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DEPARTMENTAL POLICY DOCUMENT

LEAVE OF ABSENCE POLICY FOR PUBLIC SERVICE EMPLOYEES

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1. OBJECTIVE

The purpose of this policy is to ensure that leave is granted to employees under circumstances which necessitate their absence from work. This policy document provides guidelines and procedures to regulate an employee's absence from duty by means of granting leave of absence within the framework, provisions and measures as set out below.

2. DEFINITIONS

2.1 Annual leave – is leave granted to an employee on an annual basis which is determined by an employee's years of service and employment status.

2.2 Capped leave – is leave accrued prior to 1 July 2000, which has been audited and converted to working days.

2.3 Medical Practitioner shall for this purpose include all practitioners as defined by the Health Professionals' Council of South Africa.

2.4 Immediate family is defined as the employee's parents, adoptive parents, grandparents, children, adopted children, grand-children, brothers and sisters, spouse and common law partner.

3. SCOPE OF APPLICATION

This policy is applicable to all PSA employees of the Department.

4. COMPLIANCE FRAMEWORK

- i) Public Service Regulations, 2001, Chapter 1 Part V F
- ii) PSCBC Resolution 2 of 1999
- iii) PSCBC Resolution 3 of 1999
- iv) PSCBC Resolution 7 of 2000
- v) PSCBC Resolution 12 of 1999
- vi) Public Service Act, 1994
- vii) Labour Relations Act, 1995

- viii) Basic Conditions of Employment Act, 1997
- ix) Directive on leave of absence in the Public Service issued by the Minister for Public Service and Administration, 30 November 2000
- x) Compensation for Occupational injuries and Disease Act, 1993
- xi) Determination of leave of absence in the Public Service, 21/08/2007
- xii) Policy and Procedures on Incapacity Leave and Ill-Health retirement, 2005

5. RESPONSIBILITIES

Responsibility	Responsible person
Application of leave	Employee
Recommendation of leave	First line manager
Approval of leave	Second line manager
Recommendation of leave without pay	First line manager
Approval of leave without pay	Second Line Manager
Permission to leave early/report late for duty	Direct Supervisor/first line manager

6. POLICY PROVISIONS

It must be noted that an employee must not be granted leave with full pay in excess of that which the employee is entitled to.

6.1 Annual leave

6.1.1 Leave entitlements

An employee is entitled to the following annual leave in an annual leave cycle with effect from 1 January of each year

- a) Employee with less than 10 years service: 22 working days
- b) Employee with more than 10 years service: 26 working days
- c) Support staff at school: 22 days working days during schools holidays and 5 working days during operational days.

- d) Employees, who are appointed after commencement of an annual leave cycle, shall be entitled to annual leave on a pro rata basis determined as a fraction of the entitlement as per paragraph 7.1.1 (b)

6.1.2 Leave Procedure

- a) All annual leave shall be approved five (5) days before leave is taken. Except in emergencies.
- b) An employee shall report his/her absence from duty immediately in the morning before 10h00, failing which he/she will be booked leave without salary and disciplinary action will be taken if no valid reason is provided. It is the responsibility of the employee to ensure that the immediate supervisor is informed of the employee's absence from work.
- c) Absence from duty for a period exceeding one (1) calendar month without reporting shall be regarded as absconded and summarily dismissal shall be applied. Subject to the normal disciplinary procedures.
- d) Supervisors or the delegated person shall make enquiries if an employee has not reported for duty for more than two (2) days.
- e) Leave forms shall be submitted with a leave register to the HRM manager/delegate on a monthly basis or as determined by the HRM manager.
- f) Correctly completed leave forms must be submitted for all absences.

An employee must utilize ten (10) working days leave per annual leave cycle (compulsory), which should as far as possible be taken as consecutive working days

- i) This required 10 days must be taken in a 12 months leave cycle. (The 10 days will be reduced proportionally if an employee is in service for less than 12 months)
- ii) Employees should use their leave entitlements during the 12 months leave cycle as far as possible. All remaining unused leave days must be taken before 30 June of the following year. **It is**

important to note that all annual vacation leave credit not utilized after 30 June will lapse.

