

ABSCONDMENT POLICY

Physical Address	Tyamzashe Building
	Phalo Avenue
	Bhisho
	5605
Postal Address	Department of Cooperative Governance & Traditional Affairs
	Private Bag X0035
	Bhisho
	5605
Document Number	
Document Name	Abscondment Policy
Custodian	Mpumelelo Madikane
Designation	Director
Component	Employee Relations & Wellness
Telephone No.	040 940 7206
Cell Phone No.	
E-mail Address	mpumelelo.madikane@eccogta.gov.za
Date Completed	10 February 2021
Date of Approval	
Date Last Amended	
Related Policies	Attraction & Retention, Talent Management, Career Path
	Development & Management, Acting, Succession Planning,
	Leave Management, Employment Equity,

Executive Authority
Initials:

SIGN OFF

I. Head of Department

The Policy on Abscondment has been recommended by AA Fani in my capacity as Head of Department for the Department of Cooperative Governance and Traditional Affairs.

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

The development of the policy on Abscondment will ensure the department is able exercise its powers in compliance with the law and guide decision- making in the department. This policy improvement is also part of our strategic thrust to remodel the Department's internal machinery and its productivity.

Recommended				
Designation	Head of Department			
Date	30 03 202			

II. Executive Authority

The Department of Cooperative Governance and Traditional Affairs (COGTA) has unprecedented opportunity to improve the lives of the staff by effectively rendering services that it is expected to provide. We have envisaged a Department that has the required capacity to respond adequately to challenges of its staff.

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

Signed	h ~ ~
Designation	MEC: Honourable X.E Nqatha of Cooperative Governance and Traditional Affairs
Date	30/03/21

Executive Authority Initials:

Contents

I.	Head of Department	. 2
II.	Executive Authority	. 2
1	PREAMBLE	. 4
2	PURPOSE OF THE POLICY	. 4
3	DEFINITIONS	. 4
4	APPLICATION & SCOPE	. 5
5	LEGISLATIVE FRAMEWORK	. 5
6	POLICY STATEMENT	. 5
7	POLICY PRINCIPLES	. 5
8	ELEMENTS OF ABSCONDMENT	6
9	DATE OF ABSCONDMENT	6
10	DISMISSAL DUE TO MISCONDUCT	6
11	AUTHORISATION	7
12	REINSTATEMENT	7
13	COMMUNICATION / EDUCATION OF THE POLICY	7
14	MONITORING AND EVALUATION	8
15	APPROVAL OF THE POLICY	8
16	DISPUTE RESOLUTION MECHANISM	8
17	REVIEW OF THE POLICY	8
18	VERSION CONTROL AND CHANGE HISTORY	9

Executive Authority Initials:

1. PREAMBLE

The Department of Cooperative Governance and Traditional Affairs commits itself in ensuring that the Abscondment Policy serves to identify the challenges that are faced by employees and make use of available remedies to curb the situation with a view to encourage employees to execute their duties with diligence.

2. PURPOSE OF THE POLICY

- 2.1 To promote fairness in the application of Section 17(3) (a) (i) of the Public Service Act, 1994.
- 2.2 To promote consistency and establish uniform approach in the handling of abscondment in the Department.
- 2.3 To make employees aware of the consequences of the provision of Section 17(3) (a)(i) of the Public Service Act.
- 2.4 To provide appropriate handling mechanism of the abscondment cases.

3. DEFINITIONS

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

Word/Term	Definition (with examples if required)				
Abscondment	An employee who absents him/herself from his/her official duties				
	without permission of his/her Head of Department, office or				
	institution for a period exceeding one calendar month shall be				
	deemed to have been dismissed from the public service on account				
	of misconduct with effect from the date immediately succeeding				
	his/her last day of attendance at his/her place of duty.				
Employee	A person contemplated in section 8 (1) (c) of the Public Service Act				
	(A person who is employed by an organization to perform specific				
	functions, on the staff of the organization).				

Executive Authority Initials:

Calendar month	A period extending from a day in one month to a day preceding the	
	day corresponding numerically to that day in the following month,	
	both days inclusive.	
Executing Authority	In relation to a provincial department within an Executive Council	
	portfolio, means the Member of such Executive Council responsible	
	for such portfolio.	
Audi Alteram Partem	Affording the other person an opportunity to state his/her case or to	
Rule	hear the other side of the story.	
Head of Department	The administrative head of a provincial department.	

4. APPLICATION & SCOPE

The Policy is applicable to all the employees of the Department of Cooperative Governance and Traditional Affairs.

5. LEGISLATIVE FRAMEWORK

- 5.1 Public Service Act, 1994 (as amended)
- 5.2 Labour Relations Act, Act 66 of 1995 (as amended)
- 5.3 Labour Relations Policy Framework for the Public Service
- 5.4 Basic Conditions of Employment Act
- 5.5 Public Service regulations

6. POLICY STATEMENT

The Department of Cooperative Governance and Traditional Affairs is committed to render a valued and quality service to its population through a motivated and disciplined staff. To provide this service, employees need to attend to work timeously and not to be absent without authorization.

