lifestyles. To this end it acknowledges that tobacco use is extremely injurious to the health of both smokers and non-smokers and warrants, in the interest of its employees, learners and the public, a policy to protect them from the hazardous effects of tobacco products.
- b) The Department also acknowledges that the extent of the effects of smoking on health calls for strong action to deter people from taking up smoking and to encourage existing smokers to give up smoking.
- c) It is further acknowledged that the Department has an obligation to protect learners from being bombarded by messages that associate tobacco products with glamour, success and prosperity as these learners will start a life-long and deadly addiction from an early age.

## **2. PURPOSE**

To Provide a policy with regard to the prohibition of smoking within the workplace of the KwaZulu-Natal Department of Education and Culture.

## **3. REFERENCE**

This policy has been formulated with due regard to the provisions of the Tobacco Product Control Act, 1993 (Act 83 of 1993) as amended by the Tobacco product Control Amendment Act, 1999 (Act 12 of 1999).

## **4. DEFINITION OF TERMS**

**“Public place”** means any indoor or enclosed area, which is open to the public or any part of the public including the workplace.

**“Workplace”**

- a) Means any indoor or enclosed area in which employees perform the duties of their employment including Educational Institutions and Offices; and
- b) Includes any corridor, lobby, stairway, elevator, cafeteria, washroom, toilet or other common area frequented by such employees, learners or members of the public.

“**Smoke**” means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant, and “**smoked**” and “**smoking**” have corresponding meanings.

“**The Act**” refers to the Tobacco Product Control Act, 1993 (Act 83 of 1993) as amended by the Tobacco Product Control Amendment Act, 1999 (Act 12 of 1999).

“**Advertisement**”, in relation to any tobacco product, means any drawn, still or moving picture, sign, symbol, other visual image or message or audible message aimed at the public and designed to promote or publicise a tobacco product or to promote smoking behaviour and includes the use in any advertisement or promotion aimed at the public of a tobacco product manufacturer’s company name where the name or any part of the name is used as or is included in a tobacco product trade mark, and “**advertise**” and “**advertising**” has a corresponding meaning.

“**Organised activity**” means any activity or event -

- a) which the public attend or participate in; and/or
- b) which is organized for the purposes of entertainment, sport or recreation or for educational or cultural purposes.

## 5. **SCOPE OF APPLICATION**

This policy is applicable to all employees of the KwaZulu-Natal Department of Education and Culture, learners and members of the public visiting the workplace.

## 6. **POLICY PROVISIONS**

- 6.1 The smoking of tobacco products in all Educational Institutions and offices is strictly prohibited.
- 6.2 In all cases the rights of the non-smokers to an environment that is not harmful to their health or well being will take precedence over an employee’s desire to smoke.
- 6.3 Smoking in official vehicles is strictly prohibited.
- 6.4 Heads of institutions/components and supervisors are required to be alert to the need to remind anyone smoking on the premises of the Department. Employees and members of the public who wish to smoke may smoke outside Departmental premises and outside official working hours.
- 6.5 Time wasted as a result of officials leaving the departments premised to smoke, must be monitored by the Supervisors and such time must be made up.

- 6.6 The Department will support staffs that seek assistance in giving up smoking
- 6.7 The advertising and/or promotion of tobacco products in any way is strictly prohibited.
- 6.8 The organisation and promotion of any organised activity in any office or institution within the Department shall not be sponsored and/or financed in whole or in part by any manufacturer, importer, distributor or retailer of tobacco products.
- 6.9 The distribution and/or supply of any tobacco product for free or at a reduced price within the offices/institutions of the Department by any manufacturer, distributor or importer is also prohibited.
- 6.10 The selling and/or supplying of any tobacco products to persons under 16 years of age, whether for their personal use or not, is an offence in terms of the Act.

## 7. DIRECTIVE TO HEADS OF OFFICES/ INSTITUTIONS

All Heads of offices/institutions are required to display appropriate signs in strategic places/points indicating that smoking is not permitted and such signs must carry the following warning:-

***"ANY PERSON WHO FAILS TO COMPLY WITH THIS NOTICE SHALL BE PROSECUTED"***

## 8. RESPONSIBILITY

It is the responsibility of all supervisors to institute disciplinary measures in cases of non-compliance with the provision of this policy.

## 9. CONCLUSION

This policy is designed to secure a healthy and safe environment for employees earners and the public as well as to eliminate passive smoking within its premises. Moreover, the KwaZulu-Natal Department of Education and Culture acknowledges the rights of individuals and therefore the provisions of this policy will not be applied to unfairly discriminate against smokers in any way whatsoever.

# *Policy on Special Leave for Employees as well as absences from duty which are not recorded as Leave*

## **1. INTRODUCTION**

An agreement on remunerative allowance and benefits (Resolution 7 of 2000) was signed in the Co-ordinating Bargaining Council which inter alia stipulates that an Executing Authority shall negotiate a policy in the relevant Bargaining Chamber in respect of Special Leave. Following upon the said agreement it is necessary to adopt a policy on Special Leave as well as absences for which the employee shall not be required to utilize leave, the contents of which form the basis of this policy.

Essentially the purpose of providing special leave for employees is to assist with creating a supportive working environment for individual employees and as such to enhance their contribution to ensure effective and efficient service delivery.

Special leave is at the discretion of the Head of Department or his/her delegate and is not a right.

Each request for special leave will be evaluated on its own merits and approval will depend on substantiating documentation and, in the case of study leave, the enhancement of the employee's value to the Department.

To meet the objectives of granting employees special leave it is essential that supervisors manage and monitor leave as part of their daily activities.

## **2. PURPOSE**

The purpose of this policy is to:-

- regulate an employee's absence from duty by means of granting special leave;
- 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
- indicate the circumstances under which the HOD or his/her delegate shall authorise special leave with full pay.

## **3. AUTHORISATION**

Section 28 of the Public Service Act, 1994

Chapter 1, Part V/F of the Public Service Regulations, 2001

Paragraph 7.8 of Resolution No.7 of 2000 of the Public Service Co-ordinating Bargaining Council.

Department of Public Service and Administration's Circular E1/2/2/P dated 30 November 2000.

#### 4. SCOPE OF APPLICATION

This Policy is only applicable to employees, excluding educators, in the service of the Department.

#### 5. RESPONSIBILITIES

It is the responsibility of the Human Resource Component to ensure that:-

- this policy is maintained and communicated to all employees of the Department;
- delegation are assigned for the execution of the measures contained in this policy; and
- all special leave taken by an employee is recorded accurately and in full.
- It is the responsibility of supervisors of all levels to ensure that all employees who utilise special leave, complete the prescribed application form beforehand and that the completed form together with the supervisor's recommendation is submitted to the Human Resource Component for approval and recording.

#### 6. MEASURES/PROVISIONS PERTAINING TO SPECIAL LEAVE

##### 6.1 Examinations

Special Leave may be granted to an employee for the day on which he/she sits for any examinations which, in the opinion of the Head of Department or his/her delegate, has the object to better equip the employee concerned for his/her career in the Public Service.

Special Leave equal to the number of days on which the employee sits for an examination, maybe granted to him/her to enable him/her to prepare for the examination.

The above provisions may be applied only once in respect of a re-examination or an examination which an employee failed and which he/she has to repeat.

##### 6.2 Study Leave

An employee may be granted special leave per annual leave cycle for study purposes.

In these instances consideration of each application must be based on merit taking into account the interest of the Department as well as the needs dictated by other policy directives of the Department, such as affirmative action programmes.

This category of special leave may be granted in the following circumstances: -

- Part-time studies and/or studies by means of correspondence when leave is required for essential preparatory work or research work but limited to a maximum of 10 days;
- Research work and/or writing a thesis for a post-graduate qualification and in this regard special leave must be granted with due consideration to the requirements of the educational institution which must be substantiated by documentary proof;
- 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;
- Practical Work required as a prerequisite for registration in a particular profession.

The above provision may be applied once only in cases where an employee does preparatory or research work with a view to writing a re-examination in respect of a course which he/she failed and has to repeat.

### *6.3 Full-Time Study/Practical Work*

This leave is awarded on the basis of demonstrated benefit to the Department and is dependent on the requirement of the study institution/registration requirement of the professional body. Special study leave will be awarded on the basis of the employees proposal which demonstrates value to be gained by the department.

Special leave on this basis will be granted with due consideration to the requirements of the educational institutions/professional body which must be substantiated by documentary proof.

The granting of this leave or any extension thereto is subject to prior approval being obtained from the Head of Department or his/her delegate

### *6.4 Attendance of Classes during Office Hours*

An employee who studies part-time and/or by means of correspondence at a recognised educational institution and who 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 special leave for every eight hours he/she is so released from duty. This may not exceed 60 working days per annual leave cycle. This provision is also applicable to an employee who repeats a course or part thereof.

## 6.4 *Sports Purposes*

Special leave maybe granted to an employee when he/she:-

- is selected by a recognised amateur sports association to –
  - take part in a sports tour outside the Republic ; or
  - represent South Africa at an international sporting event within the republic; or
  - accompany a foreign national team visiting the Republic, as a representative of the South African Sports Association organising the tour.
- serve as a referee, official or judge at an organised amateur sports meeting at international level.
- Special leave may be granted to en employee when he/she is selected by a recognised amateur sports association to take part in sport within the republic at international level or a level between provincial and national level or against an international team.

## 6.5 *Resettlement Due To Transfer*

Two days special leave maybe granted to an employee who is transferred at state expense. One day at the headquarters from he/she is transferred as well as one day at the headquarters to which he/she is transferred. This is to enable an employee to supervise the packing/loading and unloading/unpacking of personal effects.

## 6.6 *Segregation Or Isolation On Medical Grounds*

Special Leave maybe granted to an employee as a result of segregation or isolation on medical instruction where he/she was in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease such as diphtheria, leprosy, meningococcal infection, plague, rabies, typhoid fever, typhus fever, viral hepatitis, yellow fever and crime on Congo hemorrhagic fevers. This is subject to a medical certificate from a registered medical practitioner substantiating the reasons therefore.

## 6.8 *Disabled Personnel*

Special leave may be granted to a disabled employee for the attendance of orientation courses or training courses designed to assist them in handling specific aspects of their disabilities, such as a blind person attending training in guide dog handling and an injured person attending occupational therapy.



#### 6.9 *Natural Disaster*

Special leave may be granted to an employee if the area in which he/she works or normally resides is struck by a natural disaster and it is impossible for the employee to continue with his/her duties at that time.

#### 6.10 *Military Purposes*

Special Leave may be granted to an employee when he/she is required to perform military service.

