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Department:  
Environment & Nature Conservation  
NORTHERN CAPE PROVINCE  
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlife Towers, T-Floor, Tel: 053 807 7300, Fax: 053 807 7328

# DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION

**DEPARTMENTAL POLICY GUIDE-LINE: SPECIAL LEAVE  
25 MARCH 2013  
HR POLICIES, HUMAN RESOURCES ORGANISATIONAL STRATEGY  
AND PLANNING UNIT  
VERSION 1**

*"A PROSPEROUS AND EQUITABLE SOCIETY LIVING IN HARMONY WITH OUR NATURAL RESOURCES"*

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## 1. CONCEPTUAL BACKGROUND

### 1.1 INTRODUCTION

The Minister of Public Service and Administration has delegated this function (***administration of special leave***) to the Departments. The Department of Environment and Nature Conservation recognizes that circumstances may arise which call for the allowance of special or extraordinary leave for an employee. This policy document provides guidelines and procedures to follow when applying for or granting such leave.

#### DEFINITION

- Transfer** : The relocation of an employee from one place of work to another.
- Unrest** : Unforeseen circumstances that prohibits an employee to attend to his/her work.
- 50/50 Study leave:** For each day of vacation leave utilised, one day special leave is awarded for study purposes.

### 1.2 LEGISLATIVE REQUIREMENTS

- Public Service Regulations 2001
- PSCBC Resolution No. 7 of 2000
- Labour Relations Act 1995.
- Basic Conditions of Employment Act, 1997.



## **2. POLICY STATEMENT AND APPLICATION SCOPE**

### **2.1 POLICY STATEMENT**

The purpose of this policy is to ensure that leave is granted to employees under circumstances which necessitate their absence from work, where such absence is in the interest of the employee, the Department or the Country. This policy will outline the principles and categories on the utilization of special leave within the Department.

#### **2.1.1 PRINCIPLES**

- All employees shall be informed of their special leave entitlement.
- The Department will, before granting special leave, ensure that the leave request complies with these circumstances in the policy.
- Special leave provisions will be implemented in a fair and equitable manner.
- A leave form must be completed, authorized and submitted to the Human Resources Management Unit together with the necessary proof required.

#### **2.1.2 CATEGORIES OF SPECIAL LEAVE**

##### **(i) Examinations**

Special leave with full remuneration may be granted to an employee for the day on which he/she sits for an examination/s and a day prior to the date, which in the opinion of the Department: -

- Has the objective of improving the skills of the employee concerned for a career in the Public Service, irrespective of whether it relates to his/her immediate field of work or not; or
- Is in a field of study, which is in full or in part in the interest of the Department.

Examinations may include ordinary school subjects up to matric (grade 12), as well as examinations in respect of which certificates is not necessarily issued to successful candidates.

Special leave for examinations may be awarded once only in respect of re-examination or an end of the year examination pertaining to a study course (or part of a study course) which an officer or employee failed and which he/she has to repeat.

Proof of examination in the form of the examination time table from the institution where the employee is studying must be submitted before special leave may be considered.



Subsequent changes in the time-table must be reflected on an amended leave application.

(ii) **Study (50-50 basis)**

Study leave may be granted on the basis of one day's special leave with full remuneration for each day's vacation leave with full remuneration taken by an employee in connection with his/her studies, and thereafter, if necessary, vacation leave without pay, provided that the Head of Department or delegated authority is satisfied that the studies are in the fields which is in the interest of the Public Service in the following circumstances:

- Full time study at a recognised educational institution within the Republic or abroad.
- Special studies abroad (including a study tour).
- Part-time studies and studies by means of correspondence when once or twice a year, leave is needed to do essential preparatory or research work. Study leave on 50-50 basis for part-time studies shall be limited to two day's vacation leave with full remuneration and two day's special leave with full remuneration, per examination subject (including compulsory semester tests in order to get admission to examinations) Employees who want to utilize more time for this purpose can use vacation leave.
- Research work and the writing of an essay or a thesis for a postgraduate qualification on approval of the Head of Department for a maximum period of 20 working days per annum. (10 days special leave/10 days vacation leave).
- Study in a field, which requires the performance of practical work for a particular period annually.
- Attendance of a preparatory course with a view to sitting for a qualifying examination in order to obtain admission to a particular field of study.
- Practical work required as a prerequisite for registration in a particular profession.
- Attendance of a self-enrichment course which is in the interest of the Department.