- iii) Employees should schedule their leave within the annual cycle and if, due to operational reasons they are not able to utilize the leave as scheduled they should reschedule it as soon as possible.
 - iv) To ensure that employees schedule their leave, supervisors must instate and maintain a leave-planning schedule, indicating when employees will utilize leave during the leave cycle.
 - v) Managers must monitor the utilisation of leave of employees in their units and ensure that each employee utilizes/schedules his/her compulsory 10 working days' leave.
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- g) The Department may refuse an employee annual leave for pressing operational reasons. However, where leave due is not taken due to the Department's service delivery requirements, a maximum of 12/16 (22 or 26 working days annual leave minus the 10 working days compulsory leave) days' leave will upon request be paid at the end of the 18 months period. Employee's request for payment of unused leave credits must be in writing. Note that there is an onus of proof on the employee that he/she earlier applied for leave in writing and was refused the specific leave when applying for it, due to operational reasons.
 - h) The Department will pay the cash value of unused annual leave credits due to the employee at the termination of service, whether such termination is employee or employer initiated. (This provision excludes capped leave as at 30 June 2000)
 - i) For the purpose of leave payouts, employees shall be paid a maximum of the accrued leave on recommendation of the relevant manager and on approval of the relevant responsibility manager. These payouts will come from personnel expenditure on the relevant unit's budget.

6.1.3 Leave for casual employees

Casual employees are not eligible to leave in terms of the Basic Conditions of Employment Act, 1998.

6.1.4 Time-off

An employee may request to be released from duty (time off) at any time during a working day on condition that he/she takes one (1) day's annual leave for every eight(8) hours he/she is released from duty. For this purpose every supervisor will keep a time off register to enter the number of hours an employee requested to be released.

6.1.5 Capped Leave

- a) Employees will retain capped leave and be allowed to utilize capped leave as discussed in the following paragraphs. The Department will pay capped leave out to employees only in circumstances such as death, retirement or medical boarding.
- i) Employees will be able to make use of their capped leave only when they have exhausted leave credits of previous and current leave cycles.
- ii) Employees with capped leave may utilize their capped leave over and above their annual entitlement.
- iii) The utilisation of this leave must take the service delivery requirements of the department into account.

6.1.6 Annual Leave: General Provisions

- a) An employee retains all his/her annual leave credits, when he/she is transferred within or between departments, due to him/her at that point in time. The employee retains likewise the leave category.
- b) If an employee transfers to an occupational class to which a different leave category applies, he/she adopts the new leave category for that occupational class. The employee will retain the leave credits due to him/her of the old occupational class.

- c) If due to a bona fide error, an employee had been granted annual leave with full pay in excess of that which stood to his or her credit at that time; such over-grant must be deducted from the subsequent leave cycle.
- d) If an employee who has been over-granted annual leave with full pay exits the Public Service, that portion of the over-grant, which exceeded his/her normal annual leave credit on his/her last day of duty must be regarded as an over payment that must be recovered from him/her.

6.2 Normal Sick Leave

- a) An employee will be granted 36 working days sick leave with full pay in a three (3) year cycle.
- b) Unused sick leave credits shall lapse at the end of a three (3) year cycle.
- c) It is incumbent on the employee to utilize and manage his/her normal sick leave responsibly and circumspect.
- d) The Department shall require a medical certificate from a registered and recognized Medical Practitioner as defined by the Health Professionals' Council of South Africa if three (3) or more consecutive days are taken as sick leave; sick leave taken on Monday or Friday; or if he/she has been absent on more than two occasions during an eight-week period. Certificates from herbalists and traditional healers are not acceptable unless they are registered with the Health Professionals' Council.
- i) The date on which the employee consulted the Medical Practitioner must be within the first three (3) days of illness. If the employee only consulted a Medical Practitioner thereafter he/she must submit reasons at the time of his/her return work. If reasons are not acceptable to the department, the employee will be granted annual leave and if there is no annual leave, leave without pay will be granted.

