



Province of the
EASTERN CAPE

**COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS**

LEAVE MANAGEMENT POLICY

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SIGN OFF

i. Head of Department

This Leave Management Policy has been recommended by Andile Fani in my capacity as the Head of Department for the Department Cooperative Governance and Traditional Affairs.

I am satisfied and concur with the contents of this Policy.

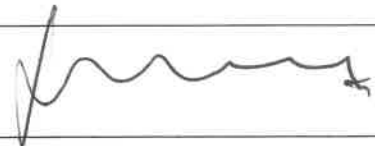
The development of the Leave Management Policy will ensure the department is able exercise its powers in compliance with the law and guide decision- making in the department.

Signed	
Designation	Head of Department
Date	12/11/2020

ii. Executive Authority

The Department of Cooperative Governance and Traditional Affairs has unprecedented opportunity to improve the live hoods of the people by effectively rendering the many services that it is expected to provide. We have envisaged a department that has the required capacity to respond adequately to challenges of its people.

I therefore trust that guidance from this Policy will contribute to the effective leave management in the department.

Signed	
Designation	MEC: X.E. Nqatha of Cooperative Governance and Traditional Affairs.
Date	13/11/2020

1. PREAMBLE

The Department of Cooperative Governance and Traditional Affairs as a caring employer commits itself in recognising and granting its employees periods of time-offs/ leave with or without pay to deal with family obligations or other personal commitments.

2. PURPOSE

- 2.1 To provide guidelines on leave to all employees of the department including interns.
- 2.2 To put in place administrative mechanisms to effectively manage leave within the department.

3. DEFINITIONS

Terms and definitions that will be used throughout the policy that need clarification for the reader can also include any keywords, technical terms and abbreviations that may be used in this document.

Word/Term	Definition (with examples if required)
Annual Leave	The days employees of an <u>organization</u> is <u>permitted</u> to be away from their <u>employment position</u> within a year's time without consequences./ <u>paid time off</u> work granted by <u>employers</u> to <u>employees</u> to be used for whatever the employee wishes.
AWOL (absence without authorized leave)	Any absence without prior leave application, that is, without the staff member informing his or her line manager within a reasonable period, or without a medical certificate in cases of sick leave.
BCEA	Basic Conditions of Employment Act
Capped Leave	Annual leave accrued prior to 1 July 2000
Commissioning parent	a person who enters into a surrogate motherhood agreement with a surrogate mother.
Examination Leave	A staff member who is on recreation leave prior examination and retains entitlement for examination leave on full pay.
Immediate family	Employee's parent, adoptive parent, parents-in-law, sister and brother-in-law, grandparent, child (employee's son or daughter, or son or daughter-in-law, stepchild or sibling.
Intern	
Leave	It is a pre-approved paid absence from work to be used for personal reasons
Leave Determination	It is applicable to all those that are employed either on full-time, part-time or occasional basis in terms of the Public Service Act and fall within the scope of the PSCBC
Quarantine Leave	A full pay on medical certificate up to 21 days at a time.

Surrogate mother	an adult woman who enters into a surrogate motherhood agreement with the commissioning mother.
Surrogate motherhood agreement	a valid agreement in terms of section 292 of the Children's Act between a surrogate mother and a commissioning parent in which it is agreed that the surrogate mother will be artificially fertilised for the purpose of bearing a child for the commissioning parent and in which the surrogate mother undertakes to hand over such a child to the commissioning parent upon its birth, or within a reasonable time thereafter, with the intention that the child concerned becomes the legitimate child of the commissioning parent.

4. APPLICATION AND SCOPE

This policy shall be applicable to all employees of the department appointed in terms of the Public Service Act, 1994(as amended) with the inclusion of interns.

5. LEGISLATIVE FRAMEWORK

- i. The Constitution of Republic of South Africa, Act 108 of 1996
- ii. PSCBC Resolution 3 of 1999, as amended,
- iii. Public Service Act, 1994,
- iv. Public Service Regulations, 2016
- v. Basic Conditions of Employment Act, 1997,
- vi. Labour Relations Act, 1995
- vii. Public Finance Management Act, Act No.1of 1999
- viii. Compensation for Occupational Injury & Diseases Act (COIDA), Act No. 130 of 1993
- ix. Policy and Procedure on Incapacity Leave and Ill-health Retirement (PILIR)
- x. DPSA Circular: Ref 17/6 of 24 March 2007
- xi. Determination and Directive on Leave of absence in the Public Service June 2018.

6. POLICY PRINCIPLES

- 6.1 Consistency
- 6.2 Transparency
- 6.3 Accountability
- 6.4 Participation
- 6.5 Value System
- 6.6 Fairness

7. PROBLEM STATEMENT

Leave management is the responsibility of every employee and more importantly line managers/ supervisors who are required to monitor attendance registers on a daily basis as they are important component of leave management.

8. POLICY STATEMENT

The Department of Cooperative Governance and Traditional Affairs in its endeavor in ensuring that leave management is placed at the highest level in terms of its management as it is the critical element of our day-to day operations;

9. CONSULTATION PROCESS WITH STAKEHOLDERS

A number of affected stakeholders including employees at all levels have been consulted throughout any review process and their inputs, comments were obtained and incorporated into this Policy. Legal Services was consulted for legal advice and ensure that the draft policy is in correct format and language as well as to validate the legal soundness of the Policy. Management of the Department was consulted for inputs, buy-in and adoption. Contents of the Policy was presented to Management-Labour Forum for comments and inputs.

10. ANNUAL LEAVE ACCRUED PRIOR TO 1 JULY 2000

- 10.1** Employees shall retain all audited leave credits accrued prior to 1 July 2000, i.e. Capped Leave.
- 10.2** The number of accrued leave days shall be converted into working days as per the prescribed formula reflected on the Determination and Directive on Leave of absence in the Public Service June 2018 (Annexure B). Capped leave may be utilized when one's current vacation leave and sick leave credits have been exhausted. It must be noted that the PERSAL system automatically debit the capped leave if there are no more credits on current leave, yearly cycle.
- 10.3** The payouts of such leave credits shall be made in the event of:
 - 10.3.1 Death;
 - 10.3.2 Retirement; or
 - 10.3.3 Medical boarding / Discharge on grounds of continued ill-health.
- 10.4** The leave payout in respect of personnel with capped and audited leave credits shall be determined by referring to ANNEXURE "B".
- 10.5** The Head of Department shall determine whether there are periods, which are unaudited, and in such instances, the employee's leave payout shall be paid on the basis of 6 days per completed year of service up to a maximum of 100 days in respect of unaudited leave period. The formula in calculating

the payout in respect of these days shall be as per paragraph 9.4 ANNEXURE "B".

- 10.6** The Head of Department shall determine procedures and measures in keeping with service delivery needs, on how employees will be allowed to utilize their leave credits accrued prior to 1 July 2000 over and above the normal annual leave entitlements as per ANNEXURE "A"

11. ANNUAL LEAVE ENTITLEMENT

- 11.1** Employees who have less than ten (10) years' service are entitled to annual leave of 22 working days per annum.
- 11.1.1** Employees who have ten (10) or more years of service are entitled to annual leave of thirty (30) working days per annum.
- 11.1.2** Employees must take at least ten (10) days as leave days during the annual leave cycle, and the remaining leave days must be taken not later than six (6) months after the expiry of the relevant leave cycle, thereafter, all unused leave credits shall be forfeited.
- 11.1.3** An employee must submit his/her application in advance.

