

NORTHERN CAPE PROVINCIAL ADMINISTRATION



OFFICE OF THE PREMIER

POLICY ON SPECIAL LEAVE

Directorate: Human Resource Administration

26 September 2016

1. **CONCEPTIONAL BACKGROUND**

According to Section 23 of the Determination on Leave of Absence in the Public Service the Head of Department shall ensure that his or her department has an approved Special leave policy. This was further deliberated upon and resolved at the Public Service Co-ordinating Bargaining Council, to which Resolution 3 of 1999 mandate departments to develop and approve policies and programmes that would enhance their managerial actions especially in respect of human resource matters.

2. **PURPOSE**

The purpose of this policy is to effectively regulate the absence of employees in relation to special leave and to provide guidelines and procedures for applying and granting of special leave.

3. **SCOPE OF APPLICATION**

This policy shall be applicable to all officials appointed in the Office of the Premier in terms of the Public Service Act, 1994 either on a full-time/ part-time and fixed term contract provided that they have sufficient leave credits

4. **PRINCIPLES**

- (a) Leave of absence shall be managed cost-effectively.
- (b) The granting of leave of absence shall be fair and consistent.

5. **LEGAL FRAMEWORK**

- ✦ Public Service Act, 1994
- ✦ Basic Condition of Employment Act no. 75 of 1997 as amended
- ✦ Public Service Regulations, 2016, Chapter 4, Part 2 (48)
- ✦ PSCBC Resolution no. 2 of 1999
- ✦ PSCBC Resolution no. 3 of 1999
- ✦ PSCBC Resolution no. 12 of 1999
- ✦ PSCBC Resolution no. 7 of 2000
- ✦ Labour Relations Act of 1995
- ✦ Determination and Directive on leave of absence in the Public Service issued by MPSA

6. **POLICY PROVISIONS**

- (i) The prescribed Z 1(a) Leave form shall be completed and submitted in applying for all special leave types together with supporting documents.
- (ii) Officials shall only go on leave after it has been approved. Where exceptional circumstances occur, recommended leave applications will be considered. Only in exceptional cases may an employee proceed on leave without the leave application be recommended/approved.
- (iii) Unauthorised absence from duty shall be deemed to be leave without pay.

- (iv) Confidentiality shall be maintained on all leave records.

A. EXAMINATION PREPARATION LEAVE

- (i) Study leave shall be granted to officials to assist them in the preparation for writing of their examinations on condition that the studies or preparatory work is in the interest of the Department or the Public Service.
- (ii) One working day special leave with full pay shall be granted to an employee a day before he/she sits for an examination for purposes of preparing for the examination.

B. EXAMINATION LEAVE

- (i) One working day special leave with full pay shall be granted to an employee for each day on which he/she sits for an examination(s) on each subject registered for in a field of study that aims to better equip him/her for a career in the Public Service.
- (ii) Examination referred to above may include ordinary School subjects up to Matric, ABET, National Certificate Vocational, Tertiary Qualification as well as examinations in respect of which a certificate is not necessarily issued to successful candidate/s.
- (iii) This provision shall be applied once in respect of supplementary as well as an end of the year examination pertaining to a study course (or part of a course) which an employee failed and which he/she has to rewrite.
- (iv) Special leave may only be granted for bona fide final examinations and not for class tests, term papers, etc. For the purpose of this policy, final examinations include all examinations that will lead to the conclusion of a subject (including semester courses).
- (v) The examination timetable must be on the letterhead of the Institution reflecting the personal particulars of the official and must accompany the special leave application.

C. STUDY LEAVE (50/50 basis)

- (i) Study leave on a 50/50 basis for part-time studies shall be limited and granted on the basis of one day's special leave for each day's vacation leave taken by an employee per examination subject in connection with his/her studies, and thereafter, if necessary, vacation leave without pay, provided that the Head of Department or delegated authority is satisfied that the studies are in the fields which is in the interest of the Public Service in the following circumstances:

- a) Part time study at a recognised educational institution within the Republic or abroad.
 - b) Special studies nationally and abroad or block sessions (including a study tour).
 - c) Research work and the writing of a thesis for a postgraduate qualification for a maximum period of 20 working days per annum. (10 days special leave/10 days' vacation leave).
 - d) Study in a field, which requires the performance of practical work for a particular period annually.
 - e) Attendance of a preparatory course with a view to sitting for a qualifying examination in order to obtain admission to a particular field or study.
 - f) Practical work required as a prerequisite for registration in a particular profession.
 - g) Employees who want to utilise more time for this purpose can use vacation leave from his/her available leave credits.
 - h) If the period of leave amounts to an unequal number of days, the employee shall take the larger number of days' vacation leave and the employer takes the lesser number day's special leave.
- (ii) 50/50 Study leave shall be applied once only in cases where a person does preparatory and research work in respect of a study course, which he/she failed and had to repeat.
 - (iii) Study leave on 50/50 basis shall only be granted to an employee who complies with the circumstances as set out above, when that employee provides the Office of the Premier with the necessary proof.
 - (iv) It is the responsibility of the supervisor to effectively manage the process.