- ii) The certificate must describe the nature of the illness and the period needed for recuperation. Supervisors must check that the dates on the medical certificate correspond with the dates on the leave application (for example a certificate should not state "2 days" and the employee applied for "5 days" sick leave)
- iii) Sick leave during period of notice of termination of service may be granted provided a medical certificate covering the period of absence, irrespective of the number of days, is submitted.

N.B: Where an employee has not submitted the required medical certificate, the leave will be captured as annual leave if the employee has sufficient annual leave credit or as leave without pay. It is the responsibility of the employee and the immediate supervisor to ensure that the required medical certificate is attached

- e) The department may request a medical certificate from a registered medical practitioner as contemplated above for each day taken as sick leave if a pattern of sick leave has been established
- f) Conversion of annual leave to sick leave:

If an employee presents a medical certificate demonstrating that he/she became ill while on annual leave, the department shall convert the days covered by the certificate to sick leave. Leave without pay may not be converted to sick leave.

6.2.1 Eight week rule

- a) The Minister of Public Service and Administration has determined that from 1st April 2005, an employee in his/her first 36 days normal sick leave period, who has been absent from work on more than 2 occasions within 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 eight-

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 or injury after the above-mentioned period must then be regarded as the first day of the next eight-week period. If the employee fails to submit the required medical certificate, the head of the Department must notify the employee that if the prescribed medical certificate is not received within 2 (two) working days, the sick leave period will be deemed to be leave without pay. 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 and if the employee failed to notify the Head of the 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.

- b) The eight week period will be treated as a 2 calendar month, and will start on the 1st day of an employee's absence due to illness or an injury.

6.2.2 Utilization of sick leave in respect of time-off

An employee may request to be released from duty (time off) at any time during a working day on condition that he/she takes one(1) day's sick leave for every eight(8) hours he/she is released from duty. For this purpose every supervisor will keep a time off register to enter the number of hours an employee requested to be released.

Example of such leave is to request time-off to consult a doctor, dentist or any other Medical Practitioner when the employee has a health problem during working hours. When the time-off requests add up to 8 hours then a sick leave must be applied for.

6.3 Leave for occupational injuries/diseases

- a) An employee who as a result of his or her work suffers from an occupational injury or contracts an occupational disease shall be granted occupational injury/disease leave for the duration he/she cannot work.
- b) If an employee suffers a work-related injury as a result of an accident involving a third party, the Head of Department or his/her delegate shall grant him/her occupational injury/disease leave provided that the employee:-
 - i) Brings a claim for compensation against the third party and;
 - ii) Undertakes to use compensation (in terms of the COIDA Act) received to recompense as far as possible for the costs arising from the accident.
- c) The Department shall take reasonable steps to assist an employee to claim compensation in terms of 6.3 (b)

6.4 Parental Leave

6.4.1 Family Responsibility Leave

- a) An employee shall be granted three (3) days special leave per annual leave cycle for utilisation if:-
 - i) The employee's spouse/life partner gives birth or
 - ii) child, spouse or life partner is sick
- b) In the event of death of an employee's spouse/life partner/child or an immediate family member he/she will receive five (5) days special leave per annual leave cycle.
- c) The amount of family responsibility leave taken according to 6.4.1 (a) i) ii) above shall not exceed five (5) days per annual leave cycle.
- d) The Department shall require proof of an event for which this type of leave is required.

- i) In the event of death the employee must attach a death certificate or an affidavit to his or her leave form
 - ii) In the event of sickness the employee must attach documentary proof to his/her leave form.
- e) An employee's unused entitlement to leave in terms of this item lapses at the end of the annual leave cycle.
- f) Employees who have used all their family responsibility leave may:-
 - i) use available annual leave, if he/she applies to use his/her annual leave for this purpose or
 - ii) Use unpaid leave.