12. ANNUAL LEAVE AND PAYOUTS

- 12.1** Employees shall be paid a cash value in respect of unused leave credit upon termination of service and terms of paragraph 11.1.1 and 11.2.2 the payments will be limited to a maximum number of days, equivalent to the annual leave entitlements in Annexure "B".
- 12.2** The leave cycle remains unchanged, therefore, requests and motivations for leave payments in respect of leave credits mentioned 11.1.1 and 11.2.2 shall be lodged by no later than 31 July in respect of each year. If an employee failed to apply for the payment of such unused leave credits at the aforementioned due date such unused leave credits shall be forfeited.
- 12.3** Payment of annual leave credits shall be calculated the employee's remuneration.
- 12.4** For all terminations in respect of personnel without any capped leave, leave pay-outs shall be computed in terms of the following, refer "Annexure B".
- 12.5** For personnel who still have unused leave credits at the expiry of the 6 months' period mentioned in 11.1.1 and who complied with the provisions of paragraph 11.1.1 and 11.2.2 leave pay-outs shall be computed in terms of the following refers to Annexure "B".

13. THE GRANTING OF ANNUAL LEAVE ON A PRO RATA BASIS

- 13.1** Employees who are appointed after the commencement of an annual leave cycle shall be entitled to annual vacation leave on a pro rata basis determined as a fraction of the entitlement as per Annexure "A".

- 13.2 For purposes of utilizing leave entitlements, fractions or decimals must be utilized as they are. In other words, fractions or decimals must not be rounded off.
- 13.3 Departments must keep manual records of the utilization of annual leave taken for part of a day. After reaching the prescribed daily number of working hours, the employee must complete and submit a leave form.
- 13.4 For purposes of converting fractions/decimals of leave entitlements into working hours the following formula(s) should apply:

Converting fractions into hours:

$$A \times B = C$$

Where-

A = represents the number of working hours in a day

B = represents the fraction

C = represents the credits in hours

For example: employee with 7, 45 leave credits on an 8 hours working day:

$$8 \times 0.45 = 3.6 \text{ hours}$$

Converting fractions into minutes:

$$60 \times B = C$$

Where –

60 = represents the minutes in an hour

B = represents the fraction

C = total credit in minutes

For examples: employees with 3.6 hours leave credits (see example above)

$$60 \text{ min} \times 0.60 = 36 \text{ minutes}$$

In other words, the employee with 7.45 day's leave credits has 7 days, 3 hours and 36 minutes' leave

- 13.5 For the purposes of leave payouts, fractions or decimals must be used as they are in the formula provided for in paragraphs 13.4 of this Determination and Directive.
- 13.6 Unused fractions and decimals lapse and the end of the six months' period referred to in paragraph 12.5 above.
- 13.7 If an employee's annual leave entitlements changes e.g from 22 to 30 working days per annual after ten years' satisfactory service, the unused fractions or decimals must also be carried over the new leave category and be administered manually.

14. TYPES OF LEAVE

14.1. ANNUAL LEAVE

- 14.1.1** Employees are entitled to annual leave with full pay during each leave cycle of 12 months, commencing on 1 January each year, in terms of Annexure "A", except it appointed after 1 January of each year. The leave entitlement of an employee appointed after 1 January of each year shall be calculated proportionally in relation to each full month of service at a rate of 1,83 working days if entitled to 22 working days and 2.5 working days if entitled to 30 working days annual leave in a leave cycle.
- 14.1.2** Annual leave should be planned and scheduled at least at the start of a leave cycle, i.e January of each year.
- 14.1.3** For each 15 consecutive calendar days' leave taken without pay, the employees' annual leave entitlement shall be reduced by 1/24th.
- 14.1.4** At least ten (10) working days must be taken as leave days during the annual leave cycle. The utilization of this leave must take the service delivery requirements of the Department into account. NOTE: Annual leave should, as far as possible, be taken as consecutive working days.
- 14.1.5** The remaining leave days, if any, must be taken no later than six (6) months after the expiry of the relevant leave cycle, where after unused leave credits shall be forfeited.
- 14.1.6** An employee must submit his/her application for annual leave in advance, unless unforeseen circumstances prevent him/her from doing so.
- 14.1.7** If confronted with unforeseen circumstances which necessitate the utilization of annual leave, the employee must personally notify his/her supervisor/manager immediately. A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and /or extent of the unforeseen circumstances prevents the employee from informing the supervisor/manager personally.
- 14.1.8** An employee must submit an application for annual leave personally or through relative, fellow employee within five (5) working day of absence. If the employee fails to submit the application on time or compelling reasons why an application cannot be submitted, the supervisor/manager must immediately –
- 14.1.8.1** Notify the employee that if such application is not received within two (2) working days, the leave period will be regarded as unpaid leave; and
- 14.1.8.2** Inform the Human Resource division, should the employee default on the notification referred to in 14.1.8.1, above,
- 14.1.8.3** The relevant authority shall approve such absence as unpaid leave. The employees' supervisor/manager/ Head of Department and/ or his/her delegate must within two working

days from receipt of the leave application form recommend/not recommend and or/approve/disapprove this leave application and submit to the relevant Human Resource division in the department.

- 14.1.9** Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light and disciplinary steps against the employee and/or supervisor/manager should be taken.
- 14.1.10** Employees must be cautioned timeously if, at the end of the relevant leave cycle, they have not utilized their leave entitlements.
- 14.1.11** An employee's application for annual leave should be unreasonably refused. An application for annual leave should take the service delivery requirements of the Department into account.
- 14.1.12** Any refusal of annual leave must be confirmed in writing, stating the reasons and arrangements for rescheduling of the annual leave.
- 14.1.13** If, due to employer's service delivery requirements, an employee's application for leave is denied and not rescheduled, such leave must, upon request, be paid out to the employee at the end of the six (6) months' period referred to in paragraph 14.1.5 above. Employee requests for payment of unused leave credits must be:
 - 14.1.13.1** In writing; and
 - 14.1.13.2** Accompanied by written proof of refusal of leave by the Head of Department.
- 14.1.14** With effect from 31 January 2018, suspended as a precautionary measure while investigations into allegations of misconduct are being completed or employees who have been suspended as sanction as a result of misconduct within the six (6) months (paragraph 14.1.5 above refers) after the expiry of the relevant leave cycle and who could not utilize their unused annual leave credits, must upon request, be paid out annual leave credits at the end of the six (6) months' period referred to in paragraph 14.1.5 above. Employee requests for payment of unused leave credits must be:
 - 14.1.14.1** In writing; and
 - 14.1.14.2** Accompanied by written proof of suspension.
- 14.1.15** Heads of Department shall, at the end of the relevant eighteen (18) months' 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.
- 14.1.16** The 50% leave entitlement, or any portion thereof, which was due to employees for the period 1 July 2000 to 31 December 2000, and which could not be utilized before 30 June 2001, shall be added to the number of leave cycle accrued prior to 1 July 2000. This provision is a once off arrangement only in respect of those cases where no leave payouts have been effected.

14.2. COMPULSORY LEAVE

A reminder is issued in February/March of each year to notify all employees about the deduction of leave days for compulsory leave for the particular year. Even if a leave application form has not yet been submitted vacation leave for the period will automatically be captured on PERSAL using the Alpha list PERSAL report whilst awaiting the submission of the leave application form. The circular will be the source document.

