

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 Coordinating 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 maybe 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 maybe 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 an 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 may be granted to an employee who is transferred at state expense. One day at the headquarters from which 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 may be 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 Crimean 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.