6.4.2 Maternity Leave

- a) An employee will receive four (4) consecutive months paid maternity leave for each confinement. There are no restrictions on the number of confinements.
- b) An employee should commence maternity leave at least four (4) weeks before the expected date of birth, unless the employee provides the department with a certificate (from a Medical Practitioner) that indemnifies the department in the event of complications or any undesirable incidence. Such certificate must clearly state that the employee is fit enough to work until a date before the expected date of delivery.
- c) In the event of complications, an employee's maternity leave may be extended by her available annual leave (on her own request) or sick leave due to her. In case sick leave is exhausted an employee's leave may be extended by up to 184 days unpaid leave.
- d) An employee who experiences a miscarriage, still birth or termination of pregnancy on medical grounds during the 3rd trimester of her pregnancy shall be granted six (6) weeks paid leave after the miscarriage, still birth or termination of pregnancy and thereafter she may utilize sick leave for days taken off as a result of the miscarriage, still birth or termination of pregnancy.

- e) An employee may not return to work for six (6) weeks after the birth of her child, unless a Medical Practitioner certifies her fit to do so.
- f) Maternity leave may be extended upon application by:
 - Granting of sick leave as a result of a medical complication;
 - Granting of up to 184 calendar days unpaid leave; or
 - Granting of annual leave

6.4.3 Adoption Leave

- a) An employee who adopts a child younger than two (2) years (24 months) will be granted a maximum of 45 working days paid leave. Thereafter, available annual leave and/or unpaid leave up to 184 days may be utilized if the employee applies to use his/her annual leave for this purpose.
- b) If either spouse 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 as mentioned above.
- c) An employee would be required to provide proof of adoption.

6.5 Leave for office bearers or shop stewards of recognised employee organisations

- a) Office bearers or shop stewards of recognized employee organisations shall receive up to a maximum of ten (10) days paid leave per annum to perform activities related to his/her union position.
- b) An employee may be requested to be released from duty (time off) at any time during a working day to perform activities related to his/her union position on condition that he/she takes one (1) day special leave for every eight (8) hours he/she is released from duty. For this purpose the time off register would also be used to capture the time off periods.
- c) All leave applications for this purpose must be submitted in writing together with supporting documents.

6.6 Special leave – Full Pay

6.6.1 Examination Leave

- a) 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) which in the opinion of the Department has the object to better equip the person concerned for a career in the Public Service.
- b) 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.
- c) This provision may be applied only once in respect of re-examination or an end of the year examination pertaining to a study course (or part of a course) which an employee failed and which he/she has to repeat.
- d) Special leave may only be granted for bona fide final examinations and not for class tests, term papers, etc. For the purpose of this policy, final examinations include all examinations that will lead to the conclusion of a subject (including semester courses)
- e) The examination time table shall always be attached to the special leave application.

6.6.2 Study Leave

- a) Study leave will be granted to employees to assist them in the preparation and the writing of their examinations on condition that the studies or preparatory work is in the interest of the Department or the Public Service.
- b) One day's special leave is granted for every day on which an examination is written. (Friday will be given for examination written on Monday)
- c) Employees who attend classes, do presentations and write tests as a package that substitute examination (block attendance) may be granted three (3) 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).

d) Where necessary three (3) 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.

- Research work and/or writing an essay or a thesis for a postgraduate qualification.
- Attendance of a preparatory course with a view to sit for a qualifying examination in order to obtain admission to a particular field of study.
- Attendance of a self-enrichment course (e.g. flower arranging, interior decorating, etc), which is in the interest of the Department, but not paid for by the Department.