#### 6.11 *Leave for Office Bearers or Shop Stewards of Recognised Employee Organisations*

Office bearers or shop stewards of recognised employee organisations shall receive up to ten working days paid leave per annual leave cycle for activities related to her/his Union position.

All application must be supported in writing and supported by necessary documentation.

Supervisors are required to keep records of the number of hours used by each eligible employee and for every eight hours leave taken a leave form must be completed and submitted.

#### 6.12 *Absence from Duty which the Employer shall not require and employee to utilize leave*

An employee is not regarded as being absent from duty and therefore shall not utilize leave in the following instances :=

When he/she has to appear as a witness\_

- In a court case
- In a misconduct case
- Before a commission of inquiry appointed by the State
- At an inquest

When he/she has to appear as a defendant or co-defendant in a civil court case arising from his/her official duties;

When he/she attends a course, lecture etc. presented by a State Department or the private sector for which he/she has been given permission to attend by his/her supervisor or manager;

When he/she is required to attend an interview for an advertised post within the Public Service;

When he/she assist or represents an employee or the employer during a disciplinary inquiry or in a conciliation/arbitration hearing;

When he/she as an office bearer, shop steward or member of an employee organization is involved in labour relations issues deemed to be in the interest of the employer such as, dissemination of information, briefing and training;

When he/she is absent from duty-

- As the aggrieved person during an investigation into his/her complaint/grievance.
- As the person charged with misconduct during a disciplinary/misconduct inquiry; and
- As the person utilizing a conciliation/arbitration board.

## **7. General**

All applications for special leave must be supported by applicable documentations.

Applications for leave must be in advance as approval is required prior to the employee going on leave.

# *Policy on Official working hours and working arrangements*

## **1. INTRODUCTION**

- 1.1 The Kwazulu-Natal Department of Education is committed to providing a supportive and flexible working environment for all educators/employees employed in terms of the Employment of Educators Act 1998 and the Public Service Act 1994.
- 1.2 The needs and circumstances of learners, educators/employees including those with disabilities, pregnant women and those with family responsibilities were duly considered.
- 1.3 Working hours and conditions should aim to support effective and efficient service delivery hence the times during which the public and other role players shall have access to departmental offices and places of work must be taken into account when starting and closing times are determined.

## **2. PURPOSE**

The purpose with this policy is to:-

- 2.1 provide provisions and control measures on the normal working hours and working arrangements taking into account the needs and circumstances of educators and employees;
- 2.2 prescribe the opening and closing times applicable to offices/institutions / places of work taking into account the needs of the public and other role players in the context of the service delivery improvement programme of the Department, and
- 2.3 ensure efficient operation of the workplace by regulating the workload for school, college and office based educators (excluding Colleges of Education).

## **3. AUTHORISATION**

- ELRC Resolution 8 of 1998
- ELRC Resolution 01 of 2000
- Agreement No 5 of 1999 of the Provincial Bargaining Chamber of
- the Kwazulu-Natal Provincial Administration
- Chapter A paragraph 3.2 and 3.3 of the PAM
- Chapter 2 of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997)
- Chapter 1, Part VI of the Public Service Regulations, 2001
- Chapter 1, Part VI/B.1. of Public Service Regulations

- Regulation 23 & 24 of the Regulations regarding the terms and conditions of Employment of Educators.

#### **4. SCOPE OF APPLICATION**

4.1 This policy applies to all full time and part time employees/educators in the service of the Department, excluding Educators attached to Colleges of Education as well as Household Aids, Housekeeping Supervisors, Care workers and Security personnel.

#### **5. GENERAL MEASURES**

The hours of attendance during which a full time or part time employee must be present at her or his place of work for duty is prescribed by the Head of the Department or his/her delegate provided that:-

- 5.1 in the case of a full time employee, a minimum of 40 hours of service per week has to be rendered; and
- 5.2 in the case of a part time employee or an educator appointed on a proportional basis, such determination shall be done according to the basis on which such an employee/educator is employed and remunerated in relation to a full time employee/educator and the result thereof represent the minimum hours of service a part time employee/proportionally employed educator has to render.

#### **6. MEASURES APPLICABLE TO FULL TIME EDUCATORS AT SCHOOLS AND TECHNICAL COLLEGES**

6.1 It is only fair to expect of educators, as part of the broader Public Service, to work 1800 hours per annum. Posts in the broader public service are provided for at 1800 actual working hours after allowance for absences such as vacation leave, sick leave and for rest periods. With broad banding educators and Public Service Act staff are remunerated according to the same structure.

6.2 The work done by educators includes the following core duties covered during a formal school/college day (with or without contact with the learners) and outside the formal school/college day.

- a) Scheduled contact hours (teaching time)
- b) Relief teaching
- c) Extra and co-curricular duties
- d) Pastoral duties
- e) Administration
- f) Supervisory and management functions
- g) Professional duties (meetings, workshops, official school/college functions, seminars, conferences, etc.)

- h) Planning, preparation and evaluation
  - i) Professional development
- 6.3 Each post level within a school/college has different duties and responsibilities, encompassing the core duties outlined at 6.2, but to a varying degree.
- 6.4 There should be an equitable distribution of workload between the various post levels and within a post level, to ensure that neither a specific level nor an educator is overburdened.
- 6.5 The expectation is that every educator must be able to account for 1800 actual working hours per annum.

## **7. WORKLOAD PER EDUCATOR**

- 7.1 All educators should be at their school/college during a formal school/college day. A formal school/college day should comprise not fewer than 7 hours, but the Head of an institution:-
- 7.1.1 based on provincial policy; and
  - 7.1.2 provided the 35 hours workweek is adhered to, may make exceptions.
- The 7 hours per day includes the breaks and the periods during which the learners are not at the school/college.
- 7.2 Scheduled contact hours (teaching time) during the formal school/college day will be specified with time allocation per post level. The allocation of subjects, timetable and resultant scheduled contact hours (teaching time) is to be determined by the Head of the institution after consultation with the educator staff.
- 7.3 All other duties are specified and allocated by the Head of the institution after consultation with the educator staff. Educators will be expected to perform the core duties, as outlined at 6.2, both within and outside of the formal school/college day, and with the understanding that none of these may diminish the overall number of scheduled contact hours (teaching time) or negatively impact upon the curriculum.
- 7.4 All educators may be required by the employer to attend programmes for ongoing professional development, up to a maximum of 80 hours per annum. These programmes to be conducted outside the formal school / college day or during the vacations.

The employer shall give at least one term's notice of programmes to be conducted during the school/college vacations.

## **8. SCHEDULED CONTACT HOURS (TEACHING TIME)**

- 8.1 The time allocated for teaching in respect of different post levels will differ.
- 8.2 The allocation of scheduled contact hours (teaching time) should be done in such a manner that it:-
  - a) maximises the individual abilities of all educators; and
  - b) optimises teaching/training and learning at the institutional level.
- 8.3 In determining the scheduled contact hours (teaching time) the measures contained in ELRC Resolution 1 of 2000 in the case of Educators at Technical Colleges and Chapter A paragraph 3 of the PAM in the case of educators at schools, must at all times be adhered to.
- 8.4 The head of each institution is required to maintain an Attendance Register in which an educator shall record the time of his or her arrival at and departure from his or her place of duty.
- 8.5 All visits to Regional Offices must be done after contact hours with the prior approval of the District Manager.

## **9. MEASURES APPLICABLE TO OFFICE BASED EDUCATORS AND EMPLOYEES**

- 9.1 All full time educators/employees are required to be on continuous duty on each working day for a minimum period of eight hours and a minimum of forty hours per week excluding meal intervals.
- 9.2 Part time employees and educators appointed on a proportional basis will work the number of hours per day and per week as specified in their employment contracts.
- 9.3 Educators/employees may commence their working day at 15 minutes intervals between 07:00 to 08:30 and end their working day in the same way between 15:30 and 17:00. An official meal interval of 60 minutes after five hours of work is allowed but this can be reduced to a minimum of 30 minutes by a written agreement. Any such extra time can be taken by either starting later or ending work earlier for the purpose of complying with the minimum of eight hours to be worked per day.
- 9.4 The head of each institution is required to maintain an Attendance Register in which an employee shall record the time of his or her arrival at and departure from his or her place of duty.
- 9.5 In determining whether components/offices may utilise flexi-time the needs of the public regarding opening and closing times of places of work must be taken

into account together with the Department's service delivery improvement programme.

- 9.6 Arrangements regarding flexi-time must be finalised by way of written mutual agreement between the manager/supervisor and the staff member reporting to him/her, with due regard to integrated functions as well as staff rotation where applicable. Such agreements are applicable until they are altered by way of a new agreement. Record must be kept by each component for each employee's preferred working hours. It must however be noted that permission to an educator/employee to work flexi-time is a privilege granted and the Head of the Department or his/her delegate is entitled to withdraw or change it.
- 9.7 Two tea intervals of 15 minutes each may be granted in a working day. The starting and finishing times of the tea intervals may be anytime between 09:30 to 10:30, and 14:30 to 15:30.
- 9.8 Teatime takes place in the time of the employer.
- 9.8 No educator/employee may be absent during normal working hours without obtaining prior approval from her/his head of the office / manager / supervisor. (Such approval may only be granted to attend to urgent private business).

## **10. MONITORING, EVALUATION AND REPORTING**

The responsibility of line managers and supervisors is to ensure that the provisions of this policy are strictly adhered to.

# *Policy on Leave*

## **1. INTRODUCTION**

An agreement on Remunerative Allowances and Benefits (Resolution No. 7 of 2000) was signed in the Public Service Co-ordinating Bargaining Council (PSCBC) which, inter alia, provides for a new leave dispensation for the Public Service.

The new leave dispensation replaces all previous leave dispensation.

The revised provisions require the Department to implement administrative mechanism to effectively manage leave within the organization, determine procedures and measures in keeping with service delivery needs on how employees will be permitted to utilize their “capped” leave accrued prior to 1 July 2000 as well as to adopt a policy on Special Leave.

## **2. PURPOSE**

The purpose of this policy is to regulate an employee’s absence from duty within the framework and measures as set out in this policy.

## **3. AUTHORISATION**

Section 28 of the Public Service Act, 1994 (Act 103 of 1994) as amended.

Chapter 1, Part V/F of the Public Service Regulations, 2001.

Paragraph 7 of Resolution no. 7 of 2001 of the PSCBC

Department of Public Service and Administration circular E1/2/2/P dated 30 November 2000 i.e. “A Directive on leave of absence in the Public Service.

## **4. SCOPE OF APPLICATION**

This policy is only applicable to employees employed in the service of the Department in terms of the Public Service Act, 1994 (Act 103 of 1994) as amended.