7. POLICY PRINCIPLES

This policy is guided by the following main principles:

- 7.1 Consistency
- 7.2 Transparency

Executive Authority Initials:

7.3 Communication

7.4 Fairness

8. ELEMENTS OF ABSCONDMENT

Absent from duty without permission for a period exceeding one calendar month or

Assumes other employment, irrespective of whether one calendar month has expired or not.

9. DATE OF ABSCONDMENT

Section 17(3)(a)(i) of the Public Service Act, 1994 as amended stipulates that the date of

dismissal is with effect from the date immediately succeeding his or her last day of attendance

at his or her place of duty. (Have been amended based on the section quoted above)

10. DISMISSAL DUE TO MISCONDUCT

Section 17(3)(a)(i) of the Public Service Act determines that such dismissal is on account of

misconduct. No delegated authority is provided for this dismissal as the dismissal is as a

result of operation of law. In other words, if an employee was absent from duty without

permission of his or her head of department, office or institution for a period exceeding one

calendar month, shall be deemed to have been discharged from the public service on account

of misconduct with effect from the date immediately succeeding his or her last day of

attendance at his or her place of duty (this is the section from the Public Service Act) he/she is

automatically dismissed by operation of law. (we must delete this red part)

Section 17(3)(a)(i) of the Public Service Act can be interpreted to mean that absence without

permission complies with abscondment when:

• the employee has not contacted his/her supervisor or provided any reasons for his/her

absence:

• the employer has been unable to ascertain the whereabouts of the employee after

taking reasonable steps; (We must delete these two red paragraphs because they were

based on the Provincial Abscondment Policy the policy is irrelevant now and the

Public Service Act supersedes it)

• a period exceeding one (1) calendar month has lapsed; and

• The employee has no intention of resuming his/her duties.

Executive Authority Initials:

7

11. AUTHORISATION

Abscondment derives its authority from section 17 (3) (a) (i-ii) and (b) of the Public Service

Act.

12. REINSTATEMENT

If an employee who is deemed to have been so discharged, reports for duty at any time

after the expiry of the period referred to in paragraph 17 (3) (a) (i) the relevant executing

authority may, on good cause shown and notwithstanding anything to the contrary

contained in any law, approve the reinstatement of that employee in the public service in

his or her former or any other post or position, and in such a case the period of his or her

absence from official duty shall be deemed to be absence on vacation leave without pay or

leave on such other conditions as the said authority may determine.(this blue paragraph is

section 17 (3) (b) it talks about reinstatement) Duties have been terminated due to

abscondment, reports for duty after dismissal, and the audi alteram partem rule must be

applied to determine whether he/she has a valid explanation for his/her unauthorized

absence prior to the making of a recommendation to the Executing Authority with regard

to a possible reinstatement. The employee is however, not permitted to resume duties

before the Executing Authority has approved so accordingly.

Section 17(3)(b) of the Public Service Act rules that if an employee who is deemed to have

been dismissed due to abscondment, reports for duty at any time after the expiry of one

calendar month, the relevant Executing Authority may, on good cause shown and

notwithstanding anything to the contrary contained in any law, approve the reinstatement of

that employee in the Public Service in his/her former or another post or position. In such a

case the period of his/her absence from official duty shall be deemed to be leave without

pay. (I think this whole paragraph is a repetition we must delete it)

13. COMMUNICATION / EDUCATION OF THE POLICY

The Abscondment Policy will be communicated by means of workshops and circulars to all

employees of the Department.

Executive Authority

Initials: \

14. MONITORING AND EVALUATION

1 ,

The Directorate: Employee Relations & Wellness will monitor the implementation of this policy and will submit a quarterly report to the Chief Director: Corporate Services for

submission to the Head of Department.

15. APPROVAL OF THE POLICY

The policy will be recommended by the Head of Department and approved by the Member

of the Executive Council as per the updated Departmental Delegations and the policy will

become official on the date it is signed by the Executing Authority (i.e. the MEC for

Cooperative Governance and Traditional Affairs.

16. DISPUTE RESOLUTION MECHANISM

Any dispute about unfair dismissal must be referred by the employee concerned to the

relevant Bargaining Council for resolution.

17. REVIEW OF THE POLICY

The policy will be reviewed and amended in line with future legislative promulgations and

collective agreements. The development of this Policy is a dynamic process and that it may

require revision from time to time.

Executive Authority

Initials:

6 .

18. VERSION CONTROL AND CHANGE HISTORY

d By Amendment	lphaerson – full name &	yatha (MEC)		Policy to be reviewed when there are materialistic changes in the enabling legislation	
Approved By	Contact person – full name title.	Xolile Nqatha (MEC)	Xolile Nqatha (MEC)		
Date Effective	YYMMDD (the date the policy takes effect)	March 2021	March 2021		
Version Control	Start from	2021	2021		2026

HoD Initials:

Executive Authority Initials:

10

HoD Initials:

Executive Authority Initials: