

agriculture, land reform
& rural development

Department:
agriculture, land reform & rural development
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

HUMAN RESOURCES POLICY

Leave Policy

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1. Chapter one: General

1.1. Scope

The policy is applicable to all employees who are employed either on a full time or contract basis in terms of the Public Service Act and who fall within the scope of the PSCBC.

1.2. Abbreviations

EA	Executing Authority – MEC for Agriculture Land Reform and Rural Development
SMS	Senior Management Services (Level 13 – 16)
PSCBC	Public Service Coordinating Bargaining Council
ZIA	Application form for Leave
PILIR	Policy on Incapacity Leave and Ill-Health Retirement
HOD	Head of Department of Department of Agriculture Land Reform and Rural Development
HR	Human Resource
PERSAL	Personnel and Salary Administration System
GEPF	Government Employee Pension Fund
Eight Week Rule	Absence (sick leave) from duty on more than two occasions during an eight week period

1.3. Definitions

Department	Department of Agriculture, Land Reform and Rural Development
Short Period	Short period means temporary leave (less than 30 days) granted for an employee who exhausted his/her sick leave days
Long Period	Long period means incapacity leave (more than 30 days) granted to employee who exhausted his/her sick leave days
Employee	A person employed by the Department either on temporary or permanent basis
Supervisor	A person whom the employee report directly to
Directorate	A component headed by SMS member
Day of Rest	a) A Sunday or Public Holiday in the case of an employee who normally does not work on such a day. b) A day of rest shall not be regarded as leave and shall not be recorded as leave.
Annexure A	It means application form for Temporary Incapacity Leave for a short period
Annexure B	It means application form for Temporary Incapacity Leave for long periods
Compensation Commissioner	Means Commissioner appointed under section 2(1)(a); (xviii) of the Compensation for Occupational and Diseases Act

1.4. Legal Framework

- a) Determination on Leave of Absence in the Public Service
- b) Public Service Act, 2011
- c) Public Service Regulations, 2001
- d) Basic Conditions of Employment Act, of 1997
- e) Policy and Procedure on Incapacity Leave and Ill Health Retirement
- f) Human Resources Delegations
- g) Labour Relations Act
- h) Government Employee Pension Fund
- i) Compensation for Occupational Injuries and Diseases Act of 1993 (OIDA)

2. Chapter two: Vacation Leave

2.1. Vacation Leave Entitlements

- a) Employees shall accrue the following number of days leave (working days) per annual cycle, on a pro-rata basis, which takes effect annually and becomes available for utilization from 1 January each year:
 - i) Employees with less than 10 years' service: 22 working days
 - ii) Employees with more than 10 years' service: 30 working days
 - iii) Employees appointed on a fixed term contract: 22 working days
 - iv) Short-term casuals leave entitlement will be in terms of the Basic Conditions of Employment Act, 1997

2.2. Utilization of vacation leave

- a) A period of ten (10) working days leave per annual cycle will become compulsory vacation leave. Supervisors must ensure that employees utilize their annual leave entitlements during the 12 months leave cycle (1 January to 31 December). Employees must plan their annual leave at the beginning of a cycle.
- b) Annual leave entitlements should only in exceptional circumstances be carried over into the extra six (6) months period for utilization (1 January to 30 June of the following year). The purpose of the six (6) months grace period is to re-schedule leave that could not be used due to operational requirements in the preceding year.
- c) Supervisors should not unreasonably refuse to grant leave to an employee who applies, although they should take into consideration service delivery requirements. If leave is not granted, the supervisor should indicate on the leave application the reason for denying the leave, as well as an alternative date(s) for leave to be taken within the prescribed 18-month period, for record purposes.
- d) Vacation leave will not be granted to employees who are serving notice due to a transfer or termination of service.

2.3. Unused Vacation Leave credits

- a) Unused vacation leave credits shall lapse at the end of the eighteen (18) month period. This is also applicable to employees who have not utilized vacation leave credits due to scholarships locally or abroad.
- b) Unused vacation leave credits shall only be paid out in exceptional cases and will be subjected to approval from the Head of department.

3. Chapter Three: Sick Leave

3.1. Sick leave entitlements

- a. Employees shall be granted thirty –six (36) working days sick leave with full pay in a three year cycle.