A separate policy will be issued in due course for employees employed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998) as amended.

## **5. MEASURES AND PROVISIONS**

### **5.1 Annual Leave**

#### **(a) Office Based Public Service Employees**

1. It is the responsibility of each employee to ensure that prior approval is obtained before proceeding on leave. Proceeding on leave without prior



approval will be deemed to be unauthorized and covered by the granting of leave without pay apart from any disciplinary action that may be instituted.

2. This category of employees will accrue 22 working days leave with full pay per annual leave cycle i.e. from 1 January to 31 December of each year except for employees appointed after 1 January of each year and casual employees. An employee's pro-rata annual leave entitlement will only be in respect of the full calendar month that the employee served in that year. For example, an employee appointed on 12 March will only be entitled to pro rata leave with effect from 1 April. After completion of 10 year uninterrupted service, the leave entitlement will increase to 26 working days with full pay per annual leave cycle.
3. For every 15 consecutive days' leave taken without pay, the employee's annual leave entitlement shall be reduced by one-twelfth. In this regard it must be noted that the reduction is in respect of annual leave entitlement and not in respect of a month's entitlement. It follows therefore that if an employee is on unpaid leave from 19 March 2001 to 2 April 2001 (15 days) the employee's leave entitlement must be reduced by one-twelfth.
4. The contract in respect of temporary employees must make provision for leave entitlement that are in line with the provisions of the leave directives. It should, however, be noted that temporary employees' leave entitlements should be calculated on a pro rata basis.
5. At least 10 working days must be taken as leave days during the annual leave cycle and this is a compulsory requirement. Annual leave should, as far as possible, be taken as consecutive working days.
6. The remaining leave days, if any, must be taken by no later than 6 months after the expiry of the relevant leave cycle (30 June of the year following the leave cycle), where after, unused leave credits shall be forfeited.
7. It is the responsibility of the supervisor to ensure that all employees under his/her control utilize their leave entitlement in terms of the annual leave measures prescribed herein.
8. The supervisor shall not unreasonably refuse to grant leave to supervisees who apply for leave and in this regard it must be noted that it is not the intention of the Department to pay out any leave days whatsoever and that all attempts must be made to grant leave applied for in term of the entitlement. The refusal of leave must be based only on service delivery requirements.
9. In instances where the supervisor is unable to grant the leave applied for due to service delivery requirements, the supervisor after consultation with the supervisee must endeavor to reschedule his/her leave taking within the

prescribed 18-month period and this must be conveyed to the supervisee in writing by the supervisor.

10. In instances where it is not possible to reschedule or grant the leave within the prescribed 18-month period, the supervisor must submit the application together with reasons substantiating the refusal of the leave to the Head of Department or his/her delegate for a decision. Should it be decided that the leave cannot be granted, such a decision together with reasons must be conveyed in writing to the supervisee concerned.
11. If, due to the employer's service delivery requirements an employee's application for leave is denied and not rescheduled, such leave will upon request, be paid out to the employee at the end of the prescribed 18-month period. The employee's requests for payment of unused leave credits must be:
  - (a) in writing; and
  - (b) accompanied by written proof of refusal of leave by the Head of Department or his/her delegate.
12. The cash value in respect of unused annual leave credits shall be payable at termination of service. For purposes of leave payouts, employees shall be paid a maximum of 22 days.
13. Heads of Department must, at the end of the relevant 18 month's period, report to the relevant legislature on the number of employees denied annual leave, reasons for such denial and the amount paid in this regard.

**b) Institution Based Public Service Employees**

14. The provisions contained hereunder applies to employees -
  - (a) in Educational or Training Institutions who have no duties when the institution closes for holidays,
  - (b) who remain on duty for part of the time when institution closes for holidays
15. This category of employees will accrue 10 working days leave plus 50% of the working days that the employee is required to work during an institutional holiday period up to a total maximum of 27 working days with full pay per annual leave cycle i.e. 1 January to 31 December of each year. The additional leave accrual will be granted provided prior written approval is obtained from the relevant Regional Senior Manager to perform duties during school holidays. Such approval will only be granted in exceptional circumstances and for justifiable reasons.

16. Temporary employees on fixed contract shall be granted annual leave that is proportional to their term of employment at a rate of one twelfth of the applicable annual leave entitlement. For each 15 consecutive days leave taken without pay, the employee's annual leave entitlement shall be reduced by one twelfth.
17. Employees who are appointed after the commencement of the annual leave will only accrue leave on a pro-rata basis determined from the first day of the month. If the employee is appointed after the first day of the month, the leave accrual will be determined as from the first day of the month following the month in which they were appointed.
18. The annual leave entitlement should as far as possible be taken as leave days during the annual leave cycle. Should this not be possible due to service delivery requirements, the remaining leave days, if any, must be taken by no later than 6 months after the expiry of the relevant leave cycle (30 June of the year following the leave cycle), whereafter, unused leave credits shall be forfeited.
19. It is the responsibility of the Head of the Institution to ensure that all employees under his/ her control utilize their leave entitlement in terms of the annual leave measures prescribed herein.
20. The Head of the institution shall not unreasonably refuse to grant leave to supervisees who apply for leave and in this regard it must be noted that it is not the intention of the Department to pay out any leave days whatsoever and that all attempts must be made to grant leave applied for in term of the entitlement. The refusal of leave must be based only on service delivery requirements.
21. In instances where the Head of Institution is unable to grant the leave applied for due to service delivery requirements, the Head of Institution after consultation with the supervisee must endeavor to reschedule his/her leave taking within the prescribed 18-month period and this must be conveyed to the supervisee in writing by the Head of Institution.
22. In instances where it is not possible to reschedule or grant the leave within the prescribed 18-month period, the Head of the Institution must submit the application together with reasons substantiating the refusal of the leave to the relevant Regional Office via the proper channels of communication. The Head of the Leave Section must consider the application and furnish his recommendation before forwarding to the Head of Department or his/her delegate for a decision. Should it be decided that the leave cannot be granted, such a decision together with reasons must be conveyed in writing to the applicant concerned, via the proper channels of communication.

23. If, due to the employer's service delivery requirements an employee's application for leave is denied and not rescheduled, such leave will upon request, be paid out to the employee at the end of the prescribed 18-month period. The employee's requests for payment of unused leave credits must be:
  - (a) in writing; and
  - (b) accompanied by written proof of refusal of leave by the Head of Department or his/her delegate.
24. The cash value in respect of unused annual leave credits shall be payable at termination of service. For purposes of leave payouts, employees shall be paid a maximum of 22 days.
25. Heads of Department must, at the end of the relevant 18 month's period, report to the relevant legislature on the number of employees denied annual leave, reasons for such denial and the amount paid in this regard.

## **5.2 Normal Sick Leave**

1. All employees are entitled to 36 working days sick leave with full pay over a three-year cycle irrespective of their date of appointment. Unused sick leave shall lapse at the expiry of the three-year cycle. The current sick leave cycle commences on 1 January 2001.
2. Sick leave may also be granted in respect of periods where an employee must be quarantined or isolate for at least 10 consecutive days. However, in the event of the employee concerned being exposed to an environment that is regarded as an health risk, such employee's absence must be covered by the granting of special leave and not sick leave.
3. If an employee is unable to report for duty due to sudden illness, she or he must immediately notify her/ his supervisor of her or his inability to report for duty.
4. Employees who apply for three or more consecutive sick leave days must submit a certificate from a registered and recognized medical practitioner as defined by the Health Professionals' Council of South Africa, citing the reason and duration of absence. Certificates from herbalists and traditional healers are not acceptable unless they are registered with the Health Professionals' Council.
5. In instances where a pattern in the utilization of sick leave has been established, a certificate may be required for absences of less than three working days.

6. If an employee proceeds on sick leave on Friday and the following Monday, the sick leave will be computed as two working days provided it is with full pay. However, if unpaid leave is to be granted, it would be computed as four days.
7. Sick leave during period of notice of termination of service may be granted provided a medical certificate covering the period of absence, irrespective of the number of days, is submitted.
8. For every 15 consecutive days leave taken without pay, an employee's sick leave entitlement shall be reduced by 1/36th per sick leave cycle.
9. If an employee falls ill whilst on annual leave with full pay, such leave may be converted to sick leave provided that a certificate from a registered medical practitioner is submitted to substantiate the indisposition.

### 5.3 Temporary Disability

1. An employee who has exhausted his/her sick leave credit in a three year cycle and who, according to the relevant medical practitioner, requires to be absent due to disability that is not permanent, may, at the discretion of the Head of Department or his/her delegate be granted additional sick leave on full pay, in the event of a serious illness.
2. Such a condition must be certified in advance by the medical practitioner as a temporary disability except where conditions do not permit.
3. The Head of Department or his/her delegate may request that an employee obtain a second opinion before granting approval for the additional sick leave. The cost for the subsequent medical examination must be met from the Departmental budget.
4. Applications for Temporary Disability Leave should be supported by strong medical evidence and which may a medical report from a specialist/ physician clearing indicating the nature, severity, symptoms as well as prognosis for the future of the illness. Written evidence of hospitalization may also be submitted. An indication of the expected period of sick leave required for the purpose of recovery must also be furnished.
5. A maximum of 30 consecutive working days sick leave with full pay may be granted provided that during this period an investigation into the nature and extent of the disability is conducted.

This investigation must be conducted in accordance with the provisions of paragraph 10(1) of Schedule 8 of the Labour Relations Act, 1995 as amended. Following the investigation the Head of Department, or his/her delegate may :

- Extend the temporary disability leave that may be necessary; or

- With reasonable cause regard the disability as a permanent disability and deal with the matter according to the measures applicable to employees with such disability.
6. Should the HOD or his/her delegate be satisfied from the available medical evidence as to the nature and extent of the disability, he/she may :
- grant or extend temporary disability leave.
  - decide that the matter must be handled according to the measures applicable to employees with a permanent disability.

The Head of Department or his/her delegate may also, without further investigation but subject to appropriate medical evidence approve subsequent applications for temporary disability leave in respect of absences related to any serious illnesses or disability that an employee is known to have (e.g. cardiological, cancer or vertebral illnesses).

7. In instances where the employee utilized the 36 days normal sick leave entitlement due to a serious illness and such an employee contracts a less serious illness, eg. Flu, the granting of sick leave to such an employee must be considered on its own merit and with due regard to that employee's trend of utilizing sick leave. However, the granting of such additional sick leave must not exceed the number of days sick leave granted for a serious illness and must be restricted to a maximum of 36 days within the sick leave cycle.
8. If employees are of the opinion that they have been unfairly treated with regard to their application for additional sick leave, they have the right to follow the grievance procedure and the relevant dispute resolution procedures in order to settle the matter.