14.3. NORMAL SICK LEAVE

- 14.3.1.** An employee is entitled to thirty-six (36) working days, sick leave with full pay, over a period of three (3) year cycle. Any unused sick leave credits shall lapse at the expiry of the three (3) year cycle.
- 14.3.2.** It is incumbent on the employee to utilize and manage his/her normal sick leave responsibly and with circumspect.
- 14.3.3.** Sick leave may also be granted for at least 10 days, in cases where an employee must be quarantined, or isolated because of infectious diseases e.g. Measles, Tuberculosis or Covid 19.
- 14.3.4.** An employee must submit his/her application for sick leave in respect of clinical procedures in advance, unless the treating practitioner certifies that such procedure has to be conducted as an emergency.
- 14.3.5.** If an employee is unable to report for duty due to sudden illness or injury, he/she must personally notify his or her supervisor of her or his inability to report for duty. A verbal message to supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/ or extent of the illness/injury prevents the employee to inform the supervisor/ manager personally.
- 14.3.6.** An employee must submit an application for sick leave personally or through a relative, fellow employee within 5 working days after the first day of absence. The employee's supervisor/manager/Head of Department and or his/her delegate within two working days from receipt of the leave application form recommend/ not recommend and or approve/disapprove the application and submit to the Directorate: Human Resource Management.
- 14.3.7.** If the employee fails to submit an application within the period indicated in paragraph 14.3.6 above, the following arrangement apply:
 - 14.3.7.1.** The employee's manager/supervisor must immediately notify the employee that if such application is not received within 2 working days, the leave period will be regarded as unpaid leave or annual leave. If the employee fails to submit the application on time or compelling reasons why an application cannot be submitted, the supervisor/manager must immediately inform

the Directorate: Human Resource Management and the relevant authority shall approve such absence as unpaid leave or annual leave if the employee consents. The employee's supervisors/manager/ Head of Departments and/or/his/her delegate must within two working days from receipt of the leave application form recommend/ not recommend and/or approve/disapprove this leave application and submit to the Directorate: Human Resource Management in the Department.

- 14.3.7.2.** Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light and disciplinary steps against the employee and/or supervisor/manager should be taken.
- 14.3.8.** An employee must submit a medical certificate in respect of his/her sick absence for every occasion of 3 or more sick leave days, issued and signed by a practitioner or person listed in paragraph 12.1 hereunder.
- 14.3.9.** The employer establishes a pattern/trend in the employee's utilization of normal sick leave, the employer must require the employee to submit a medical certificate from a practitioner or person listed in paragraph 12.1 hereunder, for periods of sick absences of less than 3 days;
- 14.3.10.** An employee during his/her normal sick leave period, who has been absent from work on more than two occasions during an eight-week period, must regardless of the duration of the sickness or injury, submit a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury. The 8-week period shall be a calendar period and commences on the first day of an employee's absence due to sickness or injury. Any subsequent day of absence due to sickness due to sickness or injury after the above-mentioned period must then be regarded as the first day of the next 8-week period. If the employee fails to submit the required medical certificate, the Head of Department must notify the employee that if the prescribed medical certificate is not received within 2 working days, the sick leave period will be regarded as unpaid leave or annual leave. If the employee fails to submit the medical certificate on time, the relevant absence must be covered by annual leave (with the employee's consent) and or/unpaid leave if insufficient annual leave credits are available or if the employee failed to notify the Head of Department of his/her choice. Failure by the employee to submit his/her medical certificate within the stated period must be viewed in a serious light and disciplinary steps against the employee should be taken.

- 14.3.11.** Sick leave may also be granted in respect of periods where an employee must be quarantined or isolated for at least 10 consecutive days.
- 14.3.12.** If an employee falls ill while on annual leave with full pay, such leave may be converted to sick leave provided that a practitioner or person listed in paragraph 14.3.13 hereunder is submitted to substantiate that he/she is ill.
- 14.3.13.** If an employee falls ill on annual leave with full pay, such leave may be converted to sick leave provided that a certificate from a registered medical practitioner or person listed.
- 14.3.14.** An employee must submit a medical certificate in respect of his/her sick absence for every occasion of 3 or more sick leave days, issued and signed by a practitioner or person listed in paragraph 14.3.13 above.
- 14.3.15.** For every 15 consecutive calendar days' leave taken without pay, an employee's entitlement must be reduced by 1/72nd per sick leave cycle

14.4. TEMPORARY INCAPACITY LEAVE

- 14.4.1** Incapacity leave is not an unlimited number of additional sick leave days at an employee's disposal. Incapacity leave is additional sick leave granted conditionally at the employer's discretion, read with Policy and Procedure on Incapacity Leave for Ill-health Retirement determined by the Minister for Public Service and Administration in terms of the Public Service Act, 1994.
- 14.4.2** An employee who has exhausted his/her normal sick leave, referred to in paragraph 14.3.1 above, during the prescribed sick leave cycle and who according to the treating medical practitioner requires to be absent from work due to temporary incapacity, may apply for temporary incapacity leave with full pay on the applicable application form prescribed in terms of PILIR in respect of each occasion.
- 14.4.3** For an employee's application for temporary incapacity leave to be considered, the:
- 14.4.3.1.** employee must submit sufficient proof that she/he is too ill or injured to perform his/her work satisfactory.
 - 14.4.3.2.** Application form must, regardless the period of absence, be accompanied by a medical certificate issued and signed by a medical practitioner that certifies his/her condition as temporary incapacity and if the employee has consented, the nature and extent of the illness or injury. Please refer to paragraph 17.
- 14.4.4.** Employee is in accordance with 10(1) of Schedule 8 to the Labour Relations Act, 1995, afforded the opportunity to submit together with his/her application form:
- 14.4.4.1.** Any medical evidence related to the medical condition of the employee, such as (a) medical report (s) from a specialist, blood

tests results, x-ray results or scan results, obtained at the employee's expense, and;

14.4.4.2. Any additional written motivation supporting his/her application.

14.4.4.3. employees is requested to give his/her consent that medical information/records be disclosed to the employer and/ or its Health Risk Manager and to undergo further medical examinations in terms of the assessment described in PILIR.

14.4.5. An employee must submit his/her application for temporary incapacity leave in respect of clinical procedures in advance, unless the treating medical practitioner certifies that such procedures have to be conducted as an emergency;

14.4.6. If overcome by as sudden illness or injury, the employee must personally notify his/her supervisor/ manager immediately. A verbal message to the supervisor/manager by a relative, fellow friend is only acceptable if the nature and/or extent of the illness or injury prevents the employee to inform the supervisor/manager personally.

14.4.7. An employee must submit an application for temporary incapacity leave personally or through a relative, fellow employee or friend within 5 working days after the first day of absence. The employee's supervisor or delegate must within two working days from receipt of the leave application form recommend/not recommend the application and submit to the relevant Human Resource Management in the Department.

14.4.8. If the employee fails to submit an application within the period indicated in paragraph 14.4.6, the following arrangements apply:

14.4.8.1. The employee's manager/supervisor must immediately notify the employee that if such application is not received within 2 working days, the sick leave period will be regarded as unpaid leave or annual leave. If the employee fails to submit the application on time or compelling reasons why an application cannot be submitted, the supervisor/manager must immediately inform the Human Resource Management Directorate and the relevant authority shall approve such absence as unpaid or annual leave if the employee consents. The employee's supervisor/manager/ Head of Department and/or his/her delegate must within two working days from receipt of the leave application form recommend/not recommend and/or approve disapprove this leave application and submit to Human Resource Management Directorate.

14.4.8.2. Failure by the employee to provide his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light and disciplinary steps should be taken.