3.2. Utilization of sick leave

- 3.2.1. If three (3) or more consecutive days are taken as sick leave, a medical certificate from a registered medical practitioner is required, citing the reason and the duration of absence.
- 3.2.2. Medical Certificates not describing an employee's illness for sick leave taken during the normal sick leave cycle (36 working days in 3-year cycle) should be accepted. The Medical Practitioner must, however, indicate the period that the employee had been booked off.
- 3.2.3. Sick leave without a medical certificate for periods of more than one (1) day at any time may only be granted for a maximum of three working days. A medical certificate must cover any further absence.
- 3.2.4. The 8-week sick leave rule will apply in all cases where an employee applies for sick leave without a medical certificate. This in effect means that when sick leave, without a medical certificate, had been granted, sick leave for the next 8 weeks, without a medical certificate, will not be granted.
- 3.2.5. In the event of abuse of the normal sick leave, e.g. if there appears to be a pattern of regular sick leave on Mondays and Fridays up to a maximum of 3 days, an employee shall produce a medical certificate describing the nature and extent of the illness at the request of the supervisor before the granting of sick leave with full pay, even in cases of sick leave less than three (3) days. Action should be taken as soon as an employee's absenteeism reaches an unacceptable level. The supervisor should not wait until the sick leave provision has been exhausted.
- 3.2.6. Failing to submit a medical certificate in circumstances where a medical certificate is a prescribed requirement will result in the sick leave being regarded as vacation leave with full pay or, if the employee does not have sufficient vacation or capped leave with full pay to his/her credit, the granting of vacation leave without pay.
- 3.2.7. If an employee becomes ill while on duty and he/she has to leave the place of work within four hours after starting time, it will be regarded as sick leave utilized. Any absences from work due to ill health (after four hours from starting time) will be regarded as on duty for the full day.
- 3.2.8. Normal sick leave may be granted in the event where an employee has to-
 - i) consult a doctor, therapist etc for reasons related to the employees health/wellness;
 - or

ii) go for maintenance work for equipment used as a result of his/her disability

3.2.9. Time off for absences from duty as set out in paragraph (3.2.7) above and eg: all types of leave of absence, should be monitored by supervisors and an application form for normal sick and all other types of leave must be submitted to the Component: Human Resource Management for every eight hours away from office, supported by documentary proof of such events.

3.2.10. An employee who has exhausted his/her normal sick leave, temporary incapacity leave may be considered.

3.3. Unused sick leave credits

- a) Unused sick leave credits shall lapse at the end of a three-year cycle. In considering applications for paid sick leave in excess of 36 days, the Policy and Procedure on Incapacity Leave and Ill Health Retirement will apply.

4. Chapter Four: Incapacity Leave

4.1. Temporary Incapacity Leave

- a) An employee whose normal sick leave credits in a cycle (36 days) have been exhausted, according to relevant medical practitioner, requires to be absent from work due to a disability which is not permanent, may at the discretion of the Head of Department or delegated be granted additional sick leave (temporary incapacity leave) with full pay provided that:
 - i) His/her supervisor is informed that the employee is hospitalized; and/or
 - ii) A relevant registered medical and/or dental practitioner has duly certified the medical condition in advance as temporary disability, except where conditions do not allow the employee to apply in advance.
- b) The HEAD OF DEPARTMENT or delegated authority may grant a maximum of thirty (30) consecutive working days temporary incapacity leave, during which period the Component: Human Resource Management (HRM) shall proceed with an investigation to determine the nature and extent of the incapacity. Investigations shall be in accordance with item 10(1) of Schedule 8 in the Labour Relations Act of 1995, as amended.
- c) The Head of Department or delegated authority may approve the granting of additional temporary incapacity leave on conditions he/she shall determine, based on medical evidence.
- d) The Head of Department or delegated authority may require the employee to obtain a second opinion before granting approval for additional temporary incapacity leave
- e) Expenditure in this regard will be covered by the Department.
- f) If the employee is of the opinion that he/she has been unfairly treated with regards to the granting of temporary incapacity leave, he/she has the right to follow the prescribed grievance procedure and the relevant dispute resolution procedures in order to settle the matter.

4.2. Permanent Incapacity Leave

- a) An employee whose degree of incapacity has been certified by a medical practitioner shall, with approval of the Head of Department or delegated authority be granted a maximum of thirty (30) working days paid permanent incapacity leave, or such additional number of days required by the Department to finalize the investigation with a view to:
 - i) alternative employment
 - ii) adapting duties or work circumstances to accommodate the incapacity; or
 - iii) termination of services owing to continued ill health as a last resort.
- b) An employee, whose degree of incapacity has been certified as permanent but who can still render a service, may be redeployed horizontally with retention of his/her benefits.

- c) If the redeployment necessitates reallocation to a job of a lower grading, it should be after consultation with the affected employee and his/her consent has been obtained.
- d) In instances where the employee's redeployment entail retraining and/or re-skilling (special devices), the department shall take requisite resources (time and finances) and potential returns into consideration before approving redeployment. The redeployment of an employee's services should ensure the optimal utilization of his/her competencies and should not compromise service delivery.
- e) If both the department and the employee are convinced that the employee's health status does not allow him/her to perform any type of duty in his or her current position, level or rank, the employee and the employer shall proceed with an application for termination of service on the grounds of ill health, in terms of the Government Employees Pension Fund.

5. Chapter Five: Leave for Occupational Injuries and Diseases

- 5.1. Employees who as a result of their work, suffer occupational injuries or contract occupational diseases shall be granted occupational injury and diseases leave for the duration of the period they cannot work, provided the Compensation Commissioner accepts it as injury on duty.
- 5.2. If an employee suffers a work-related injury as a result of an accident involving a third party, the department may grant him/her occupational injury and disease leave, provided that the employee-
 - a) submits a claim for compensation against the third party, and
 - b) undertake to use compensation, in terms of the Compensation for Occupational Injuries and Diseases Act of 1993, received to recompense as far as possible for the costs arising from the accident.
 - c) The Head of Department or delegated authority shall be obliged to take reasonable steps to assist an employee to claim compensation in terms of COIDA.

6. Chapter Six: Parental Leave

6.1. Maternity Leave

6.1.1. Maternity Leave Entitlement

- a) Employees are entitled to four (4) consecutive months paid maternity leave. There is no limitation on the number of confinements.
- b) Maternity leave is calculated in calendar days (e.g. if an employee's maternity leave commences on 15th May, the four months expires on 14 September).

6.1.2. Commencement of Maternity Leave

6.1.2.1. Maternity leave may commence-

- a) four (4) weeks before the expected date of birth; or
- b) On the date from which a medical practitioner or midwife certifies that it is necessary for the employee's health or that of her unborn child.
- c) Sick leave will not be granted during the four (4) weeks before the expected date of birth, unless the illness is unrelated to the pregnancy.
- d) It is preferred that an employee commences maternity leave at least two (2) weeks prior to the expected date of birth. However, the service delivery requirement 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.
- e) A medical certificate indicating the expected date of delivery must accompany the application for maternity leave. In the event of maternity leave commencing at a later date, the medical certificate must clearly state that the employee is fit to continue with her normal duties until a date before the expected date of delivery.
- f) The medical certificate must be submitted to the Component: Human Resource Management prior to the employee going on maternity leave.
- g) Should no medical certificate be submitted, it would be regarded that the maternity leave commenced four (4) weeks before the date of birth of the child.
- h) No employee may return to work within six (6) weeks after the birth of her child, unless a medical practitioner/midwife certifies that she is fit to do so.

6.1.3. Extension of Maternity Leave

6.1.3.1. If an employee has utilized all her maternity leave, and wishes to extend the leave as a result of complications, she shall in the order below utilize-

- a) available vacation leave or capped leave; and or
- b) unpaid leave up to 90 days

6.1.4. Termination of pregnancy on medical grounds

6.1.4.1. An employee who during the third trimester of her pregnancy experiences a miscarriage, still-birth or termination of pregnancy on medical grounds is entitled to-

- a) six (6) consecutive weeks maternity leave with full pay; and
- b) thereafter she may utilize sick leave

6.1.4.2. The same conditions will apply in the event of a miscarriage, still-birth or termination of pregnancy after paid maternity leave is effected.

- 6.1.4.3. An employee whose child is born and passes away a few days thereafter, is not allowed to return to work within six (6) weeks after the birth of the child. Such employee may be granted six (6) weeks maternity leave.
- 6.1.4.4. Miscarriage/still-birth/termination of pregnancy experienced by an employee during the first two trimesters of the pregnancy will be regarded as normal sick leave.

6.1.5. Interruption of maternity leave

- 6.1.5.1. Maternity leave may be interrupted if-
 - a) the baby is born prematurely and is hospitalized ; or
 - b) the baby becomes ill and is hospitalized for a period longer than a month

6.2. Pre-Natal Leave(EFFECTIVE FROM 1 JANUARY 2013)

- 6.2.1. A pregnant employee will be entitled to 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. The application must be submitted in advance, unless unforeseen circumstances prevent her from doing so. An employee who exhausted here pre-natal leave, may subject to approval by the HEAD OF DEPARTMENT, apply to us vacation or unpaid leave.

6.3. Absences Due to Medical Complication(EFFECTIVE FROM 1 JANUARY 2013)

- 6.3.1. Absences related to medical complications during the pregnancy will be covered by sick leave.

6.4. Adoption Leave

- 6.4.1. An employee who adopts a child, who is younger than two (2) years on the day the child is received by the adoptive parents, shall qualify for adoption leave to a maximum of forty-five (45) working days.
- 6.4.2. If both spouses and life partners are employed in the Public Service, they will both qualify for adoption leave, provided that the combined leave taken does not exceed forty-five (45) working days.
- 6.4.3. An employee requesting adoption leave must declare his/her spouse's/life partner's employment status.
- 6.4.4. An employee requesting adoption leave has to provide proof of adoption and a birth certificate of the child.
- 6.5. Extension of adoption leave
 - 6.5.1. If the employee wishes to extent the period, the absence must be covered by-
 - a) Available vacation or capped leave; and or
 - b) Unpaid leave up to 90 days

6.6. Family Responsibility Leave

- 6.6.1. Employees shall be granted five (5) working days paid family responsibility leave per annual leave cycle (substantiated with a medical certificate) for utilization if-
 - a. an employee's child, spouse or life partner dies; or
 - b. an employee's dependent child, spouse or life partner is sick.
- 6.6.2. An employee shall be granted five (5) working days paid leave per annual cycle (substantiated with documentary proof, e.g. copy of death certificate, funeral letter) for utilization if-
 - a. an employee's child, spouse or life partner dies; or
 - b. and employee's immediate family member dies.
- 6.6.3. The combined total number of days family responsibility leave utilized shall not exceed ten (10) working days in an annual cycle, unless special circumstances warrant further responsibility leave at the discretion of the HEAD OF DEPARTMENT or delegated authority.
- 6.6.4. Unused family responsibility leave entitlements lapse at the end of the relevant annual leave cycle.
- 6.6.5. An employee who has utilized all his/her family responsibility leave may utilize-
 - a. available vacation or capped leave; or
 - b. unpaid leave up to 90 days
- 6.6.6. An employee should apply in advance for family responsibility leave, unless it is due to unforeseen circumstances (e.g. sick child). In such cases an employee should inform his/her supervisor of the incident before 10h00 on the day the leave commences.

7. Chapter Seven: Special Leave

7.1. Special leave :for Resettlement as a result of transfer

- 7.1.1. A total of two (2) working days special leave with full pay may be granted to an employee who is-
- 7.1.2. Transferred at state expense at the headquarters (1 day) from which he/she is transferred as well as (1 day) to where she is transferred, to supervise the packing/loading and unpacking/unloading of personal effects. The transfer letter will serve as proof.

7.2. Special leave: for Sport purposes

- 7.2.1. Ten (10) working days special leave with full pay per annum may be granted to an employee who is selected by a recognized amateur sports association to:
 - 7.2.1.1. Take part, as a member of an organized sports group, in a sports tour outside the borders of SA whether as a competitor, coach or manager or;
 - 7.2.1.2. Represent the country and not merely a club or province, as a competitor, coach or manager at international sports events within the country.
 - 7.2.1.3. Accompany a foreign national team visiting the country, as a representative of the South African Sports Association organizing the tour; and
 - 7.2.1.4. Serves as a referee, an official or judge at an organized sports meeting at international level inside or outside boundaries of South Africa.