#### **5.4 Permanent Disability**

1. Employees whose degree of disability has been certified by a registered medical practitioner, as permanent must, with the approval of the Head of Department or his/her delegate, be granted a maximum of 30 working days paid sick leave or such additional number of days required by the employer to finalise the feasibility of:
  - 1.1 Alternative employment; or
  - 1.2 Adapting duties or work circumstances to accommodate the employee
2. An employee, whose degree of disability has been certified as permanent but who can still render a service, may be redeployed horizontally with retention of his or her benefits.

3. If the redeployment necessitates reallocation to a job of a lower grading, such should be explained well in advance and the continued utilization of such an employee should, in this regard, be with her or his consent
4. In instances where the employee's redeployment entail retraining or retooling, the employer shall take requisite resources (time and financial) and potential returns into consideration before approving redeployment.
5. The redeployment of an employee's services should ensure the optimal utilization of her or his competencies and should not compromise service delivery.
6. If the employer or the employee is convinced that the e employee will never be able to render an effective service at her or his level or rank, the employee may proceed with an application for termination of service due to ill health in terms of the Government Employees Pension Law of 1996 or the employer may initiate the procedures in terms of the PSCBC Resolution 12 of 1999 (Incapacity Code and Procedures in respect of ill health).

#### **5.5 Leave For Occupational Injuries And Diseases**

1. Employees who, as a result of their work suffer occupational injuries or contract occupational diseases, shall be granted occupational injury and diseases leave for the duration of the period that they cannot work provided that the employee:
  - (a) Submits to her/ his supervisor medical certificates as well as the duly completed medical forms as prescribed in the Occupational Injuries and Diseases Act of 1993;
  - (b) Undertakes to apply for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 so as to, as far as possible recompensate him/her for the cost arising from the accident.
2. If an employee suffers a work-related injury as a result of an accident involving a third party, the head of Department or his/her delegate shall grant her/him occupational injury leave provided that the employee:
  - (a) Submits to her/his supervisor medical certificates as well as the duly completed medical forms as prescribed in the Occupational Injuries and Diseases Act, 1993.
  - (b) Brings a claim for compensation against the third party.
  - (c) Undertakes to apply for compensation in terms of the Compensation for Occupational Injuries and Diseases Act 1993 so as to, as far as possible, recompensate him/ her for the cost arising from the accident.

3. The supervisor shall take reasonable steps to assist an employee to claim compensation as set out in 1(b) and 2(c) above.

## **5.6 Maternity Leave**

1. Employees are entitled to 4 consecutive calendar month's maternity leave to commence:
  - (a) at least four weeks before the expected date of birth; or
  - (b) at least two weeks before the expected date of delivery provided that the employee concerned furnishes a certificate from the attending practitioner that identifies the employer in the event of complications or any undesirable incidents and such a certificate must clearly state that the employee concerned is fit enough to work until the last two weeks before the expected date of delivery; or
  - (c) on an earlier date certified by the attending practitioner as necessary for the employee's health or that of the unborn child.
2. For at least six weeks after the birth, no employee may commence with normal official duty unless the attending practitioner certifies that the employee is fit to do so.
3. Maternity leave may not be interrupted with any other type of leave. However, maternity leave may be extended upon application by:
  - (a) the granting of sick leave as a result of a medical complication;
  - (b) the granting of up to 184 calendar days unpaid leave; or
  - (c) the granting of annual leave.
4. Employees who, during the third trimester of their pregnancy, experience a miscarriage, still birth or termination of the pregnancy on medical grounds, shall be eligible for six consecutive week's maternity leave commencing on the date of termination, where after, 3(a) shall apply in the event of a medical complication. Miscarriage, still birth or termination of pregnancy on medical grounds during the first two trimesters of the pregnancy must be regarded as normal sick leave.
5. Provision in 4 above shall also apply to an employee who experiences a miscarriage, stillbirth or termination of pregnancy on medical grounds after the commencement of maternity leave. The period prior to the miscarriage, stillbirth or termination of pregnancy shall be regarded as special leave with full pay.
6. In terms of the Basic Conditions of Employment Act, 1997 employees are not allowed to return to work for at least six weeks after the birth of a child. In this regard an employee's whose child passed away a few days after birth, such an employee must be granted 6 weeks maternity leave similar to employees who



experience still birth, miscarriage or termination of pregnancy on medical grounds during the third trimester of their pregnancy.

### **5.7 Adoption Leave**

1. An employee who adopts a child that is younger than two years, shall qualify for adoption leave to a maximum of 45 working days. This period of leave may be extended by :
  - granting of additional 184 calendar days unpaid leave; or
  - granting of annual leave.
2. If both spouses or life partners are employed in the Public Service, both partners will qualify for adoption leave provided that:
  - (a) the employee submits to his /her supervisor written proof of the number of days of adoption leave taken by his/her spouse/ life partner; and
  - (b) the combined leave taken does not exceed the 45 working days mentioned in (1) above.
3. The adoption leave must commence no later than the date on which the child is brought home.
4. Disciplinary action shall be instituted against employees who submit incorrect information regarding 2( a) above

### **5.8 Family Responsibility**

1. Employees shall be granted 3 days leave per annual leave cycle for utilization if:
  - (a) The employee's spouse or life partner gives birth to a child; or
  - (b) The employee's child, spouse or life partner is sick.
2. Employees shall be granted 5 days leave per annual leave cycle for utilization if:
  - (a) The employee's child or life partner dies; or
  - (b) An employee's immediate family member dies.
3. The number of family responsibility leave days taken according to 1 and 2 above shall not exceed five days in an annual leave cycle.
4. Employees who have used all their family responsibility leave may, subject to the approval of the Head of Department, apply to:
  - (a) Use available annual leave; or Use up to 184 calendar days of unpaid leave.
5. A written statement or letter containing reasons must accompany the application for family responsibility leave.

6. In terms of the Basic Conditions of Employment Act, 1997, immediate family is limited to an employee's parents, adoptive parents, grand parents, children, adopted children; grand children or siblings. In granting this type of leave special circumstances including cultural responsibilities must be taken into consideration.

## **5.9 Special Leave**

The provisions as set out in the policy on special leave are applicable.

## **5.10 Unpaid Leave**

1. If an employee has utilized all her or his annual leave with full pay, the Head of Department or his/her delegate may grant her or him unpaid leave. Only in exceptional circumstances shall the Head of Department grant the employee more than 184 calendar days of unpaid leave in a period of 18 months.
2. Employees must ensure that prior approval is obtained before proceeding on unpaid leave.
3. An employee shall utilize unpaid leave for absences from work due to:
  - (a) Arrest, imprisonment or appearance in court on a criminal charge that leads to a conviction; or
  - (b) A criminal sentence.
4. Heads of Department or his/her delegate shall ensure that the internal disciplinary procedures are not dependent on external processes, e.g. Criminal Justice processes/ procedures.

## **5.11. Nomination of Beneficiaries and Leave Payouts**

1. Employees may designate one or more beneficiaries to whom their leave payout may be paid in the event of their death.
2. If the employee dies and has not designated a beneficiary, the leave payout will be made in full to :
  - the spouse/life partner;
  - if there is no spouse/life partner, in equal shares for the benefit of minor or other children (including legally adopted children), who were fully dependent on the deceased employee;
  - to the employee's estate in the absence of any children.

## **5.12 Annual Leave with Full Pay Granted in Excess**

1. An employee may not be granted annual leave with full pay in excess of that which the employee is entitled to in terms of their leave entitlement plus capped leave in respect of employees who were in service prior to 1 July 2000.
2. If an employee who has been granted annual leave on full pay in excess of his/her accrual due to a bona fide error, the number of days over granted must be deducted from his/her subsequent leave cycle.
3. If an employee who has been over granted leave with full pay exits the Department, that portion of the over grant which exceeds her or his normal annual leave credit on the last day of duty must be regarded as overpayment that must be recovered from the employee.

### **5.13 Leave for Casual Employees**

#### **a) Annual Leave**

1. With effect from 1 June 2000 casual employees are entitled to one day's annual leave for every seventeen (17) days worked. Casual employees appointed on a hourly basis are entitled to one hour's leave for every seventeen hours worked.
2. Casual employees may only take annual leave once they have the leave to their credit. An aggregate of 8 hours of service will constitute one working day.
3. If an employee has utilized all her or his annual leave credits, he or she may be granted unpaid leave up to a maximum of 10 days.
4. Employees who have been in employment for longer than four (4) months are entitled to payment in respect of any unused annual leave credits in an annual leave cycle in the event of the termination of their services.

#### **b) Sick Leave**

1. Casual employees shall be entitled to one (1) day sick leave for every completed month of employment. An aggregate of eight (8) hours of service will constitute a day and thirty (30) days will constitute a month.
2. The Head of Department or his/her delegate may grant sick leave without pay.

#### **c) Maternity Leave**

1. Casual employees are entitled to a maximum of four (4) consecutive months of unpaid maternity leave during their contract period.
2. The employer shall assist the casual employee in accessing the benefits payable in terms of the Unemployment Insurance Fund Act.

**d) Family Responsibility Leave**

1. Casual employees shall, during an annual leave cycle, be granted a maximum of three days family responsibility leave for utilization if the employee's :

- spouse or life partner gives birth to a child; or
- dependent child, spouse, life partner is sick; or
- child, spouse or life partner dies
- immediate family member dies.

**e) Other**

The following benefits shall also apply to casual employees:

- Nomination of beneficiaries and leave payouts;
- Annual leave with full pay granted in excess in terms of the applicable conditions.
- Unpaid leave;
- General provisions

**5.14 Measures Applicable To Capped Leave**

- Employees, who in terms of the dispensation applicable prior to 1 July 2000, have earned leave accruals in terms of that dispensation, shall retain the same.
- The number of days due to an employee as at 30 June 2000 will be audited and capped by the relevant Personnel Component.
- Where there are no records an investigation will be conducted to determine whether there are periods, which are audited as opposed to periods which are unaudited. Should there be periods which are unaudited and periods which are audited, the leave accrual will be determined on the basis of six days per completed year of service up to 100 days of unaudited leave plus the value of the audited leave.
- The capped number of days leave will be converted to working days in accordance with the following formula:  
$$\frac{A \times 5}{7}$$
Where: A = number of audited leave credits.
- Capped leave as at 30 June 2000 can be utilized only after the annual leave entitlement for the applicable leave cycle has been exhausted.