14.4.9. The Head of Department, must within 5 working days from the receipt of the employee's application for temporary incapacity leave-

- 14.4.9.1.** Conditionally grant a maximum of 30 consecutive working days' temporary incapacity leave with full pay subject to the outcome of his/her investigation into the nature and extent of the employee's illness/injury, and
- 14.4.9.2.** Refer the application with all supporting evidence immediately to its Health Risk Manager in accordance with the PILIR for an assessment and advice –
- (a) on whether the employee's illness or injury justifies the granting of incapacity leave; and
 - (b) which steps, if any, in accordance with the procedures contained in terms 10(1) of Schedule 8 to the Labour Relations Act, 1995, with clause 7.5.1 of PSCBC Resolution 7 of 2000 as amended by PSCBC Resolutions 5 of 2001 and 15 of 2002, are necessary.
- 14.4.10.** The Head of Department may request the employee, if he/she has consented thereto in his/her application form, as part of the process contemplated in sub-paragraph 14.4.8.2 above, to subject him/herself for one or more medical examinations by medical practitioners of the employer's choice and for the employer's account. If the employee fails to honour the appointments for such medical examinations, the employee shall be held responsible for any fruitless expenses incurred.
- 14.4.11.** The Head of Department must within 30 working days after receipt of both application form and medical certificate referred to in paragraph 14.4.3.2 above, approve or refuse the temporary incapacity leave granted conditionally. In making a decision, the Head of Department must apply his/her mind to the medical certificate (with or without describing the nature and extent of the illness or injury) contemplated in paragraph 14.4.3.2, medical information/records contemplated in paragraph 14.4.3.4 (if the employee consented to disclosure), the Health Risk Manager's advice, the information supplied by the employee in terms of paragraph 14.4.3.3 (if any) and all other relevant information available to the Head of Department and based thereon approve or refuse the temporary incapacity leave granted conditionally, on conditions that the Head of Department may determine, e.g to return to work etc.
- 14.4.12.** The Head of Department may on the basis of medical evidence gathered during its investigation approve the granting of additional incapacity leave days on conditions that he/she shall determine. The Head of Department may for this purpose grant conditionally further temporary incapacity leave.
- 14.4.13.** The Head of Department, if applicable and as soon as possible, must after the receipt of the Health Risk Manager's advice, decide on the possibility of securing alternative employment for the employee, or adapting his/her duties or work circumstances to accommodate

his/her incapacity or alternative employment and, as soon as possible approve and implement an action plan for this purpose.

14.4.14. If the Head of Department-

14.4.14.1. Approves the temporary incapacity leave granted conditionally, such leave must be converted into temporary incapacity leave, or

14.4.14.2. Refuses the temporary incapacity leave granted conditionally, h/she must notify the employee in writing:

- (a) Of the refusal;
- (b) Of the reasons for the refusal;
- (c) That the he/she must notify the Head of Department in writing 5 working days of the date of the notice to him/her whether or not the period of conditional incapacity leave must be covered by annual leave (to the extent of the available annual leave credits) or unpaid leave and that, if he/she fails to notify the Head of Department of his/her choice, the period will be covered by unpaid leave; and
- (d) The employee may, if he/she is not satisfied with the Head of Department's decision, lodge a grievance in terms of section 35 of the Public Service Act.

14.4.15. The Head of Department must cover the period of absence, referred to in paragraph 14.4.13.2 (c) in accordance with the employee's written notification or, if the employee fails to notify that the Head of Department in terms of that paragraph or the annual leave credits are insufficient, the relevant period of absence must be covered by unpaid leave.

14.4.16. As regards the management of shift workers pertaining to normal sick leave and temporary incapacity leave the provisions contained in paragraph 8, above apply mutatis mutandis.

14.4.17. If an employee passes away after submitting an application for temporary incapacity leave a decision on such application must be made where the information provided is sufficient. However, where a decision cannot be made due to a lack of information the Head of Department or his/her application. Any decision must take into account the recommendation from the Health Risk Manager.

14.5. PERMANENT INCAPACITY LEAVE

14.5.1. An employee shall not directly access or apply for permanent incapacity leave. The Head of Department may grant an employee up to a maximum of 30 working day's permanent incapacity leave once he/she has, following the assessment and investigation contemplated in paragraph 14.4.8.2 determined that the employee's condition is of a permanent nature.

The Head of Department must during the period referred to in paragraph 14.5.1 and in accordance with the advice from Health Risk Manager ascertain the feasibility of and implement its plan of action contemplated in paragraph 14.4.12, above, in respect of –

14.5.1.1. Alternative employment; or

14.5.1.2. Adapting duties or work circumstances to accommodate the employee.

14.5.2 an employee, whose degree of incapacity has been certified as permanent but who can still render a service, may be transferred to an alternative appropriate vacant post without a reduction in benefits.

14.5.3 In instances where the employee's transfer entails retraining or retooling, the employer must take requisite resources (time and financial) and potential returns into consideration before approving transfer.

14.5.4 The transfer of an employee should ensure the optimal utilization of his/her competencies and must not compromise service delivery.

14.5.5 If both the Head of Department and employee are convinced that the employee will never be able to render an effective service, the employee/employer may proceed with the process of termination of service on account of continued ill-health in terms of section 17(2)(a) of the Public Service Act, as amended.

14.5.6 The Head of Department may extend the period of permanent incapacity leave referred to in paragraph 14.5.1 by a further 30 working days in order to finalize processes already commenced. If the processes set out in this Determination and Directive is not completed with the 60 working days, the Head of Department must report case to the Director General: Public Service and Administration with a report explaining the reasons for the delay.

14.6. LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES

14.6.1. Employees, who, as a result of their work, suffer occupational injuries or contract diseases, shall be granted occupational injuries and diseases leave for the duration of the period they are unable to work.

14.6.2. If an employee suffers a work-related injury as a result of accident involving a third party, the HOD shall grant her or him occupational injuries leave provided that the employee:

14.6.2.1. Will bring a claim for compensation against the third party; and

14.6.2.2. Undertake to use compensation (in terms of the Compensation for Occupational Injuries and Diseases Act or 1993) received to recompense as far as possible for the cost arising from the accident.

14.6.3. The Head of Department shall take reasonable steps to assist an employee to claim compensation according to 14.6.2 above.

14.6.4. When an employee is injured on duty or contracted an occupational disease the employer must pay the employee's medical expenses in terms of the provisions of the Compensation on Occupational and Injury and Disease Act. The employer may, depending on the circumstances, recover certain expenses in the event where a third party was involved in the accident. Please refer to the guide: "Application of the Compensation for Occupational Injuries and Diseases Act (COIDA) in the Workplace: A Guide for Government Departments" for further details as reflected on the SHERQ policy.

14.7. PRE-NATAL LEAVE

- 14.7.1.** A pregnant employee will be entitled to eight (8) working days' pre-natal leave per pregnancy, allowing the employee to attend medical examinations by a medical practitioner or midwife and tests related to the pregnancy.
- 14.7.2.** An employee can utilise a full day or part of a day for pre-natal leave. The Head of Department shall maintain a system to record episodes where the employee utilised part of a day. One day's pre-natal leave shall be deducted once the duration of absences equates the employee's prescribed daily working hours.
- 14.7.3.** An application for pre-natal leave must have as an attachment reasonable proof that the employee attended a doctor's appointment or went for tests related to the pregnancy.
- 14.7.4.** An employee who has used all her pre-natal leave may, subject to the approval of the Head of Department, apply to use available annual leave and/or unpaid leave.
- 14.7.5.** Absences related to medical complications during the pregnancy will be covered by sick leave.

N.B All other maternity leave provisions as defined in this determination and Directive on Leave of Absence, remain applicable.

14.8. MATERNITY LEAVE

- 14.8.1.** Employees (females) shall be entitled to four (4) months' maternity leave with full pay, commencing:
- 14.8.1.1.** at least four weeks before the date of birth; or
- 14.8.1.2.** on a date certified by attending practitioner as necessary for the employee's health or that of the unborn child.
- 14.8.2.** It is preferable that an employee commences her maternity leave at two weeks prior to the expected date of birth. However, the service delivery requirements of a particular Sector may require different arrangements with regard to the period and stage at which maternity

leave, with due consideration of the employee and her unborn child's health and safety, should commence.