7.3. Special leave: for Rehabilitation purposes

- 7.3.1. An employee who has a problem with substance abuse may be granted one only a maximum of twenty one (21) working days special leave to undergo rehabilitation at a registered institution, on condition that on completion of treatment a medical certificate and complete report by the relevant medical practitioner or a registered institution is submitted to the department. The report should contain information with regard to the employee's co-operation and progress during treatment as well as a prognosis of the cases.
- 7.3.2. An employee who has to undergo rehabilitation for a second time may be granted vacation leave with full pay for the period of absence. If such employee resigns or his/her service is terminated before sufficient vacation leave has accrued, the portion of the over-grant which exceeds vacation leave credits on the last day of service, shall be regarded as an overpayment of salary and will be recovered from the employee's pension.
- 7.3.3. If an employee has no leave to his/her credit, the period of absence must be covered by unpaid leave.

7.4. Special leave: for Office Bearers or Shop Stewards of recognized employee organizations

- 7.4.1. Office Bearers or Shop Stewards or recognized employee organizations shall receive up to ten (10) working days paid leave per annum to attend/participate in activities outside the Department, related to their union position.
- 7.4.2. Applications for absence must be submitted on the prescribed leave application form (Z.1), together with supporting documentation (letter) from the union to the Component: HRM prior to attending the union activity.
- 7.4.3. The same provisions apply for employees appointed on a fixed term contract basis.
- 7.4.4. With effect from 1 January 2013, office bearers and shop stewards of recognized employee organizations shall receive 15 working days paid leave per annum for activities related to his/her union position.
- 7.4.5. The 15 working days shall be pooled per recognized trade union. Office bearers or shop stewards belonging to the same union may apply for leave days from the pool.
- 7.4.6. In other words if there are 10 shop stewards in the Department of which 4 belong to PSA and 6 to NEHAWU-
- The 15 working days of each of the 4 shop stewards belonging to PSA will be pooled into a pool of 60 working days (4x15); and
 - The 15 working days of each of the 6 shop stewards belonging to NEHAWU will be pooled into a pool of 90 working days (6x15).

7.5. Special Leave: Study Purposes

- 7.5.1. The purpose of this policy is to;
- a) regulate and employee's absence from duty by means of granting special leave;
 - b) identify circumstances for which the employee will be required to utilize vocational leave for study or examinations, within the framework and measures contemplated in this policy;
 - c) encourage employees to consider and plan their study requirements
- 7.5.2. General Conditions and Measures
- 7.5.2.1. Special leave for study and examination purposes is not a right, but a privilege that may be granted by the Head of Department or delegated authority.
- 7.5.2.2. Each request for special leave for study and examination purposes must be evaluated on its own merits and approval will depend upon;
- a) substantiating documents;
 - b) the enhancement of the employee's value to the department; and
 - c) on the timeous submission on the Application for leave, prior to the period in question.

- d) Special leave for study and examination purposes that is not authorized will not be granted.

7.5.3. Special leave for examination purposes

7.5.3.1. Employees shall be granted one (1) working day special leave with full pay on the day which he/she sits for an examination (maximum of 12 days per annum), and one (1) working day special leave with full pay per subject (maximum of 12 days per annum), to prepare for examinations for studies which in the opinion of the Head of Department or delegated authority-

- a) has the objective to better equip the person concerned for a career in the Public Service
- b) is in a field of study which is in full or part in the interest of the Public Service; or
- c) is related to a study program for which the department granted financial assistance.

7.5.3.2. Special leave may only be granted for bona fide final examinations and not for class tests.

7.5.3.3. An employee may be granted once-off special leave per subject for re-examination (not for class tests).

7.5.3.4. Application for study leave must be made at least one (1) month in advance, supported by and examination timetable. Applications not supported by examination timetables will be regarded as vacation leave with full pay. If no vacation leave is available, it will be regarded as vacation leave without pay.

7.5.4. Special leave for other study purposes

7.5.4.1. The department is committed to train and develop its workforce to higher levels of knowledge and skill. The department will, subject to operational requirements, assist its workforce as far as possible with study leave to obtain higher educational qualifications by means of part-time or correspondence study at recognized educational institutions.

7.5.4.2. For this purpose an employee may be granted up to a maximum of ten (10) working days special leave with full pay per annum for:-

- a) Research work and/or writing an essay or thesis for a post graduate qualification.
- b) Study in a direction that requires the performance of a practical work for a period annually.
- c) Attendance of preparatory course with the view to sit for qualifying for examination in order to obtain to a particular field of study e.g. Accounting Board Exams.
- d) Practical work required as a pre-requisite for registration in a particular profession.
- e) Self –enrichment courses that are in the interest of the department but not paid for by the department.
- f) Attendance of classes , presentations, write tests as a package that substitute examinations and block attendance.
- g) For attendance of classes that is only scheduled during official hours, Supervisors must keep record of the time away from office and ensure that the employee completes an application for special leave for every eight (8) hours away from work.
- h) If an employee is required to perform the practical work in an office, institution or a government department, he/she must be regarded as being on official duty.

- i) Where the employee is already claiming ten days special leave, no further special leave will be granted and vacation leave will apply. In case of insufficient vacation leave days, leave without pay will be granted.
- j) The combined total number of days leave utilized shall not exceed 10 working days in an annual leave cycle.
- k) If a day of rest or days of rest fall within a period of special leave, it will not form part of the special leave allocation.
- l) No special leave will be granted for registration of full time or part time studies.

7.6. Special Leave : Other

7.6.1. Special leave with full pay may be granted to an employee when:

- a) An employee is absent from duty as a result of segregation/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. The granting of special leave shall be subject to the submission of a certificate by a registered medical practitioner, indicating the reason and period for such isolation/segregation.
- b) An employee is arrested or has to appear before a court of law on a criminal charge and subsequently acquitted or the charge is withdrawn (found not guilty).
- c) An employee is working in an area struck by natural disaster and the Head of Department or delegated authority is satisfied that it was impossible for the employee concerned at that time to continue with his/her duties.
- d) An employee attends interviews within the Public Service. Proof of invitation of interview must be provided to the employer.
- e) If an employee has to appear as a witness in court, at misconduct case, inquest in terms of the law and before a commission/committee of enquiry.

7.7 Sabbatical Leave

7.7.1 A sabbatical is a mutual agreement between employee and the employer, whereby you are granted extended leave, either paid or unpaid, outside the normal working time specifically for development purposes, eg: doing research for long periods or training in new skills.

The HOD may use his discretion in terms of number of days that may be granted for this type of leave.

8. Chapter Eight: Pay-out of Leave Credits

8.1. Pay out of leave credits at expiry of 18-month period

- 8.1.1. Any unused annual vacation leave credits shall fall away at the end of the 18-month period (30 June of each year).
- 8.1.2. If, due to service delivery requirements an employee's leave is denied and not rescheduled, it may upon request, recommendation of the relevant Senior Manager and approval of the Head of Department, be paid out the end of the 18-month period (30 June of each year). The pay out of leave is restricted to a maximum equivalent of the annual leave entitlements, calculated on the salary notch of the employee as on 30 June of each year. The employee's request for pay out of unused leave must be

- a) In writing
- b) accompanied by written proof of refusal of leave; and
- c) written proof that leave could not be rescheduled

8.2. Pay out of annual leave credits on termination of service

- 8.2.1. Employees shall be paid a cash value in respect of unused annual leave credits upon termination of service. The payment will be limited to a maximum number of days equivalent to the annual leave entitlements, calculated on the salary notch of the employee as on the date of termination of service.

8.3. Pay out of leave credits accrued before 1 July 2000 (Capped Leave)

- 8.3.1. Capped leave is audited leave due to an employee, as at 30 June 2000, converted to working days.
- 8.3.2. Employees who have earned leave accruals in terms of the dispensation applicable prior to 1 July 2000 and which were audited, shall retain the same. The employer shall pay such accrued capped leave on:
 - a) Death
 - b) Retirement
 - c) Medical boarding (retirement due to medical reasons); or
 - d) Discounting of leave with 20, 30 and 40 years of service.
- 8.3.3. Where no leave records exist, an audit shall be conducted to determine whether there are periods which are audited or unaudited.
- 8.3.4. Should there be a period which is not audited and a period which is audited, then leave pay-out shall be paid on the basis of 6 days per completed year of service up to 100 days leave.
- 8.3.5. Employees will be allowed to utilize capped leave on the following conditions:
 - a) If employee has been over-granted annual leave with full pay, such portion may be recovered from the capped leave.
 - b) Capped leave may be granted if the previous and current annual leave is exhausted.