- Should an employee apply for leave in excess of his/her annual leave entitlement, such excess days shall automatically be debited against the capped leave provided that, the approval of the relevant manager is obtained for the utilization of capped leave in excess of 20 days within an annual leave cycle
- Capped leave will be paid only under the following circumstances:
  - death
  - retirement; or
  - medical boarding

## 6. GENERAL PROVISIONS

1. Except in exceptional circumstances, employee may not stay away from her or his place of duty unless an application for leave of absence has been lodged in writing and he/she has been informed by the Supervisor that the application has been approved. The form prescribed as Annexure A must be used for this purpose.
2. Heads of Institution/ Supervisors must ensure that leave forms are submitted for all absences from duty and all outstanding leave forms are followed up and forwarded to the relevant personnel component
3. Each Head of Institution/ Supervisor must ensure that a leave file is maintained and accurate record kept of leave taken by staff under their control.
4. It is the responsibility of each Supervisor/ Head of Institution to issue a written communication advising staff under their control of the number of unused annual vacation leaves which has to be utilized within the prescribed period.
5. Service delivery requirements of the Department will take precedence in considering application for leave.
6. Disciplinary action will be taken against any official who fails to comply with the provisions contained in this policy document.

# *Policy on Remunerative Work Outside Employment*

## 1. INTRODUCTION

- 1.1 The Public Service Act, 1994 as well as the Employment of Educators Act, 1998, inter alia stipulates that employees/educators shall place the whole of their time at

the disposal of the employer unless it is otherwise provided for in their conditions of employment.

- 1.2 Furthermore, the Public Service Act, 1994 and the Regulations Regarding the Terms and Conditions of Employment of Educators stipulate that any remuneration, allowance or other reward received by an employee/educator, other than in accordance with their employment in terms of the relevant act or regulations, shall be paid into revenue, and if employee/educator does not do so, shall be recovered in accordance with Section 31 of the Public Service Act, 1994 (employees) or Regulation 14 (Regulations regarding the terms and conditions of educators from him/her and paid into revenue.
- 1.3 In instances where remunerative work is performed for which no prior approval has been obtained no ex post facto approval may be granted and in such instances paragraph 1.2 will apply.

## **2. PURPOSE**

- 2.1 To provide measures/guidelines to be utilized in considering applications to perform remunerative work outside an employee's/educator's employment.

## **3. AUTHORISATION**

The mandate for this policy is found in the following prescripts:

- 3.1 Section 30 and 31 of the Public Service Act, 1994 as amended.
- 3.2 Section 33 of the Employment of Educators, 1998
- 3.3 Chapter 2 of the Public Service Regulations, 2001
- 3.4 Regulation 14 of the Regulations Regarding the Terms and Conditions of Employment of Educators.

## **4. RESPONSIBILITIES**

- 1.1 It is the responsibility of every employee/educator to obtain prior approval for remunerative work outside his/her employment.
- 1.2 The authority to approve remunerative work rests with the MEC for Education and Culture (or his/her delegate) in respect of employees and the Head of Department in respect of educators.

## **4. SCOPE OF APPLICATION**

The provisions of this policy shall apply to all educators/employees in the KwaZulu-Natal Department of Education and Culture employed in terms of the Employment of Educators Act 1998 and the Public Service Act 1994, respectively.

## **5. MEASURES/PROVISIONS PERTAINING TO REQUESTS**

## **5.1 General Measures**

- 5.1.1 Each application to remunerative work outside employment is considered with due regard to-
- 5.1.2 the staff position and the state of work in the office/section/institution in which the employee/educator is employed;
- 5.1.3 the possibility that the nature and extent of the work in relation to the employee's/educator's normal duties may lead to a conflict of interests.
- 5.1.4 The principles of Batho Pele.
- 5.1.5 In instances where remunerative work is performed for which no prior approval has been obtained no ex post facto approval may be granted and in such instances paragraph 1.2 will apply.

## **5.2 Conditions**

The following conditions must be strictly adhered to when considering applications to perform remunerative work outside employment.

- 5.2.1 The initial remunerative work to be undertaken by the employee/educator should in no way hampers him/her in the performance of his/her official duties.
- 5.2.2 Subject to the provisions contained in subparagraph 6.3, the work should be performed entirely outside the prescribed hours of attendance (work).
- 5.2.3 The work should not be of such a nature that the Public Service (employer) or the Government may be embarrassed in any way.

## **5.3 Remunerative Work During Official Hours**

Notwithstanding the stipulation in subparagraph 6.2.2, an employee/educator may be authorized to perform remunerative work outside his/her employment in respect of periods for which study leave has been granted in order to perform practical work or practice teaching in an office, institution or educational institution of a government department.

Applications in this regard are considered with due regard to-

- 5.3.1 the general availability of other suitable persons outside the Public Service to undertake the work to be performed;
- 5.3.2 the special qualifications, skills or abilities that the employee/educator possesses and which will make it either difficult or impossible to find someone else outside the Public Service to perform the work;
- 5.3.3 the nature and extent of the work;

- 5.3.4 the nature and extent of the remuneration;
- 5.3.5 the duration of the intended remunerative work;
- 5.3.6 the specific times of absences during official hours;
- 5.3.7 the impact of absences on the other (remaining) staff; and
- 5.3.8 the possibility that the employee/educator rather be seconded to the relevant institution and that he/she not be remunerated by the relevant institution, in which case the relevant institution shall compensate the Department for the employee's/educator's services.

## **6. PROCEDURE PERTAINING TO APPLICATIONS**

The prescribed application form (Annexure A) as well as the prescribed undertaking (Annexure B) must be completed in respect of all requests for remunerative work outside employment.

## **7. MONITORING**

The Human Resource Component should on a continuous basis monitor and evaluate the provisions contained in this policy with the actual position as reflected in applications as well as in respect of problem areas that may arise after approval, in order to identify needs which could necessitate a revision of these provisions.

# *Policy on Subsistence Allowance and incidental expenses whilst on official journeys*

## **1. INTRODUCTION**

1.1 Public Service Regulations Chapter 1 Part V/E1, requires the Minister for Public Service and Administration to determine service benefits, compensation practices, work facility practices and allowances for employees through the collective bargaining process.



- 1.2 Subsistence allowance (expenditure) is listed in Chapter I of the PAM as one of the measures not administered by the Minister of Education, which applies mutatis mutandis to educators as they apply to other employees of the state.
- 1.3 A collective agreement for reimbursing educators/employees who are required to incur expenditure on accommodation whilst on official journeys has been reached in Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 3 of 1999.
- 1.4 The aim of the subsistence allowance and reimbursement of incidental expenses is not to:
  - Enable an educator/employee to entertain;
  - Compensate an educator/employee for any discomfort; and/or
  - Supplement an educator's/employee's salary.
- 1.5 With due consideration to fairness and reasonableness, as well as practicality, subsistence allowance must be cost-efficient and economically justifiable.

## **2. DEFINITIONS AND TERMINOLOGY**

For the purpose of this policy:

- 2.1 "subsistence allowance" means the expenditure in respect of accommodation, meals (including non-alcoholic beverages with meals), dry cleaning and laundering;
- 2.2 "daily allowance" means the expenditure in respect of tips for table and room service, reading matter, private telephone calls and liquid refreshments which do not form part of meals;
- 2.3 "official duty" means official absence from headquarters as authorised by the department;
- 2.4 "headquarters" means the city, town, institution, or place where the principal duties of an educator/employee has to be performed or which may be indicated as his/her location on her/his job description; and
- 2.5 "PSCBC" means the Public Service Co-ordinating Bargaining Council.
- 2.6 "Responsibility Manager" refers to the official who has been formerly appointed to monitor and control the budget allocated to the relevant component.

## **3. PURPOSE**

The purpose of this policy is to provide measures with regard to the reasonable expenditure including incidental expenses that may be claimed by an educator/employee during periods when s/he is away from her/his headquarters on an official journey.

#### **4. AUTHORISATION**

- 4.1 PSCBC Resolution No. 3 of 1999.
- 4.2 Public Service Regulation Chapter1, Part V/E1.
- 4.3 Regulation 71 of the Regulations regarding the terms and conditions of employment of Educators.
- 4.4 Agreement No.4 of 1999 of the Provincial Bargaining Chamber of the KwaZulu-Natal Provincial Administration.

#### **5. SCOPE OF APPLICATION**

- 5.1 The provisions of this policy shall apply to all educators/employees in the KwaZulu-Natal Department of Education and Culture employed in terms of the Employment of Educators Act, 76 of 1998, as amended, and the Public Service Act, 103 of 1994, as amended.
- 5.2 This policy shall not apply to an employee/educator who receives compensation under agreements applicable to camping staff or sessional employees.
- 5.3 If an educator/employee, without prior approval, incurs expenditure during an official journey which is not provided for in this policy, the Department may compensate such educator/employee for none or only part of her/his expenses.

#### **6. MEASURES AND PROVISIONS**

##### **6.1 Compensation During an Official Journey Less Than 24 Hours**

- 6.1.1. A set boundary of 50 kilometres from headquarters (one way) must be exceeded prior to any subsistence and travelling claim being reimbursed.
- 6.1.2 The actual expenditure may be claimed in respect of meals, provided this is reasonable. The cost of alcoholic beverages will not be reimbursed. All claims must be supported by the submission of a receipt and the maximum amount claimable in respect of meals is limited to the following:

- Breakfast: R25.00
- Lunch/Dinner: R50.00

6.1.3 An educator/employee may also claim expenditure for two teas/beverages (excluding alcohol) per day. This is limited to R3.50 per tea/beverage.

6.1.4 Whether an educator/employee qualifies for the reimbursement of such meals and teas in accordance with subparagraph 6.1, will depend upon the times of departure and return and the reasonableness of the claim. Refer to “Procedures and Conditions Relating To Claims”, for clarity on times if required.

6.1.5 Educators/employees may also be reimbursed for those costs in respect of parking and toll fees as well as official phone calls as follows:

- 6.1.5.1 Parking/Bus/Taxi Fares/Toll Fees/ - provided proof is supplied.
- Official Phone Calls - provided proof is supplied or a written statement justifying the official call(s).

It is reiterated that an educator/employee who attends a meeting/seminar/workshop where catering is provided, is not entitled to submit claims for meals/tea/beverage.

## **6.2 Compensation For Accommodation During An Official Journey Lasting 24 Hours Or Longer**

6.1.1 A set boundary of 100 kilometers from headquarters (one way) must be exceeded prior to any subsistence and traveling claim is considered.

6.2.2 The reasonable actual expenditure on accommodation plus daily allowance of R47.00 or an allowance of R154.00 per day (in the case of own accommodation), may be claimed.