6.6.3 Attendance of classes during office hours

An employee who studies part-time or by means of correspondence at a university or other recognized institution or attend ABET classes and who as a result of his/her studies is required to take few hours from his work in order to attend classes during office hours, may be released from duty on condition that he/she takes a day's vacation leave with full pay for 8 hours that he/she takes to attend classes or if he/she does not have leave to his/her credit or to his/her capped leave, a day's vacation leave without pay for every 8 hours. A certificate of attendance from such institution must be furnished as proof of attendance.

6.6.4 Sports Leave

Special paid leave may be granted to an employee when he/she is selected by a recognized amateur association to:

- a) Participate as a member of an organized sports group, in a sports tour outside the Republic whether as a competitor, coach or manager
- b) Representing South Africa as a competitor, coach or manager at the international sporting events or a Province as a competitor at South African championship events within the Republic.

- c) Accompany a foreign national team visiting the Republic as a representative of the South Africa Sports Association organizing the tour; or
- d) Serve as a referee, an official or a judge at an organized amateur sports meeting at international level inside or outside the boundaries of the Republic.
- e) Participation in cultural activities of National interest.
- f) The number of days which may be granted per person a year is limited to a maximum of 10 working days and proof must be submitted in each instance of application.

6.6.5 Resettlement Leave

Two (2) working day's special leave with full pay may be granted at each centre to an employee who is transferred at state expenses at the workplace from which he/she is transferred as well as at the office to which he/she is transferred.

6.6.6 Special Leave for the purpose of attending Rehabilitation programmes for substance abuse

- a) The Department will provide special leave for the purpose of attending rehabilitation when:-
 - i) An employee abuses alcohol or another drug
 - ii) An employee's behaviour is affecting his/her work performance
 - iii) An employee is willing to be rehabilitated
 - iv) An employee has completed a reasonable period of satisfactory service.
- b) Special leave in terms of paragraph 6.6.6 a) i) and ii) will be 21 days special leave
- c) Should an employee require more special leave days than stated above, a valid medical certificate and recommendation from a registered Medical Practitioner of the rehabilitation centre must accompany the request. The respective Senior Manager and EAP Practitioner will then consider the granting of additional special leave.

- d) The direct supervisor of the employee will submit a progress report to the Senior Manager on a quarterly basis on the progress of the employee after returning from the rehabilitation and sustaining that with a medical report.

6.6.7 Quarantine

- a) Special leave will be granted in respect of periods where an employee who is absent from duty as a result of segregation or isolation on medical instructions where he/she was in contact with a person/animal who has contracted or suspected of having contracted an infectious or contagious disease.
- b) The granting of special leave shall be subject to the submission of a certificate by a registered Medical Practitioner indicating the period of and reason for segregation or isolation, for at least 10 consecutive days, which also certifies that the employee did not contract the relevant disease.

6.6.8 Miscellaneous

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

- a) In the case of a blind employee, he/she must attend a recognized orientation course for the blind, or a recognized training course in handling a guide dog.
- b) The area in which he/she is working is struck by a 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.
- c) Leave for traditional healer training and initiation (Proof of training should be provided in writing by a registered Traditional healer or Initiation School)

6.7 Responsibilities for which the department shall not require an employee to utilise leave

An employee shall not be regarded as absent from duty in the event of the following circumstances:-

- a) When he/she attends a course, lecture or study tours for governmental purposes initiated by the Department, presented by other Departments or by the private sector and have been granted permission to attend.
- b) When he/she is appointed by the Department of Home Affairs/IEC to assist with elections.
- c) When he/she represents or assists another official during a disciplinary or misconduct inquiry or during an investigation into a complaint or grievance or on a conciliation meeting
- d) When he/she has to appear as a witness in a court case, in a misconduct case in terms of the law, before a commission/committee of inquiry appointed by the state or at an inquest.
- e) When he/she has to appear as defendant/co-defendant in a civil court case arising from his/her official duties and in which the state has a direct interest.
- f) When he/she is the aggrieved party during an investigation into his/her complaint or grievance, charged with misconduct during the disciplinary inquiry and as the person utilizing a conciliation meeting. This includes conciliation, arbitration and adjudication.
- g) When he/she is invited to attend an interview within the Public Service, proof of invitation must be provided in this instance.
- h) When he/she is selected to represent the Department in organized sports events.

6.8 Events for which the department will not approve special leave:-

- a) Attendance of self-enrichment courses (e.g. Fashion design)
- b) Repeating of part time studies
- c) Repeating of full time studies

- d) Absences for purposes of registering for part time or full time studies at a tertiary institution.

6.9 Unpaid leave

- a) If an employee has utilized all his/her annual leave and the situation necessitates leave of absence from work, the Department may, after reasonable course is shown, grant him/her unpaid leave.
- b) Only in exceptional cases will the Department authorize more than 184 days of unpaid leave within an 18-month period.
- c) An employee shall utilize unpaid leave for absence from work due to:-
 - i) arrest, imprisonment or appearance in court on a criminal charge that leads to a conviction or
 - ii) a criminal sentence

Note: If an employee is arrested and thereafter released, the no work no pay principle should apply. However, employees have an option to utilize their available annual leave for this purpose.

- d) Unpaid leave shall be granted to an employee who is serving a period of notice in his/her last month of service.
- e) Unpaid study leave may be granted to an employee, provided that it does not exceed 184 days during a period of 18 months. No contractual agreement is linked to the granting of unpaid leave.
- f) All unauthorized absence from duty, irrespective of any disciplinary action of any kind, which may be taken against an official, is deemed to be leave without pay.
- g) Unpaid leave is calculated as calendar days (for example if an employee utilizes unpaid leave on Thursday, Friday and Monday, five days would be without pay)

6.10 Procedures for application of leave

- a) Employees applying for leave must do so in writing on the leave application form (Z1). They must clearly indicate all personal information (name, Persal number, contact details during leave, etc) as well as the type of leave applied for, the period of leave and the number of days. Employees are advised to complete separate application forms for separate periods of leave
- b) The application form must be signed by the employee and submitted to the immediate supervisor. It is the responsibility of the supervisor to ensure that all information contained therein is correct and the conditions as to pay are completed. After the supervisor is satisfied that the form is correct, he or she must sign the form and refer it to the relevant responsibility manager to enter into the register
- c) After the relevant information regarding the specific leave form has been entered into the leave register, the leave application form together with any attachments (if applicable) must be submitted to the Human Resource Section as soon as possible after the approval for leave was granted
- d) Responsibility managers will be responsible for ensure that all leave application forms together with all relevant supporting documents or proof for that type of leave from employees in their units, are submitted to the Human Resource Section

7. MONITORING AND REPORTING


- a) A monthly report of employees who took leave detailing the categories of leave taken, leave dates, the number of days and leave credits will be prepared and submitted to the HOD to be circulated to the SMT meeting in order to alert the senior managers about leave taken and leave credits available to the employees
- b) This leave report will be reconciling the leave from leave days entitlement deducting the leave taken resulting to leave credits due to or owed by employees
- c) This report must also be circulated by the senior managers to the employees
- d) This will guide both the senior managers and the employees with regards to leave entitlements and leave credits and will also eliminate a situation where employees will have negative leave balances
- e) A monthly statistics report should be prepared by Conditions of Service indicating:
 - i) Number of leave forms received per district
 - ii) Number of leave forms accounted for per district
 - iii) Number of leave forms captured
 - iv) Outstanding supporting documentation per district and number of employees
 - v) Matters to follow up with school, circuit manager or district office

8. IMPLEMENTATION AND EFFECTIVE DATE

This policy becomes effective on approval by the Head of Department of the Northern Cape Department of Education.

9. POLICY REVIEW

This policy shall be reviewed at least annually to ensure that it is aligned with all the relevant legislation and complies with all adequate internal control requirements



G.T PHARASI
HEAD OF DEPARTMENT

11/10/30

DATE