8.4. Pay-out of leave credits in the event of Long Service Recognition

8.4.1. If vacation leave is available, an employee may request for the discounting of:

- a) 10 days leave after 20 years of service; or
- b) 15 days leave after 30 years of service.

8.4.2. The new resolution (effective 31 July 2012), provides for the improvement in the recognition of long service on the basis indicated hereunder:

- a) -20 years continued service- a cash award of R 7500
- b) -30 years continued service- a cash award of R 15 000
- c) -40 years continued service- a cash award of R 20 000

8.5. Nominations of Beneficiaries for pay out of leave credits

8.5.1. Employees may, if they so desire, designate one or more beneficiaries to whom their leave credits may be paid out in the event of death.

9. Chapter Nine: Unpaid Leave

- 9.1. If an employee has utilized all his/her vacation and capped leave with full pay, the department may grant him unpaid leave. Only in exceptional cases shall the department grant more than 184 days of unpaid leave in a 18-month period.
- 9.2. An employee shall utilize unpaid leave for absence from duty due to:
- a) a conviction
 - b) a criminal sentence
- 9.3. In cases where unpaid leave is recommended as a form of sanction in terms of disciplinary action, the supervisor must attach copies of the disciplinary hearing and subsequent sanction imposed.

10. Chapter Ten: Absence from Duty that is not recorded as Leave

- 10.1. An employee is not regarded as being absent from duty on the following instances:
- 10.1.1. If he/she is a defendant/co-defendant in a civil court case arising from his/her employee duties and in which the State has a direct interest. If he/she attends a course, lecture, etc., presented by a government department or the private sector and in respect of whom the HEAD OF DEPARTMENT or delegated authority has granted permission to attend such course during office hours.
 - 10.1.2. If an employee with a disability has to undergo training to manage his/her disability (eg to be able to utilize equipment or to access the workplace to perform his/her job).
 - 10.1.3. If he/she is appointed by the Independent Electoral Commission to assist with parliamentary/local government elections.
 - 10.1.4. If he/she assists or represents another Public Service employee during a disciplinary/misconduct inquiry or during an investigation into a grievance.
 - 10.1.5. If he/she assists or represents an employee in a dispute resolution structure.

11. Chapter Eleven: General Conditions

11.1. Unauthorised Leave

- 11.1.1. All unauthorized absence from duty is deemed to be vacation leave without pay, except in the cases acceptable to the HEAD OF DEPARTMENT or delegated authority.

11.2. Days of rest

- 11.3. A day of rest is defined as:
 - a) A Sunday or Public Holiday in the case of an employee who normally does not work on such a day.
 - b) A day of rest shall not be regarded as leave and shall not be recorded as leave.

11.4. Over-Granting of Leave

- 11.4.1. An employee may not be granted annual leave with full pay in excess of the working days that the he/she is entitled to in terms of the dispensation.
- 11.4.2. The same applies to employees with capped leave in respect of employees who were in service prior to 1 July 2000.
- 11.4.3. If due, to an error, an employee had been granted annual leave in excess of that which stood to his/her credits or leave entitlement at that time, such over grant will be corrected and or deducted from the subsequent leave cycle. With termination of service, the latter will be regarded as an overpayment, and will be recovered from his/her pension benefit.

11.5. Procedures for Application of Leave

- 11.5.1. Each employee must confirm his/her leave credits with the Component: HRM before applying for leave.
- 11.5.2. Employees applying for leave must do so in writing on the ZI (a) Application for Leave of Absence form and attach a PERSAL printout of leave credits.
- 11.5.3. Employees must clearly indicate all personal information (name, PERSAL number, component, address and telephone/cell phone number during leave as well as the type of leave applied for, the period of leave and number of days. The application form must be signed by the employee and referred to his/her immediate supervisor for recommendation of the leave.
- 11.5.4. Supervisors must verify all information contained in the leave application for correctness and that the condition with regard to the payment of the salary (full pay/without pay) during the period of leave is completed. After the supervisor is satisfied that the form is correct, he/she must recommend and sign the leave form. The next level of authority must approve/sign the leave form.
- 11.5.5. On completion thereof, the form, together with any supporting documents, if applicable, (e.g).medical certificate, time table etch) must be submitted to the Component: HRM. Leave forms must be captured on PERSAL within 4 weeks from the date of leave.