6.2.3 Actual expenditure may also be claimed in respect of meals, provided they are not included in hotel expenses and are supported by proof. The cost of alcoholic beverages will not be reimbursed. Notwithstanding the above, that is, submission of a receipt, the maximum amounts claimable for meals tea(s)/beverage(s) will be those mentioned in paragraph 6.1.2. and 6.1.3.

In addition to meals, an educator/employee may claim for the following:

### **6.2 Hotel Expenses**

Provided the most economical hotel is used and proof of the expenditure is supplied. Where daily rates exceeds R450.00 (for hotel accommodation only), the educator/employee must obtain prior written approval from the Responsibility Manager to utilise such accommodation. The motivation as to why this limit had to

be exceeded as well as the approval therefore must be attached to the subsistence claim.

Notwithstanding the above, an educator/employee may not claim in circumstances where s/he has state subsidized dwelling within a 50km radius of her/his official destination.

### **6.3 Laundry**

Excluding dry-cleaning, may only claimed where the trip exceeds 5 continuous days and the amount claimed must be supported by proof. This amount is however limited to a maximum of R90.00 per week.

### **6.4 Parking/Bus Fares/Taxi Fares/Toll Fees**

Provided proof is supplied.

### **6.5 Official Phone Call(s)**

Provided proof is supplied or a written statement justifying the official call(s), is submitted.

## **7 COMPENSATION FOR TRAVEL AND SUBSISTENCE EXPENSES FOR EDUCATORS WHO PERFORM DUTIES IN RESPECT OF PUBLIC EXAMINATIONS**

The measures with regard to traveling and subsistence expenses applicable to educators who perform duties in respect of public examinations are contained in Chapter E, paragraph 3 of the PAM.

## **8 PROCEDURES AND CONDITIONS RELATING TO CLAIMS**

The following requirements must be met when submitting claims for reimbursement of expenditure:

8.1 The nature of the journey must be clearly indicated together with the date, the departure and arrival times and the official's annual salary.

8.2 The claimant must sign the claim before submitting it to her/his supervisor or an official designated to check and/or certify the correctness of the payment/reimbursement. The claimant must also keep a copy of the claim and receipts until such time that s/he is reimbursed.

8.3 The designated officer must ensure that the times quoted on meal vouchers are relevant to the amount being claimed, for example, when an official claims for the reimbursement of lunch and the time indicated on the slip is 18h15, this cannot be

accepted. The date(s) on the slip(s) must correspond with the day(s) on which the official journey was undertaken. Furthermore, where officials are traveling over meal periods, purely to be able to claim the meal allowance, this too must be controlled and prevented.

- 8.4 It should be noted that where an official is required to represent the department at a meeting, for example, on Monday at 10H00, traveling arrangements must, wherever possible, be made to coincide with the meeting. When official(s) wish to travel on the Sunday prior to a meeting, this should only be considered under exceptional circumstances, in which case, the necessary motivation and the Responsibility Manager's approval must be attached to the claim.
- 8.5 Whether an official qualifies for reimbursement as indicated in paragraph 6.1 will depend upon the reasonableness of the claim as well as the times of departure and return. In this regard, if an official leaves her/his headquarters before 06H00, s/he may claim breakfast and if s/he returns after 19H00 s/he may claim supper.
- 8.6 It is the responsibility of the official certifying the subsistence claim to ensure that the amounts being claimed are reasonable and within the determined limits. Where deviations are detected, the amounts on the claim must be amended prior to the claim being authorized and processed. Items such as cigarettes and stationery may not be reimbursed. The official approving the claim must be satisfied that all provisions of relevant prescripts have been met.
- 8.7 All claims for subsistence, excluding claims where advances are drawn, in respect of the preceding month, must be submitted within 10 days of the succeeding month; for example, claims in respect of January must be submitted on or before 10 February. Failure to comply would result in the claim not being honoured unless written reasons are furnished to justify the non-compliance, which must be acceptable to the Responsibility Manager.
- 8.8 Subsistence reimbursement must not be financed from the impress/petty cash account.
- 8.9 Officials are reminded that where advances are drawn to cover the cost of an official trip, the subsistence claim form pertaining to that trip must be completed and submitted for processing without delay and by no later than 5 working days, after having completed the trip.

Officials are required to keep the copy of the subsistence claim form together with the supporting documents until such time that the claim is processed and finalised. It is the Responsibility Manager's duty to ensure that officials comply with the above, otherwise, the expenditure is not brought to book and the advance amount is not cleared. In this regard, Responsibility Managers are required to peruse their Subsistence and Transport Control Accounts on a monthly basis for detailed outstanding advances. These must be investigated and cleared without delay.

- 8.10 In order to ensure that the spending of State funds are properly monitored and controlled, all officials charged with the responsibility of checking, authorizing and controlling subsistence claims and expenditure are required to render their full co-operation and support in this regard.
- 8.11 Where officials are unable to personally finance trips, they may claim an advance for such expenditure, provided the prescribed form (1104 advance form) is used for this purpose.
- 8.12 If an official takes an official journey that violates this policy document, without prior approval from her/his Responsibility Manager or his/her delegate, then such officer may be compensated for none or only part of costs.

## **9 MONITORING, EVALUATION AND REVIEW**

The Human Resource Management components of the department/regional offices are responsible for communicating the provisions of this policy to all educators/employees. These components/offices are also responsible for the implementation thereof.

This policy will be reviewed on an annual basis, unless inputs from components/offices or an agreement with organised labour informs otherwise.

# *Policy on the Recruitment*

## **SELECTION AND APPOINTMENT OF EMPLOYEES OF THE DEPARTMENT OF EDUCATION AND CULTURE**

### **1. INTRODUCTION**

Legislative prescripts such as the Constitution of South Africa and the Employment Equity Act makes it mandatory for the KZN Department of Education and Culture to introduce strategies that would achieve a diverse workforce based on the principles of objectivity, fairness , and equity .

This policy therefore aims to support and promote the objectives as set out in the Department's Affirmative Action Policy and the Chief Executive Officer's Statement of Commitment, in implementing employment equity .

## **2. PURPOSE**

The purpose of this policy is to provide the Kwa - Zulu Natal Department of Education and Culture with procedures for the recruitment of personnel at all levels. Across all occupational classes and rank designations in a manner that addresses the imbalances of the past.

## **3. SCOPE OF APPLICABILITY**

This policy document applies to all employees and prospective employees whose employment is regulated by the Public Service Act 103 of 1994, as amended.

## **4. PLACEMENT OF PERSONNEL**

4.1 With due regard to the legislative prescripts as well as collective agreements, the Department may:

- (a) Absorb an employee who was appointed under the Affirmative Action programme, provided that he/ she meets the requirements of the posts;
- (b) Fill a post as part of its programme of laterally rotating or transferring employees to enhance organizational effective skills;
- (c) Absorb supernumerary and/ or excess personnel of equal grading into existing vacant positions.

4.2 For the purpose of applying the measures referred to in paragraph 4.1 above the Department may advertise vacancies internally and limit applications to qualifying personnel.

## 5. JOB EVALUATION

All newly created posts and existing posts at salary level 9 and above must be subjected to Job Evaluation before being advertised. Post (s) that has already been evaluated in the twelve months period proceeding the date of the advertisement need not be re-evaluated.

## 6. ADVERTISING OF POST

6.1 All vacant posts must be advertised except in circumstances where such post can be filled in terms of paragraph 4.1 above. The advertising of vacant posts will be undertaken as follows:

### ◆ *Management Echelon (Managers And Above)*

Vacant posts on salary level 13 and above shall be advertised in a National and a Local Newspaper as well as Internal Circular.

### ◆ *Below the Level of Managers*

These vacancies shall be advertised as follows:

- i. Simultaneously within the Department by way of a Circular and outside the Department in a Local Newspaper in respect of promotion posts.
- ii. Simultaneously within the Department by way of a circular and outside the Department by way of an appropriate "Advertisement Notice" displayed at a prominent Public Area for example Local Post Office or Municipality in respect of entry grade posts.

6.2 All advertisements must clearly specify:

- (a) The inherent requirements of the job;
- (b) The relevant qualifications, the job title and key performance areas as identified in the job evaluation process;
- (c) That the Department is an Affirmative Action equal opportunity employer, and that all posts will be filled with the intention of achieving the numerical goals of the Department as set out in the Employment Equity Plan;
- (d) The advertisement must further indicate that all applications must be accompanied by a detailed Curriculum Vitae supported by certified copies of all qualifications and other relevant documents.



- 6.3 The following directives shall where applicable be included in all advertisements.
- (a) All copies of documents must bear an original certification.
  - (b) The prescribed form must be completed in the applicant's own hand writing and must be forwarded together with supporting documents to the address indicated in the advertisement. Applications post marked after the closing date specified in the advertisement will not be considered.
  - (c) No faxed or e - mailed applications will be accepted.
  - (d) Non - compliance with these directives shall constitute fair and sufficient grounds to disqualify an applicant.
- 6.4 All vacant posts must be filled as soon as possible but before the expiration of three (3) months from the date of advertisement. Should the post not be filled within the prescribed period such post must be temporary withdrawn and the necessary investigation be launched to determine the reasons for the delay and the need for the continued existence of that particular post.

## **7 ACKNOWLEDGEMENT OF APPLICATIONS**

The Personnel Component responsible for the filling of the post must upon receipt of the application acknowledge and record receipt of it in writing. This must be done within one month of the closing date of applications. An example of an acknowledgement letter is attached as Annexure A.

## **8 CONSTITUTION OF THE SELECTION COMMITTEE**

The members of the Selection Committee shall be appointed by the MEC or his or her delegate and shall consist of at least two members who are employees or a grading equal to or higher than the grading of the post to be filled and or suitable person (s) from outside the Department. In constituting the Selection Committee, due cognizance must be taken of the following:

- The Chairperson of the Selection Committee shall be of a higher grading than the post to be filled,
- In the event where the Manager of the component within which the relevant vacant post is located, is graded lower than the vacant post, such as a Manager may be a member of the Selection Committee,
- At least one member of the Selection Committee must be fully familiar with the nature of the duties attached to the advertised post,
- An employee who is an applicant of the advertised post shall not be appointed as a member of the Selection Committee.

- The Selection Committee shall, where possible, include adequate representation of historically disadvantaged persons,
- Employees of a grading which is lower than the grading of the post to be filled may provide secretarial services during the Selection process,
- A Human Resource Practitioner should as far as possible be included on the Selection Committee to provide advisory services during the selection process.

## 9. SELECTION PROCESS

### 9.1 Role of the Chairperson

The chairperson shall ensure that:

- (a) The principles of objectivity and fairness are strictly adhered to throughout the selection process,
- (b) All proceedings relating to the Selection process are accurately recorded,
- (c) Strict confidentiality of the selection process is maintained and in this regard the Declaration of Confidentiality as contained in Annexure B must be completed by all persons present during the selection process,
- (d) The directives relating to shortlisting, interviewing and nomination of the recommended candidate as contained hereunder are adhered to.

### 9.2 Shortlisting

- (a) The shortlisting process must only commence after seven (7) working days from the closing date for applications as specified in the advertisement.
- (b) The shortlisting of candidates shall be undertaken by the selection committee, where this is not possible, the chairperson and at least two members of the selection committee as well as a Human Resource Practitioner shall undertake the shortlisting process.
- (c) The process of shortlisting with specific references to the criteria used must be accurately recorded and defensible.
- (d) The dimensions or key performance areas of the relevant post as advertised must be identified and weighted against the candidates' application.
- (e) The number of candidates shortlisted should as far as possible be between five (5) and ten (10) for a post.

- (f) In cases where the Employment Equity Plan reflects that there is under presentation in the level or category of the workforce where the appointment is to be made then persons falling within the under - represented group must as far as reasonable possible be shortlisted provided that they are suitable qualified.
- (g) When determining whether a person is suitably qualified to be shortlisted for a job, the Department may not discriminate against a person solely on the ground of that persons lack of relevant experience.

### **9.3 Invitation to Interview**

The invitation as per Annexure C must be posted to all shortlisted candidate/s at least 14 days before the date of the interview.

### **9.4 Setting of Interview Questions**

- (a) The interview questions must be formulated prior to the actual interview but on the day of the interview by the Selection Committee,
- (b) The questions shall be appropriate and based on the identified dimensions or key performance areas of the post,
- (c) The dimensions/ key performance areas must be expanded to reflect the key functions that are associated with them,
- (d) The same questions will have to be asked of all candidates being interviewed for the same post.

### **9.5 Selection Interview**

- (a) At the commencement of the interview the chairperson must introduce the members of the Selection Committee and endeavor to place the candidate at ease.
- (b) Should an interviewee be of the opinion that the presence of any member of the Selection Committee would prejudice him or her, such an interviewee may raise his or her objections and the reasons for such an objection must be recorded. In such instances, the Committee must consider the reasons for the objection before interviewing the candidate. Any decision taken by the Committee in addressing the matter must be recorded.
- (c) Should any member of the Selection Committee be of the opinion that his or her presence would prejudice the interviewee, such a member must immediately recuse himself or herself and the reasons for his/ her recusal must be recorded.
- (d) The selection interview must be undertaken in a professional manner.

- (e) The Chairperson must also advise the interviewee to express himself or herself freely when responding to questions.
- (f) The interview of each candidate should preferably not be longer than 30 minutes.
- (g) It must be ensured that all candidates compete equally and that they are all treated the same way.
- (h) At the conclusion of the interview the candidate should be allowed to ask questions relating to the Department and or the post.

## **9.6 Rating of Candidates**

- (a) The member of the Selection Committee including the chairperson must after the candidate responds to each question rate him or her on a 10-point scale.
- (b) In rating the candidate due consideration must be given to the responses to each question posed and the rating allocated to each response must be fully motivated.
- (c) An average score must thereafter be determined by totaling the scores of each member of the Selection Committee.
- (d) The average score thus determined must subsequently be expressed as a percentage.
- (e) After each interview the overall impressions of the candidate must be deliberated upon and be concisely recorded.
- (f) At the conclusion of the interview the candidate must be ranked on the basis of merit. It must be noted that at this stage of the process merit must be the only criterion used.
- (g) Thereafter the Selection Committee must compile a list of recommended candidates.

## **10. RECOMMENDATION FOR THE FILLING OF THE POST**

- (a) No person shall be appointed to a position unless he or she is suitable.
- (b) Suitably qualified people from designated groups shall, in accordance with the Department's Affirmative Action Policy, be given preferential consideration in the filling of posts, either as new appointees or in promotions.
- (c) From the list of recommended candidates the person falling within the most under - represented group in the category or level of the workforce where the appointment is to be made, must be recommended provided that he/ she scores at least 60% at the interview.

- (d) Should a candidate from the most under-represented group score less than 60% then the candidate from the next most under -represented group must be recommended provided that he/she scores at least 60%.
- (e) In the case where none of the candidates achieves a score of at least 60% the post must be re - advertised. Candidates who previously applied for such post will not be excluded from re- applying.
- (f) Where there is no clear preference between persons from the designated groups, merit shall be applied as the overriding criterion in making the appointment.
- (g) The recommendations of the Interview Committee can only be varied in the following circumstances:
  - i. If the person who has the authority to appoint is of the opinion that the provisions of this policy have been incorrectly applied.
  - ii. If there is evidence of bias and or procedural irregularities.
- (h) The Selection Committee shall record the reasons for its decision.

## 11. RIGHT TO A POST

11.1 An applicant has not right to a promotion or appointment to a vacant post until:

- (a) He/ she has been advised in writing that his/ her appointment or promotion has been approved by the executing authority or his/ her delegate and
- (b) He/ she has physically assumed duties in the post.

11.2 Any dispute with regard to the filling of a post shall be dealt with in terms of the dispute resolution procedures that are currently applicable to the department.

## 12 GENERAL

- (a) Where the Head of Department or his/ her delegate has placed a moratorium on post/s such moratorium must be substantiated with valid reasons and the moratorium shall not extend for a period beyond six (6) months. At the end of the six (6) months period the Head of Department his or her delegate shall constitute a four (4) member committee to investigate the need for continued existence of the moratorium. The Committee must make their findings available to the Head of Department his or her delegate within two months from the date of their appointment.
- (b) The responsible personnel component must verify the authenticity of educational certificate (s) and/ or qualifications.

- (c) Should an executing authority or his/ her delegate not approve the recommendation of the Selection Committee, he/ she must record the reasons for such a decision.
- (d) A person who has invested interest in a vacant post is precluded from participating in any of the processes undertaken to fill such post. Such person immediately disqualifies himself/ herself by participating in the recruitment process.
- (e) The Chairperson and all the members of the Selection Committee must sign the minutes of the selection process.
- (f) The minutes of the selection process together with all supporting documentation must thereafter be forwarded to the Personnel Component responsible for the filling of the post for further attention.

## *Resettlement Policy*

### 1. INTRODUCTION

The KwaZulu-Natal Department of Education and Culture shall generally meet, within reason, the actual resettlement costs within the country incurred by the employee and her or his immediate family, as a result of official duties, or, on termination of service or death.

## **2. DEFINITIONS**

- 2.1 Immediate family-means an employee's/educator's spouse minor child and /or relative who lives with the employee except when attending an educational institution, and who relies on the employee for the bulk of her or his subsistence.
- 2.2 Furnished accommodation-means a hotel or boarding room, a caravan; a rented furnished with private house or official quarters with the basic and essential furniture other than by the office or employee himself or herself.
- 2.3 Interim accommodation-means furnished accommodation occupied temporarily-
- (a) whilst permanent accommodation is being sought or until permanent accommodation, which has already been obtained, becomes vacant and available for occupation; and /or
  - (b) by a member / members of a household who, as result of a transfer and due to school obligations, reside (s) at the old and /or the new headquarters.
- 2.4. Head quarters- means the city, town or place where the principal duties of an employee/ educator are or have to be performed or which may be indicated as his/ her headquarters by the head of department.

## **3. PURPOSE**

To compensate an employee /educator in the service of the Department of Education and Culture who, in the interest of the state, is transferred or a person who is appointed or on termination of service, or death, within the framework of the provisions and

measures set out in this policy, for reasonable expenditure actually and necessarily incurred as a result thereof.

#### **4. OBJECTIVES**

The objective of this policy document is to provide guidelines regarding resettlement on:-

- (a) Limit on expenditure incurred from resettlement;
- (b) Maximum periods of compensation;
- (c) Restrictions on quantity and kind of personal effects covered;
- (d) Costs of property transfer, and
- (e) Other costs associated with transfer.

#### **5. DECLARATION OF COMMITMENT**

The management of the KwaZulu-Natal Department of Education and Culture commits themselves and acknowledge the:

- (a) Competencies of the human resources in the Department and identifies and utilizes them to improve the delivery of services;
- (b) Family responsibilities of the officials employed by the Department whilst utilizing his /her competencies;

#### **6. AUTHORISATION**

The mandate for this policy is found in the following prescripts:

- Section 28 of the Public Service Act, 1994.
- Chapter 1, Part V/ E of the Public Service Regulations, 2001
- Paragraph XV of Resolution no.3 of 1999 of the Public Service Co-ordinating Bargaining Council.
- Agreement no. 7 of 1999 of the Provincial Bargaining Chamber of the KwaZulu-Natal Provincial Administration.



- Section 4 of the Employment of Educators Act, 1998.
- Regulation 90 of the Regulations Regarding the Terms and Conditions of Employment of Educators.

## **7. SCOPE OF APPLICATION**

7.1 This policy applies to all employees in the KwaZulu-Natal Department of Education and Culture employed in terms of the Public Service Act, 1994 (Act 103 of 1994), as amended, as well as the Employment of Educators Act, 1998, (Act No. 76 of 1998)

7.2 In instances where:

- (a) Employee/ educator is transferred at his or her own expenses; or
- (b) Employee/educator is transferred to new headquarter less, than 50 km away from his/ her previous headquarters. The department will not meet any cost arising out of resettlement.

7.3. In case of the transfer of a married couple who is both in the employment of the State, the transfer privileges contained in this policy can only be applied to one of the spouses

## **8 RESPONSIBILITIES**

8.1. It is the responsibility of the Human Resource Component at Head Office to ensure that delegations are assigned for the execution of the measures contained in this policy.

8.2. It is also the responsibility of the said component in conjunction with line managers to communicate this policy to all employees / educators in the Department.

- 8.3. It is the responsibility of line managers (responsibility and program managers) to ensure that funds are available to cover ensuing resettlement expenditure prior to the formal approval of a transfer / appointment / termination of service or death.

## **9. MEASURES / PROVISIONS**

### **9.1 Traveling And Subsistence Expenditure**

- 9.1.1 Visit to the new headquarters before the actual date of transfer.

The reasonable actual costs incurred by an employee / educator and /or a member of his /her immediate family during one visit to the new headquarters before actual date of transfer may be paid: Provided that the visit is limited to two (2) nights accommodation at the new headquarters, plus reasonable traveling time. Where the applicable subsistence rates (as opposed to actual expenditure) are claimed for a child under the age of (10), the employee/ educator will be paid half the applicable rate.