- 14.8.3.** 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.
- 14.8.4.** Maternity leave may only be interrupted if:
 - 14.8.4.1.** the baby is born prematurely and is hospitalized during maternity leave; or
 - 14.8.4.2.** the baby becomes ill and is hospitalized for a period longer than a month during the maternity leave.
- 14.8.5.** The provisions contained in paragraph 14.8.4 are only applicable to an employee who chooses to interrupt her maternity leave in these circumstances.
- 14.8.6.** If an employee referred to in paragraph 14.8.4.1 and 14.8.4.2 above, chose to interrupt her maternity leave and failed to return to work after six weeks mentioned in paragraph 14.8.3 above, such a period must be covered with annual leave or unpaid leave if she does not have enough annual leave available.
- 14.8.7.** The maternity leave may be extended upon application by:
 - 14.8.7.1.** the granting of sick leave as a result of a medical complication;
 - 14.8.7.2.** the granting of up to 184 calendar days' unpaid leave; or
 - 14.8.7.3.** the granting of annual leave.
- 14.8.8.** Employees, who during the third trimester of their pregnancy, experience a miscarriage still birth or termination of pregnancy on medical grounds, shall be eligible for six consecutive week's maternity leave, where after 14.7.7.1 shall apply in the event of a medical complication.
- 14.8.9.** Provisions in 14.7.8 above shall 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.

14.9. ADOPTION LEAVE

- 14.9.1.** An employee who adopts a child that is younger than two years, shall qualify for adoption leave to a maximum of 45 working days, thereafter for any extension he/she may apply to utilize annual leave or unpaid leave as refer to paragraph 14.13.1.
- 14.9.2.** If both spouses or life partners are employed in the Public Service, both partners will qualify for adoption leave provided that the combined leave taken does not exceed 45 working days mentioned in 14.8.1 above.

14.10. SURROGACY LEAVE

14.10.1. The Commissioning Parent:

- 14.10.1.1.** An employee who is a commissioning parent in terms of the surrogate motherhood agreement confirmed by the High Court as contemplated in the Children's Act, 2005 is entitled to four consecutive calendar months paid leave commencing from the date of birth of the child.
- 14.10.1.2.** The employee referred to in paragraph 14.9.1, above, must notify an employer in writing at least one (1) calendar month before a child is expected to be born as a result of a surrogate motherhood agreement, of the date on which the employee intends to commence with surrogacy leave.
- 14.10.1.3.** If both commissioning parents are employed in the public service, only one (1) such parent will qualify for the surrogacy leave.
- 14.10.1.4.** An application for surrogacy leave shall be supported by a surrogate motherhood agreement.

14.10.2. Surrogate Mother

- 14.10.2.1.** An employee who is a surrogate mother, in terms of as surrogate motherhood agreement is entitled to six (6) consecutive weeks' maternity leave;
- 14.10.2.2.** An employee who is a surrogate mother may commence with normal official duty within the six weeks' period only if the attending practitioner certifies that the employee is fit to do so.
- 14.10.2.3.** It is incumbent on the employee to notify the employer of the surrogate motherhood agreement and submit copy of thereof as soon as it has been confirmed by the High Court.
- 14.10.2.4.** The employee's application for leave shall be supported by the surrogate motherhood agreement.

14.11. FAMILY RESPONSIBILITY LEAVE

- 14.11.1.** Employees would henceforth be entitled to the following family responsibility leave benefits:
 - 14.11.1.1.** 5 working days' family responsibility leave per annual cycle for utilisation if the employee's spouse or life partner gives birth to a child; or the employee's child, spouse or life partner is sick.

- 14.11.1.2.** "Child" for purposes of paragraph 14.10.1.1 means the employee's son or daughter, who is under 18 years of age.
- 14.11.1.3.** 5 working days leave per annual leave cycle for utilisation if the employee's child, spouse or life partner or an employee's immediate family member dies.
- 14.11.2.** Immediate family member for the purposes of 14.10.1.3 means to: employee's parent, adoptive parent, parents-in-law, sister and brother-in-law, grandparent, child (employee's son or daughter, or son-or daughter-in-law), stepchild or sibling. For the purpose of this provision "child" means the employee's son or daughter, and where applicable son-or daughter-in-law, of any age. The granting of family responsibility leave must be taken with due consideration of the employee's cultural responsibilities.
- 14.11.3.** An application for family responsibility shall be supported by reasonable proof.
- 14.11.4.** An employee who has a child(ren) with severed special needs shall be granted five (5) working days' family responsibility leave per calendar year.
- 14.11.4.1.** For the purposes of paragraph 14.10.4, a child with severe special needs is a child who has a mental, emotional or physical disability, certified by medical practitioner, which requires health and related services of a type or amount beyond that required by children generally. For the purposes of this provision "child" means the employee's son or daughter of any age.
- 14.11.4.2.** An application for family responsibility leave should be supported by reasonable proof to demonstrate the severe special needs of the employee's child.
- 14.11.5.** Employees who have used all their family responsibility leave may, subject to the approval of the Head of Department, apply to:
- 14.11.5.1.** Use available annual leave; or
- 14.11.5.2.** Use up to 184 calendar days of unpaid leave.
- 14.11.6.** Family responsibility leave may be taken for part of a day. For example, an employee who takes three hours off to attend to a family responsibility would use only three hours of their family responsibility leave entitlements.
- 14.11.7.** For purposes of utilising family responsibility leave entitlements, fractions or decimals must be utilised as they are. In other words, fractions or decimals must not be rounded off.
- 14.11.8.** Departments must keep manual records of the utilisation of family responsibility leave taken for part of a day. After reaching the daily number of working hours of attendance prescribed the employee must complete and submit a leave form.
- 14.11.9.** For purposes of converting fractions/decimals of family responsibility

leave entitlements into working hours the formula in paragraph 13.4.

NOTE: An employee may utilise a full day or part of a day, i.e. hours which will be recorded and when they total to 8 hours be recovered as one-day family responsibility leave.

14.12. PATERNITY LEAVE

- 14.12.1.** With effect from 20 May 2015 an employee shall be granted three (3) working days' paternity leave per calendar year for utilisation if the employee's spouse or life partner gives birth to a child or adopts a child not older than two (2) years.
- 14.12.2.** An employee who has used all his/her paternity leave may, subject to the approval of the Head of Department, apply to:
 - 14.12.2.1.** use his/her part or all of 5 working days family responsibility leave provided for in paragraph 14.11.1. above; or;
 - 14.12.2.2.** use available annual leave; or
 - 14.12.2.3.** use up to 184 calendar days of unpaid leave.
- 14.12.3.** An application for paternity leave shall be supported by reasonable proof.

14.13. SPECIAL LEAVE

The Special Leave provides granting of paid leave for special circumstances such as study, examinations, resettlement due to transfer, collective bargaining or other labour relations requirements, participation in sports, sabbaticals where appropriate or any other relevant purpose.

NB. SPECIAL LEAVE IS A FIXED ENTITLEMENT AND DOES NOT ACCUMULATE IF NOT UTILISED

THE FOLLOWING SPECIAL LEAVE SHALL BE GRANTED:

14.13.1. EXAMINATION LEAVE

- 14.13.1.1.** One working day special leave with full pay may be granted to an employee for each day on which he/she sits for an examination(s) regarding the field of study that has the objective to better equip the person concerned for a career in the Public Service.
- 14.13.1.2.** Examination referred to above may include ordinary school subjects up to matric as well as examinations in respect of which a certificate is not necessarily issued to successful candidates. A report should be produced as proof of writing exams.