- 11.5.6. Employees are advised to complete separate leave application forms for separate periods of leave taken. Separate leave forms should also be completed for different leave cycles e.g. if leave is taken between 20 December and 5 January, one leave form should be completed for the period 20 to 31 December and another leave form from 1 to 5 January.

11.6. Regulatory Conditions

- 11.6.1. It is the responsibility of the employee requesting leave and his/her supervisor/head of section who recommends/approve leave.
- 11.6.2. It is the responsibility of each senior manager to plan his/her Chief Component/ Component's leave at the start of the annual leave cycle and to submit leave schedules of his/her Component within the first month of the annual leave cycle (January of each year) to the Component: HRM. Senior Managers are also required to submit a monthly leave reconciliation report of leave utilized.
- 11.6.3. Managers/supervisors must ensure that-
- 11.6.3.1. the classification of leave is substantiated with the required documentary proof, recommended and recommended and approved before taking leave applications to the Component: HRM for implementation.
- 11.6.4. an employee's application for all categories of leave must be submitted to HRM prior to the commencement of leave.
- 11.7. Updated leave reports will be submitted on request to components to update/verify their internal leave records.
- 11.8. Leave records are reflected on a monthly basis on the salary advice.
- 11.9. The Head of Department (or his delegate) may at any time withdraw leave that has been granted, taking operational requirements of the department into consideration.
- 11.10. Component: HRM, reserves the right to request a Security Access report.

11.11. Vacation Leave

- 11.11.1. An employee shall not leave or stay away from work until he/she has applied, in writing for leave and has been advised that the leave application has been approved.
- 11.11.2. Employees may not, therefore, proceed on leave and then telephonically or otherwise inform his/her supervisor/manager of such leave being taken. Hence vacation leave becomes valid once it has been approved by the relevant supervisor.
- 11.11.3. In the event of telephonic request (before 10h00 of the relevant day) for vacation leave for short periods (1 or 2 days) due to unforeseen circumstances (eg. Broken down motor vehicle, domestic problems, etc) the application for leave form must, clearly state that prior telephonic approval was granted for such leave and should be submitted to the Component: HRM three (3) working days after reporting for duty.

11.11.4. Employees may be granted time off during normal office hours, with the provision that supervisors keep records of these hours and complete a leave form for one (1) day's leave as soon as the total accumulates to 8 hours.

11.12. Sick Leave

11.12.1. It remains the responsibility of the employee to inform the supervisor or his/her absence from office due to sickness before 10h00 of the same day of the illness.

11.12.2. If this information is not received in time, the supervisor may, on good grounds, refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates.

11.12.3. However, where an employee is not in a position to report due to a serious medical condition and the supervisor is satisfied that reasons are bona fide the supervisor may waive the submission of notification for illness.

11.12.4. In such cases, absence from duty may be covered by sick leave with full pay.

11.12.5. It is the responsibility of each employee to inform his/her supervisor of the time booked off by a medical practitioner.

11.12.6. An application for sick leave must be submitted to Component: HRM within three (3) working days after reporting for duty.

11.13. Leave between Christmas and New Year.

11.13.1. The department will not be officially closed between Christmas and New Year.

11.13.2. Managers should make the necessary arrangements in order to have staff in the office during this period to attend to operational requirements.

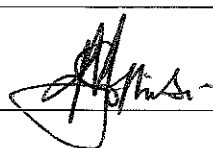
11.14. Last Day before Easter, Christmas and New Year

11.14.1. As per directive from the Director General the Department's activities for the calendar year close off at 10h00 on the last working day before Easter and Christmas. Employees need not make an entry in the time-off register on this day.

12. POLICY AMENDMENT

- 12.1. No amendments may be made to any section of this policy without such amendments first being consulted with all relevant stakeholders, and approved by the Head of Department

13. POLICY APPROVAL

Approval	Head of Department	Signature	Effective Date
W.V.D. MATHIBES	✓		01/04/2013