D. NON EXAMINATION SUBJECTS

An employee shall be granted one day special leave per subject/module for non examinations subjects on the final Presentation/Portfolio of evidence.

E. ATTENDANCE OF CLASSES DURING OFFICE HOURS

- (i) Attendance of classes during working hours must be in the interest of the Office of the Premier or/and Public Service.
- (ii) An employee who studies part-time or by means of correspondence at a recognised educational institution and who as a result of her/his studies, is required to be absent from her/his place of work, may be released from duty on condition that she/he, takes a day's annual leave with full pay for every sixteen (16) hours she/he is so release from duty. If an

employee does not have vacation leave days to her/his credit she/he shall take a day's vacation leave without pay.

- (iii) If the period of leave amounts to an unequal number of days, the employee shall take the larger number of days' vacation leave and the employer takes the lesser number day's special leave.
- (iv) This provision is applicable to employees who have been employed in the Public Service for a period *longer than six (6) months*.

F. PROFESSIONAL BODY REQUIREMENTS

Officials will be granted 5 days special leave per annum to attend sessions or practical work as required by a professional registration body to meet the minimum requirements

G. SPORT LEAVE

- (i) Special leave with full pay shall be granted to an employee when he/she is selected by a recognised sports association to:
 - a) take part as a member of an organised sports group, in a sports tour outside South Africa whether as a competitor, coach or manager;
 - b) represent South Africa/Province as a competitor, coach or manager at international sporting events within the Republic and not merely a club;
 - c) accompany a foreign national team visiting the Republic as a representative of the South African sports association organising the tour and;
 - d) serves as a referee, an official or a judge at an organised amateur sports meeting at an International/national level inside or outside South Africa;
 - e) when she/he is selected to represent the Office of the Premier at an organised sports event.
- (ii) Special leave with full pay may also be granted to an employee when she/he is selected by a recognised amateur sports association to take part in sports within South Africa at inter-provincial level or a level between provincial and national level or lower than national level against an international team, on the following basis:
 - a) One day special leave with full pay may be granted for each day vacation leave with full pay on a 50/50 basis limited to a maximum of 20 days in a leave cycle (10 days special leave and 10 days vacation leave).

- b) If the period of sports leave amounts to an unequal number of days, the employee shall take the larger number of days vacation leave and the employer takes the lesser number days special leave. The practice shall apply on an alternative basis.
 - c) Where the employee has no vacation leave to her/his credit, unpaid vacation leave may be granted.
- (iii) An applicant shall provide the department with evidence, which substantiates the applicant's period of absence when requesting such leave.

H. RESETTLEMENT LEAVE

- (i) A maximum of two days special leave with full remuneration may be granted to an employee who is newly appointed, transferred or employer initiated transfer at state expense at the workplace from which he/she is transferred as well as at the workplace to which he/she is transferred, in order for him/her to:
 - a) arrange accommodation;
 - b) supervise the packing/loading and unpacking/unloading of personal effects
 - c) arrange school for children;
 - d) connect/disconnect water/lights.
- (ii) Two days special leave with full pay shall be granted to an employee to conduct a pre-visit at the new location.
- (iii) Special leave for this purpose can only be taken according to a bona fide need after physical transfer of the household of the employee and should be taken within one (1) month of physical transfer.
- (iv) This special leave is only granted if the employee and/or his/her household physically move from previous location to the new location.
- (v) This provision is also applicable to employees who are appointed in terms of section 15 (1) of the Public Service Act, 1994 and seconded officials.

I. ATTENDING REHABILITATION PROGRAMMES FOR SUBSTANCE ABUSE

- (i) The Department will provide special leave for the purpose of attending rehabilitation only to employees who are referred or recommended by a registered specialist or licensed Medical Practitioner, to be admitted to an accredited in-patient drug or

alcohol treatment centre or programme; for the following conditions but not limited to:

- a) an employee abuses alcohol or any other substance/drugs;
 - b) an employee's behaviour is affecting his/her work performance;
 - c) an employee is willing to be rehabilitated; and
 - d) an employee has completed a reasonable period of satisfactory service.
- (ii) Special leave with full pay shall be granted for a period of sixty days per leave cycle.
- (iii) Should an employee require more special leave days than stated above, a valid medical certificate and recommendation from a registered Medical Practitioner of the rehabilitation centre must accompany the request. The respective EAP Practitioner and the relevant Senior Manager will recommend such for consideration by the Head of Department.
- (iv) The direct supervisor of the employee will submit a progress report to the Senior Manager or Head of Department (in the case of SMS members) for a period of one year on a quarterly basis on the progress of the employee after returning from the rehabilitation centre and substantiate that with a medical report.

J. QUARANTINE

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

K. MISCELLANEOUS

- (i) Special leave with full pay to a maximum of 5 day shall be granted to an employee in the following cases:
- a) In the case of a disabled employee , attend a recognised orientation course, or a recognised training course in respect of his/her disability ;
 - b) the area in which he/she is working or resides is struck by a natural disaster and the Office of the Premier is satisfied that it was impossible for the employee concerned at that time to continue with his/her official duties.

- c) he/she is arrested or has to appear before a court of law on a criminal charge and he/she is subsequently acquitted or the charge withdrawn;
 - d) he/she is a witness in a civil/criminal action and have to testify in a court of law;
 - e) as a result of unrest in the area in which he/she is working or resides, is prevented at that time for reporting for duty or from continuing his/her official duties in that area.
 - f) Officials will be granted a maximum of two days special leave with full pay if he/she is invited to attend an interview within the public service provided that the interview is held in a different Province and such proof is submitted. In cases of Senior Management Service (SMS) positions a maximum of three days special leave with full pay will be granted for purposes of competency assessments and practical exercises.
 - g) Officials will be granted one special leave with full pay for purposes of registering for part / full time studies at Tertiary Institutions provided that proof (registration documents) is submitted.
- (ii) Special leave granted in terms of the above-mentioned way, where appropriate, include any period necessarily spent on travelling for the purposes in respect of which leave is granted.
 - (iii) An applicant shall provide the department with evidence, which substantiates the applicant's period of absence when requesting such leave.

L. SABBATICAL

- (i) Sabbatical is a time period in which a person does not report to his/her regular job but who remains employed with the Department so as to allow him/her for independent research, writing or special studies.
- (ii) The commencement and termination dates of a sabbatical leave must be scheduled at times reasonable and convenient to the relevant approval authority taking into account the service delivery requirements of the Department.
- (iii) Only the Head of Department shall approve sabbatical leave.
- (iv) Applications for sabbatical leave shall only be granted once within a period of five years and such leave will be approved as unpaid leave.
- (v) An official may be granted sabbatical leave for a maximum continuous period of six months after at least 10 years'

continuous service and satisfactory performance within the Public Service.

- (vi) Sabbatical leave may not be used as a means of augmenting personal income by undertaking remunerative work.

M. CIRCUMSTANCES / EXCEPTIONS FOR WHICH THE OFFICE OF THE PREMIER SHALL NOT REQUIRE AN EMPLOYEE TO UTILISE LEAVE

- (i) An employee shall not be regarded as absent from duty in the event of the following circumstances:
 - a) when she/he attends a course, lecture or study tours for governmental purposes initiated by the Office of the Premier, presented by other Departments or by the private sector and have been granted permission to attend;
 - b) when she/he represents or assists another official during a disciplinary or misconduct inquiry or during an investigation into a complaint of grievance or on a conciliation meeting;
 - c) when she/he has to appear as a witness in a court case, misconduct case, in terms of the law, before a commission / committee of inquiry appointed by the state or at an inquest;
 - d) when she/he has to appear as a defendant/co-defendant in a civil court case arising from her/his official duties and in which the state has a direct interest;
 - e) when she/he is the aggrieved party during an investigation into her/his complaint or grievance, charged with misconduct during the disciplinary inquiry and as the person utilising a conciliation meeting. This includes conciliation, arbitration and adjudication.
 - f) When she/he is appointed by the Independent Electoral Commission to assist with elections.
- (ii) In all the above instances, documentary proof must be submitted.

7. COMMUNICATION

Upon approval, this policy will be circulated within the Office of the Premier. The Head of Human Resources will workshop employees on the contents of this policy, these workshops must be held within two to three months of its approval.

8. MONITORING AND EVALUATION

It is the responsibility of each Senior Manager to ensure that this policy is carefully followed within the department. All managers should make members of their Units aware of the obligation to familiarize themselves with and follow this policy.

The Human Resource Directorate shall monitor and evaluate the effectiveness of this policy on an annual basis.

9. REVIEW

- (i) This policy will be reviewed when the need arises or in case of the occurrence of extenuating circumstances (pronouncement by legislation and/ regulations).
- (ii) The contact person for this policy will be required to submit all relevant information pertaining to this policy in conjunction with a signed memo with all amendments (addition or omission).
- (iii) Any deviations from the policy prescripts and amendments to the policy will only be done with the written consent of the Head of Department.

10. INTERIM MEASURES

This is an interim policy document for this Department until such time that a provincial policy has been developed

11. ADOPTION OF POLICY

Approved / Not Approved:

Comments (if any):

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DIRECTOR-GENERAL

DATE

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8. MONITORING AND EVALUATION

It is the responsibility of each Senior Manager to ensure that this policy is carefully followed within the department. All managers should make members of their Units aware of the obligation to familiarize themselves with and follow this policy.

The Human Resource Directorate shall monitor and evaluate the effectiveness of this policy on an annual basis.

9. REVIEW

- (i) This policy will be reviewed when the need arises or in case of the occurrence of extenuating circumstances (pronouncement by legislation and/ regulations).
- (ii) The contact person for this policy will be required to submit all relevant information pertaining to this policy in conjunction with a signed memo with all amendments (addition or omission).
- (iii) Any deviations from the policy prescripts and amendments to the policy will only be done with the written consent of the Head of Department.

10. INTERIM MEASURES

This is an interim policy document for this Department until such time that a provincial policy has been developed

11. ADOPTION OF POLICY

Approved / Not Approved:

Comments (if any):

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DIRECTOR-GENERAL

29 / 09 / 2016

DATE