- 14.13.1.3.** Special leave with full pay equal to the number of days for which an employee sits for examinations may be granted to an employee to enable him/her to prepare for an examination. An acceptable examination time table should be on an official letter head or authorized by an institutional official stamp.
- 14.13.1.4.** This provision may be applied only once in respect of re-examination for supplementary purposes.
- 14.13.1.5.** If the special leave granted precedes and succeeds a day of rest, such days of rest must be disregarded when calculating the number of special leave days to be granted to the employee.
- 14.13.1.6.** Special leave shall only be granted for bona fide final examinations and not for class tests, etc. For the purpose of this policy, final examinations include all examinations that will lead to the conclusion of a subject (including semester courses).
- 14.13.1.7.** Employees who must sit for examination on a Saturday or a day of rest may be granted one (1) working day per course as special leave in order to enable them to prepare for examination.
- 14.13.1.8.** Examination time-table must always be attached to the special leave application as proof of registration and results must be submitted.

14.13.2. STUDY LEAVE

The department recognizes that its success depends on the value it attaches to its human capital and will, subject to the operational requirements, assist the entire workforce as far as possible with study leave to obtain higher educational qualifications by means of part-time or correspondence study at recognized South African or Overseas Institutions.

Study leave on 50/50 basis may be granted to employees on part-time basis. However, the field of study should be within the interest of the department's strategic objectives and must have been applied and approved by the Head of Department at the beginning of the relevant academic year. The employees who will benefit will be those who have accumulated the capped leave days.

14.13.3. SCHOLARSHIP

The Head of Department may grant an employee special leave to study through scholarship. The duration of the leave will depend upon the

scholarship. The scholarship programme must be in line with the departmental strategic objectives and must be approved by the Head of Department.

14.13.4. OTHER

- 14.13.4.1.**One day's special leave with full pay may be granted to an employee in connection with his/her studies per course/subject to study/prepare for his/her examination, i.e. a day before examination day.
- 14.13.4.2.**Employees who attend classes, do presentations and write tests as a package that substitute examination (block attendance) may be granted two (2) days study leave with full pay in connection with his/her attendance, presentation and writing in respect of each session (limited to two sessions per annum).
- 14.13.4.3.**Where necessary, two days study leave with full- pay, may be granted to an employee under circumstances mentioned below, on condition that the department is satisfied that the studies undertaken are in the interest of the department.
- 14.13.4.4.**Research work and/or writing of essay or a thesis for a postgraduate qualification.
- 14.13.4.5.**Attendance of preparatory course with a view to sit for a qualifying examination in order to obtain admission to a particular field of study.
- 14.13.4.6.**Attendance of a self-enrichment course (e.g. Advanced Secretarial Course) which is in the interest of the department.
- 14.13.4.7.**This provision may be applied once only in cases where a person does preparatory and research work with a view to writing a re-examination, or an examination in respect of a study course that he/she failed and had to repeat.
- 14.13.4.8.**If an employee referred to above is required to perform the practical work or practical teaching in an office, institution of a government department, he/she must be regarded as being on official duty.
- 14.13.4.9.**Any travelling and subsistence expenses arising thereof must be borne by the employee him/herself.
- 14.13.4.10.** If an employee is to receive remuneration for the practical work or the practical teaching, his/her case must be dealt with in terms of Section 30 (b) of the Public Service Act, 1994.

14.13.5. ATTENDANCE OF CLASSES DURING OFFICE HOURS / BLOCK SESSIONS

- 14.13.5.1.**An employee who studies on part-time basis at a University or other recognized educational institution and who as a result of his/her studies is required to attend classes during working hours may be granted one (1) day special leave with full pay for every accumulated eight hours, he/she is so released from duty.
- 14.13.5.2.**An employee must obtain prior approval from immediate supervisor to attend contact session if they are available during working hours.
- 14.13.5.3.**Any employee who attends block sessions may be granted 15 days minimum special leave not exceeding a maximum of 20 days per annum.
- 14.13.5.4.**The above statement excludes seminars and conferences; it refers purely to training.
- 14.13.5.5.**An employee who wants to study fulltime for a period exceeding 20 days (maximum) sabbatical leave may apply for 50/50 study leave using his/her capped leave.

NB. The department should record all these absences.

14.13.6. NATIONAL COMMITMENT LEAVE

Special leave with full pay will be granted to an employee in respect of any participation in recreation activities.

14.13.7. RESETTLEMENT LEAVE

Special leave with full pay may be granted to an employee who is transferred to any other department at state expense.

Two days special leave with full pay may be granted to an employee if he/she is transferred to any other department in order to:-

- 14.13.7.1.**Arrange accommodation
- 14.13.7.2.**Supervise the packing/loading and unpacking/unloading of personal effects
- 14.13.7.3.**Arrange school for children
- 14.13.7.4.**Connect/disconnect water /lights
- 14.13.7.5.**Special leave for this purpose can only be taken according to bona fide need after physical transfer of an employee to other department and should be taken within one month of physical transfer.
- 14.13.7.6.**This special leave is only granted if the employee and/or his/her household physically move from one district to another district.

14.13.7.7. This provision is also applicable to employees who are transferred and appointed in terms of Section 15 (1) of the public Service Act.

14.13.8. QUARANTINE

14.13.8.1. Special leave will be granted in respect of periods where an employee is absent from duty as a result of segregation or isolation on medical instructions where he/she was in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease.

14.13.8.2. The granting of special leave shall be subject to the submission of a medical certificate by a registered medical practitioner indicating the period of and reason for segregation or isolation, for at least two (2) consecutive days which also certifies that the employee did not contract the relevant disease at his/her own making.

14.13.9. MISCELLANEOUS

Special leave with full-pay may be granted to an employee for example:

14.13.9.1. In the case of a blind employee, who must attend a recognized orientation course for the blind, or a training course in handling a guide-dog.

14.13.9.2. If the area in which he/she is working is struck by natural disaster and the department is satisfied that it was impossible for the employee concerned at that time to continue with his/her official duties.

14.13.9.3. Interviews, proof must be provided.

14.13.9.4. Being a witness in court for cases concerning the department, where an employee has been instructed (subpoenaed) by a court of law to be a witness. In a case where an employee is to appear to court for a private matter, he/she must apply for a vacation leave. Therefore, a letter from the Magistrate office is not acceptable.

14.13.10. LEAVE FOR INJURY ON DUTY

14.13.10.1. An employee who is in the process of doing official duty and meets with an accident / disease resulting in physical injury/disease shall be entitled to a special sick leave with full pay for the duration of period he/she is receiving medical treatment until he/she recovers.

- 14.13.10.2.** The employee concerned shall during the time/period off duty, on special leave provide the department with progress medical report indicating that he/she is receiving medical treatment.
- 14.13.10.3.** When the employee recovers full, he/she shall provide a final medical report from the doctor who has been giving medical treatment to him/her. A resumption report must be completed by the supervisor when he/she has resumed duty on the date reflected on the final medical report.

14.13.11. LEAVE FOR HEALTH REASONS

A special leave shall be granted if an employee has to attend a special medical therapy on the following with a recommendation from a registered medical doctor to a maximum of a certain period as stipulated below:

- 14.13.11.1.** Physiotherapy exercises a minimum of one day per week; however, this shall determine by the nature of the nature of the therapy, proof shall be attached.
- 14.13.11.2.** Blindness, he / she must attend a recognized orientation course for the blind; a proof from a registered medical practitioner shall be attached.
- 14.13.11.3.** Workplace violence and trauma - a maximum of one week shall be given for an employee who experienced trauma to attend therapy.
- 14.13.11.4.** Substance abuse and other addictions such as drugs, pornography, gambling etc. - a maximum of three months shall be given for an employee for treatment of substance abuse in a state facility and four weeks in a private facility. In a case of relapse an employee shall be given a second chance. If further treatment is required, the Department shall no longer grant an employee with a special leave.
- 14.13.11.5.** Treatment of stress, post-traumatic stress, depression and mental problem - an employee who requires admission in a treatment centre shall be given a period of one month. The employee shall be given a second chance in a case of relapse and if further treatment is required the Department shall no longer grant an employee special leave.
- 14.13.11.6.** The Head of Department shall grant approval of special leave days based on the recommendations made by a registered medical doctor.