- 9.1.2 During the move of the employee/ educator and his / her immediate family to his/ her new headquarters. The reasonable actual costs an employee / educator incurs for travel and subsistence during the move of the employee/ educator and his /her immediate family to the new headquarters may be paid. Where applicable subsistence rates (as opposed to actual expenditure) are claimed for children under the age of ten (10), the employee/ educator will be paid half the applicable rate.

### **9.2 TRANSPORTATION AND STORAGE OF PERSONAL EFFECTS**

#### **9.2.1. Transportation expenditure**

- (a) The Transportation of all personal effects of an employee/educator, from packing to the eventual unpacking thereof at the permanent accommodation as well as the all inclusive insurance cover thereof

may be paid out of State funds: Provided that the transfer takes place within a period of two (2) calendar months. Deferment may be requested for a total period not exceeding 6 months. This must be subject to written motivation and approval in terms of delegated authority. The transport of personal effects should not be effected without prior approval being obtained.

- (b) Conveyance of an employee's /educator's household and personal effects must be done by the most economical means. The quoted price must include loading and unloading, packing and unpacking as well as insurance charges for any loss or damage in transit. Three quotes must be independently obtained by the employee/educator and submitted timeously for consideration and approval. A list of all personal effects must accompany the quote.
  
- (b) An employee's /educator's privately owned vehicles, motorcycle, trailer and caravan may also be transported at the most economical rate. Should the employee/educator prefer to convey his /her caravan personally by towing it with his/ her private motor vehicle, he/she may be reimbursed at the rate of 25% of the prescribed transport tariff for his /her motor vehicle.

### **9.2.2 Storage expenditure**

Expenditure in respect of storage of personal effects as well as the all inclusive cover thereof may be paid: Provided that the storage is limited to two (2) months and in exceptional cases for a maximum of six (6) months.

The cost of conveying personal effects from one place of storage to another cannot be paid unless the head of the Department or is satisfied that the removal is unavoidable.

### **9.2.3 Interim Accommodation**

9.2.3.1. In cases where the employer / educator has subsidized dwelling within 50 km radius of the interim accommodation, the Department will not meet any of the expenditure relating to the interim accommodation.

9.2.3.2. The employee /educator and his /her immediate family may be refunded interim accommodation expenses for a maximum of (14) days at his/ her old And/ or new headquarters only.

9.2.3.3. For interim accommodation in excess of (14) days the Department will refund the interim accommodation expenses for the employee/educator only and 50% of the interim accommodation expenses for his /her immediate family. This is limited to a maximum total period of two (2) months. (i.e. the two months must include the 14 days mentioned above the). Only accounts for accommodation, bed levy, tax, parking, meals and laundry will be considered.

### **9.4. Tax On Motor Vehicles That Cross International Borders**

The Department will pay customs duty, tax and other levies or fees arising from transport of private motor vehicles across international borders provided that documentary proof is provided.

### **9.5. New School Books, Uniforms And Related Costs**

For each school going child who must change school and who is dependent of the employee/ educator, a once-off amount is payable. The amount is prescribed and revised on a quarterly basis and details in this regard are supplied by the Department of Public Service and Administration.

## **9.6 Travel Expenses Of Dependant School Children**

If members of the employee's /educator's immediate family must remain in a school near the employee's /educator's former place of work, the Department may, for a maximum of one school year, cover the most economical reasonable mode of travel to the new place of work at the beginning and the end of the school year and for the school holidays.

## **9.7 Sundry Costs**

9.7.1 To meet incidental expenses, the Department may pay If an employee /educator will occupy furnished accommodation at the new place of work, 25 % of the employee's educator's basic monthly salary on the date of resettlement, or

9.7.2 If an employee/educator will occupy unfurnished accommodation, the employee's educator's basic monthly salary on the date of resettlement.

## **9.8 Transfer Fees On Accommodation**

9.8.1 An employee/educator may be reimbursed for transfer costs only if she /he-

(a) changes headquarters because she /he was transferred-

- (i) At State expense and primarily in the interest of the State; or
- (ii) from abroad; or

- (iii) on termination of her/his secondment to another government back to the Republic
- (b) Takes occupation of a private dwelling at her/his existing headquarters because-
  - (i) Owing to departmental requirements, she/he is compelled to permanently vacate her/his assigned official quarters with full transfer privileges; or
  - (i) she /he obtains exemption of occupation of her/his assigned official quarters and permanently vacates the said quarters at his or her own expense; or
  - (ii) arising from her/his appointment she /he has to vacate the official quarters she /he was compelled to occupy; and
- (c) Sells her /his dwelling at her /his previous headquarters and purchases or erects another dwelling at her /his new headquarters, which dwelling must be owned and occupied in accordance with paragraph 9.8.2.

9.8.2 The dwelling must at each headquarters-

- (a) be registered, in the name of the employee/educator or her/his spouse, or jointly. The mortgage on the dwelling must also be registered at financial institution; and
- (b) be permanently occupied by the employee/educator and/or a member of her /his immediate family.

9.8.3 In the case of transfers /appointments, the dwelling -

- (a) at the previous headquarters, must not be sold prior to the date of written notice transfer /appointment; and
- (b) must not be purchased or erected at the new headquarters prior to the aforementioned date.

9.8.4 In the case of vacating assigned official quarters the-

- (a) Dwelling at her /his previous headquarters must have been owned and occupied by the employee/educator and must not have been sold prior to the date of written notice to occupy the quarters; and
- (b) Dwelling at her/his new headquarters must not be purchased /erected prior to the date of written notice to vacate the quarters.

9.8.5 For the purpose of paragraphs 9.8.3. and 9.8.4. a dwelling is-

- (a) Regarded as being sold or purchased at the earliest on the date upon which the seller accepts the written proposal of the buyer;
- (b) Regarded as being erected, if an employee/educator erects a dwelling, on the date upon which-
  - (i) The financial institution from which the building loan was obtained, releases the funds; or
  - (ii) Buildings activities are commenced where the financing is not supplied by an institution; and
- (c) Not regarded as being sold or purchased for as long as it is sold or purchased on the hire purchase basis.

9.8.6 The actual expenditure in respect of the cost of conveyance of land (conveyance's fees, sundry attorney's costs and transfer dues, excluding interest on transfer dues) incurred by an employee/ educator in connection with the purchase of a dwelling, or a building site and the erection of a dwelling upon it at her /his new headquarters may be reimbursed from public funds to an amount not exceeding the transfer fees attached to a purchase sum equal to three times the maximum subsidized loan amount.

9.8.7 The following must be finalised before paragraph 9.8.6. May be applied:

- (a) The head of department must satisfy her/himself of the acceptability of-
  - (i) The amount claimed in respect of attorney's costs. If any doubt exists concerning the regularity thereof, it must be referred to the State Attorney for appraisal; and
  - (ii) The reasons for any unusual delays in finalising the sale and purchase transactions
- (b) The employee /educator must furnish documentary proof of the expenditure referred to in paragraph 7.8.6. Where only a buildings site is purchased transfer dues may only be reimbursed once the dwelling is erected.

9.8.8 Reimbursement in accordance with paragraph 9.8.6. must be paid directly to the employee/educator except when she / he utilizes a portion of the profit of the sale of her /his previous dwelling to pay for the transfer fees on the new dwelling /building site. In the latter circumstances the department must deposit the amount to be reimbursed directly into the registered mortgage loan account for the employee's educator's new dwelling /building site. If the portion of the profit which was utilised to pay for the transfer fees is less than the amount payable in accordance with paragraph 9.8.6, only an amount equal to that portion of the profit must be paid directly into the mortgage loan account and the balance must be paid to the employee/educator.

9.8.9 In the following instances an employee/educator may not be reimbursed for transfer fees:

- (a) An employee /educator who-
  - (i) is transferred at her /his own request, which is not primarily in the interest of the State
  - (ii) vacates her/his assigned official quarters on a temporary basis;



- (iii) is transferred to, or vacates assigned official quarters at a headquarters where she /he already owns a dwelling, irrespective of whether she /he purchases a second dwelling at that headquarters or retains or sells the first-mentioned dwelling
- (iv) Permanently vacates her/his own dwelling at her /his present headquarters to occupy rented accommodation and she/he-
  - is instructed to occupy official quarters at that headquarters while renting such accommodation; or
  - whilst occupying such rented accommodation or, if applicable, the official quarter referred to in (vi) was transferred to another headquarters where she/ he immediately took occupation of such quarters or whether she/ he temporarily occupied rented accommodation;
- (iii) On the date of written notice of her /his transfer to a new headquarters occupies rented accommodation, at the headquarters where she /he owns a dwelling and from where she /he is transferred; or
- (iv) Purchases only a building site at her/his new headquarters.  
Transfer dues may only be reimbursed once the dwelling is erected and the transfer fees have been incurred.

## 9.9. Privileges for New Appointees

9.9.1 The employer may pay the reasonable actual costs of relocation of newly appointed employee/ educator to her or his place of work. These expenditures may include reasonable actual costs of:

- (a) Travel by the employee/educator and her or his immediate family, and
- (b) Transport, insurance and one month's storage for personal and household goods.

9.9.2. The employee/educator shall agree in writing to pay the employer's expenditure for relocation if she or he should leave the public service in a year or less (Annexure A)

9.9.3. If an employee/educator is recruited from abroad, her or his executing authority may provide a once-off sum to assist her or him with initial expenses before she or he receives her /his first salary payment.

## **9.10 Privileges On Termination Of Service Or Death**

9.10.1. If

(a) An employee /educator dies or retires, or

(b) The employer terminates the contract of a contract employee/educator the employer shall meet, at the request of the employee/ educator or his her family as provided in paragraph 9.10.2. And 9.10.3.

9.10.2 In the case of an employee/ educator recruited from abroad, the employer will pay for resettlement within South Africa.

9.10.3 In case of an employee/educator recruited from abroad, the employer will pay for resettlement at the employee's place of origin.

9.10.4 The employer may meet the costs of transporting home the remains of an employee who died on official duty away from her or his normal place of work.

## **10. MONITORING, EVALUATION AND REPORTING**

10.1 In terms of chapter 1, Part III/J of the Public Service Regulations 2001 it is necessary to keep record of resettlement expenditure for budgetary purposes. In this regard the FMS system should be used.

10.2 The Human Resource Component at Head Office should on continuous basis monitor and evaluate the provisions contained in this policy with the actual

position as reflected in claims received as well as areas where problems are experienced in order to identify needs and trends which could necessitate a revision of certain provisions. In such instances motivated recommendations should be submitted to the head of department, to be dealt with in either the Provincial Bargaining Chamber or the Public Service Co-ordinating Bargaining Council.