NB. An employee should not receive medical treatment for an occupational injury/disease for a period exceeding twenty-four (24) months from the date of accident/disease was diagnosed. If that

happens, the Head of Department must consult the Compensation Commissioner for an advice in considering compensation award on the basis of permanent disability as a result of the Occupational Injury/Disease in terms of the act (COIDA).

14.13.12. LEAVE FOR SHOP STEWARDS OF RECOGNISED UNIONS

14.13.12.1. Shop steward's leave has increased to fifteen (15) working days per annum.

14.13.12.2. All labour unions are encouraged to submit a list of shop stewards for monitoring purposes.

14.13.12.3. The 15 working days shall be pooled per recognised trade union. Office bearers or shop stewards belonging to the same recognised trade union may apply for leave days from the pool.

14.13.12.4. In other words if there are 10 shop stewards in the Department of which 4 belong for example to the PSA and 6 to NEHAWU.

14.13.12.5. The 15 working days of each of the 4 shop stewards belonging to the PSA will be pooled into a pool of 60 working days (4x15); and

14.13.12.6. The 15 working days of each of the 6 shop stewards belonging to the NEHAWU will be pooled into a pool of 90 days (6x15).

14.13.12.7. With effect from 08 June 2018, if a shop steward of a recognised employee organisation has to perform union activities while on annual leave with full pay, such annual leave shall be converted to shop steward leave, provided that a formal request with supporting documentary evidence are submitted substantiating that he/she had to perform union activities.

N.B: new Z1 leave application form amended with effect from 1 January 2013 should always be used when applying for leave.

14.14. UNPAID LEAVE

14.14.1. If an employee has utilized all her or his annual leave with full pay, the Head of Department may grant her or him unpaid leave.

14.14.2. Only in exceptional circumstances shall the Head of Department grant more than one hundred and eighty-four (184) calendar days of unpaid leave in a period of eighteen (18) months.

14.14.3. For each consecutive calendar days' leave taken without pay, the employees' annual leave entitlement shall be reduced by 1/24th.

14.14.4. Unpaid leave should be regarded as calendar days.

14.14.5. For purposes of calculating unpaid leave, the formula applies: ref to Annexure "B" – Formulas.

15. APPROVAL OF LEAVE

- 15.1.** Leave application forms may be approved by:
- 15.1.1.** Head of Department - in respect of Directors and Chief Directors or equivalent ranks;
 - 15.1.2.** Chief Directors - in respect of Deputy Directors, and equivalent ranks;
 - 15.1.3.** Directors - in respect Assistant Directors, and or equivalent ranks.
 - 15.1.4.** Deputy Directors - in respect of Administration Clerks to Senior Administrative Officer and equivalent ranks.
 - 15.1.5.** Assistant Directors - in respect of Cleaners, General Workers and equivalent ranks.

16. ABSENCE WITHOUT LEAVE (AWOL)

- 16.1.** Any absence without prior leave application, that is, without the staff member informing his or her line manager within a reasonable period, or without a medical certificate, will be deemed as unauthorised absence.
- 16.2.** Absence without leave (AWOL) must be reported to the Human Resources department by the relevant line manager after two (2) days of the staff not being present.
- 16.3.** The rule of no work no pay shall apply in cases of absences from work without authority as provided in Labour Relations Act 1995, that is, the employer will withhold pay for a staff member who is absent without leave.
- 16.4.** Once reported, unauthorized absence could lead to disciplinary action and may result in dismissal.
- 16.5.** Unauthorised leave that continues for a period exceeding one calendar month shall be deemed abscondment. Abscondment is regarded as a misconduct and the department's policy on abscondment gives a guideline on processes to follow in an instance where an employee has absconded.

17. ROLE AND RESPONSIBILITIES OF STAKEHOLDERS

17.1. Head of Department

- 17.1.1.** Shall encourage an employee to fully utilize his/her annual leave entitlement in the leave cycle;
- 17.1.2.** Ensure that all leave taken by an employee is recorded accurately and in full;
- 17.1.3.** Ensure that an employee does not abuse sick leave.
- 17.1.4.** Leave forms are submitted for all absences and all outstanding leave forms are followed up;

- 17.1.5. All leave taken is captured on daily basis and there are no backlogs in respect of each annual cycle;
- 17.1.6. Individual utilization of leave is communicated to employees at the end of each annual leave cycle in respect of annual vacation leave.

17.2. Line Managers

- 17.2.1. Line managers must inform the Directorate: Human Resource Management when they encounter challenges in the process of implementing the policy.

17.3. Human Resource:

- 17.3.1. Must ensure that the policy is understood by all employees using re-orientation programme.
- 17.3.2. Departmental employees may familiarize themselves with the contents of the policy by reading it and make use of the policy.
- 17.3.3. Must encourage Line Managers and supervisors to keep and monitor leave registers and attendance registers.
- 17.3.4. Leave forms are submitted for all absences and all outstanding leave forms are followed up.
- 17.3.5. Managers keep register of leave taken and ensure that previous leave taken is reflected on the attached printout, before recommending and approving next leave application. i.e. (Z1), leave form must be accompanied by a PERSAL printout reflecting.
- 17.3.6. Emergency vacation leave taken without filling of prescribed form must be recorded and the employee must complete the application for leave form without being reminded, with written explanation for late application for leave, to avoid audit query.
- 17.3.7. All leave taken is captured on a daily basis and that there are no backlogs in respect of each annual leave cycle.
- 17.3.8. Employees are timeously informed of their annual leave utilization and available credit at the end of each annual leave cycle in respect of vacation, sick and family leave (If Pay Slip info is incorrect)
- 17.3.9. Employees may take leave before end of the year or must have taken not less than ten (10) days leave, before December 31, of each year.

18. ACCEPTANCE OF MEDICAL CERTIFICATES

- 18.1. For the purposes of normal sick leave medical certificates issued and signed by the practitioners and persons who are certified to diagnose and treat patients and who are registered with the following professionals' councils established by an Act of Parliament shall be accepted:

- 18.1.1. The Health Professionals Council of South Africa.
 - 18.1.2. The Allied Health Professions Council of South Africa.
 - 18.1.3. The South African Nursing Council.
- 18.2. The registration details of service providers could be confirmed with the above-mentioned council.
- 18.3. A medical certificate must contain the following information:
- 18.3.1. The name, address and qualifications of the practitioners or person.
 - 18.3.2. The name of the patient.
 - 18.3.3. The employment number of the patient (if applicable).
 - 18.3.4. The date and time of examination.
 - 18.3.5. Whether the practitioner is issuing the certificate as a result of personal observations during an examination or as the result of information received from the patient and which is based upon acceptable medical grounds.
 - 18.3.6. If the patient has given informed consent for it to be disclosed, a description of the nature and extent of the illness or injury in layperson's language.
 - 18.3.7. Whether the patient is totally indisposed for duty or whether the patient will be able to perform less strenuous duties in the work situation.
 - 18.3.8. The exact period of recommended sick leave.
 - 18.3.9. The date of issue of the certificates of illness.
 - 18.3.10. A clear indication of the identity of the practitioner or person who issued the certificate, **for example**, the initial and surname in block letters, and the registration or practice number of the practitioner who issued the certificate.
- 18.4. If the practitioner or person uses pre-printed medical certificates, wording not applicable to the patient must be deleted.
- 18.5. The Head of Department must accept medical certificates that do not describe the nature and extent of an employee's illness for sick leave taken during the normal sick leave cycle. i.e working days in a 3-year cycle. The employer may request from the employee a medical certificate describing the nature and extent of the illness before granting sick leave, if the employee abuses the system during the normal sick leave period of 36 working days (e.g a pattern of regular sick leave on Mondays or Fridays). If the employee fails to submit the required medical certificate, the Head of Department must notify the employee that if the prescribed medical certificate is not received within 2 working days, the sick leave period will be either regarded as unpaid leave or annual leave. If the employee fails to submit the medical certificate on time, the relevant absence must be regarded as insufficient annual leave credits are available and if the employee failed to notify the Head of Department of his/her choice. Failure by the employee to submit his/her medical certificate with the stated period

must be viewed in a serious light and disciplinary steps against the employee should be taken.

- 18.6. For purposes of temporary incapacity leave the employer accepts medical certificates issued and signed by practitioners registered with the Health Professional Council of South Africa and who are legally certified to diagnose and treat patients. Such medical certificates must describe that the illness or injury is temporary and, if the employee has given his/her informed consent, the nature and extent of the employee's illness or injury. The provisions contained in paragraph 17.3 above, applies mutalis mutandis in respect of such medical certificates.
- 18.7. The employer must, in accordance with the constitutional rights to privacy, the Code of Conduct in the Public Service Regulations treat at all times any information regarding the medical condition of an employee with the necessary respect and confidentiality. Such information may therefore not be disclosed to any other person(s) not authorized to receive such information. If an employee discloses such confidential information of one employee to any other unauthorized person, it must be viewed in a serious light and disciplinary steps against the transgressing employee should be taken.

19. NOMINATION OF BENEFICIARIES AND LEAVE PAYOUTS

- 19.1. Employees may, if they so desire, designate one or more beneficiaries to whom their leave payout may be paid in the event of their death. The Department should actively promote the nomination of beneficiaries in order to avoid any hardship of such beneficiaries.
- 19.2. if an employee dies and has not nominated a beneficiary, the leave payout may be paid:
 - 19.2.1. in full to the spouse/life partner of that employee;
 - 19.2.2. if there is no spouse/life partner, in equal shares for the benefit of minor and other children (including legally adopted children) of the deceased, who at the time of his/her death, were fully dependent on the employee; or
 - 19.2.3. If there are no children, to the employee's estate.

20. COMMUNICATION/ EDUCATION OF THE POLICY

The Policy must be communicated throughout the department to all its employees using workshops, intranet and workshops.

21. MONITORING AND EVALUATION

The Human Resource Management must vigorously monitor the implementation of this policy and will submit quarterly reports to the Chief Director: Corporate Services for submission to the Head of Department.

22. DISPUTE RESOLUTION MECHANISM

In the event of disputes arising out of this policy, such disputes shall be dealt with in terms of the grievance procedure and Labour Legislation applicable in the Public Service.

23. APPROVAL OF THE POLICY

The policy shall be recommended by the Head of Department and must be approved by the Member of Executive Council (MEC) as per the updated departmental Delegations and the policy will become official on the date it is signed by the Executing Authority (MEC Cooperative Governance and Traditional Affairs).

24. REVIEW OF THE POLICY

This policy may be reviewed only when there are material changes in the legislative framework from the date of approval as and when is necessary to ensure their continued relevance and effectiveness, and when there are material changes in the enabling legislations.

25. VERSION CONTROL AND CHANGE HISTORY

Version Control	Date Effective	Approved By	Amendment
Start from		Contact person – full name & title.	Include any superseded procedures and what the amendment is to the document.
2010	19/03/2010	Sicelo Gqobana (MEC)	
2012	29/03/2012	Mlibo Qoboshiyane (MEC)	
2014	24/03/2014	Mlibo Qoboshiyane (MEC)	New changes as per Resolution 1 of 2012: As of 31 July 2012 - Employees with 10 or more years of service are entitled to 30 working days annual leave per annum.
			A pregnant employee will be entitled to 8 working days' pre-natal leave per pregnancy, allowing the employee to attend medical

		<p>examinations by a medical practitioner or midwife and tests related to the pregnancy. An application for pre-natal leave must have as an attachment reasonable proof that the employee attended a doctor's appointment or went for tests related to the pregnancy.</p> <p>NOTE: An employee may utilise a full day or part of a day, i.e. hours which will be recorded and when they total to 8 hours be recovered as one-day pre-natal leave.</p> <p>Absences related to medical complications during pregnancy will be covered by sick leave.</p>
		<p>Five working days' family responsibility leave per annual cycle for utilisation if the employees spouse or life partner gives birth to a child or if employees child, spouse or life partner is sick; please note: Medical certificate must indicate that the parent has accompanied the child or spouse to the doctor and should not be just a medical certificate for your child or spouse and parents are excluded; and</p> <p>Five working days if the employee's child, spouse or life partner dies or an employee's immediate family member dies. Where surnames are not the same, an affidavit is required explaining the relationship and dependency.</p> <p>Immediate Family member for the above mentioned bullet refers to: employee's parent, adoptive parent, parents-in-law, sister and brother-in-law, grandparent, child (employee's son or daughter, or son- or daughter-in-law), stepchild or sibling.</p> <p>NOTE: An employee may utilise a full day or part of a day, i.e. hours which will be recorded and when they total to 8 hours be recovered as one day family responsibility leave.</p>
		<p>When circular is issued for the December festive season closure of offices, vacation leave for the period will automatically be</p>

			<p>The circular being the source document.</p> <p>Remove paragraph on Leave to appear as a witness as it is catered for on Special Leave Policy.</p>
			<p>Where an employee has been instructed (subpoenaed) by a court of law to be a witness in a case not related to him/her. A letter from the Magistrate office is not acceptable.</p>
	4		
2020	13/11/2020	Honorable X. E Nqatha (MEC)	<p>New changes as per Determination dated June 2018:</p> <p>Paragraph 3 Definitions page 4-5</p> <p>Paragraph 9. Annual leave accrued prior to 1 July 2000 page 6</p> <p>Paragraph 10. Annual leave entitlement page 6.</p> <p>Paragraph 11. Annual leave pay-outs 7.</p> <p>Paragraph 12. The granting of annual leave on a pro rata basis page 7.</p> <p>Paragraph 13. Types of leave 8-10.</p> <p>Paragraph 13.1 annual leave page 8-10.</p> <p>Paragraph 13.3 normal sick leave page 10-12.</p> <p>Paragraph 13.4. temporary incapacity leave page 14-17.</p> <p>Paragraph 13.5 Permanent incapacity leave 17-18.</p> <p>Paragraph 13.6. Leave for occupational injuries and diseases page 19-20.</p> <p>Paragraph 13.7 Pre-natal leave page 20.</p> <p>Paragraph 13.8. Maternity leave 20-21.</p> <p>Paragraph 13.10. Surrogacy leave 22.</p> <p>Paragraph 13.11. Family responsibility leave 22-23.</p> <p>Paragraph 13.14. Leave for office bearers or</p>

			<p>organisations page 25.</p> <p>Paragraph 15. Roles and responsibilities of stakeholders' page 26-27.</p> <p>Paragraph 16. Acceptance of medical certificates 27-28.</p> <p>Paragraph 17. Nomination of beneficiaries and payouts page 28-29.</p>
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