50/50 Study leave may be applied once only in cases where an employee does preparatory and research work with a view to writing a re-examination or an end of the year examination in respect of a study course which he/she failed and had to repeat.

If an employee is required to perform practical work in an office, institution or school/educational institution of a government department, he/she must be regarded as being on official duty. Any travelling and subsistence expenses arising there from must be borne by the employee him/herself.

To receive remuneration for practical work or practice teaching, an employee must apply to do remunerative work outside employment in the Public Service in accordance with section 30(b) of the Public Service Act, 1994 as amended.

Study leave on 50/50 basis shall only be granted to an employee who complies with the circumstances as set out above, when that employee provides the Department with the necessary proof.

It is the responsibility of the supervisor to manage the process.

(iii) **Attendance of classes during official hours**

An employee who studies part-time or by means of correspondence at a recognised educational institution and who, as a result of his/her studies, is required to be absent from his/her place of work may be released from duty on condition that he/she takes a day's vacation leave with full remuneration (or leave without remuneration if an employee has no leave to his/her credit), for every full sixteen (16) hours he/she is released from duty.

An employee who repeats a course or part thereof may with the approval of the head of department be released from duty on condition that he/she takes one day's vacation leave with full pay or if he/she does not have leave to his/her credit one days vacation leave without pay be granted in respect of every full eight hours (seven hours if a six-day or longer working week is observed) he/she is so released.

The granting of the above-mentioned leave privileges are subject to the head of department being satisfied that the studies are in the interest of the Department.

(iv) **Sport Purposes**

Special leave with full pay may be granted to an employee when he/she:

- Is selected by a recognised sports association to take part, as a member of an organised sports group, in a sporting tour outside the Republic as a competitor, coach, manager or official (15 days special leave and 15 days vacation leave) to represent South Africa.
- Accompanies a foreign national team visiting the Republic, as a representative of the South African sports association organising the tour.

- Serves as referee, an official or a judge at an organised amateur sports meeting at international level inside or outside the boundaries of the Republic.

Special leave with full remuneration may be granted on the following basis to an employee when he/she is selected by a recognised amateur sport association to take part in sport within the Republic at inter- provincial level, or a level between provincial and national level or a level lower than national level against an international team :

- One day's special leave with full pay is granted for each day vacation leave with full pay which the employee takes (50/50 basis), provided that the number of days special leave which may be granted per person per year ending December 31, for the purposes in question, be limited to a maximum of 10 days. A total of 20 days sport leave (10 days special leave and 10 days vacation leave) may therefore be granted.
- When an employee desires to take only one day's sports leave the employee and the Department should in turn respectively take one day vacation leave with full pay or grant one day special leave with full pay.
- If a period of sport leave amounts to an unequal number of days, the employee and the Department should in turn respectively either take the larger number of days vacation leave with full pay and grant the smaller number of days special leave with full pay, or alternatively take the smaller number of days vacation leave with full pay and grant the larger number of days special leave with full pay. Where the employee has no vacation leave to his/her credit special leave for sports purpose on a 50/50 basis cannot be granted to him/her.

The above mentioned also applies to an employee who serves as a referee, official, judge, coach or manager at an amateur sports meeting as contemplated in the above.

(v) **Resettlement as a result of a transfer**

A maximum of two days special leave with full remuneration may be granted to an employee who is transferred at state expense at the workplace from which he/she is transferred as well as at the workplace to which he/she is transferred, to supervise the packing/loading and unpacking, unloading of personal belongings.

(vi) **Miscellaneous**

Special leave may be granted to an employee when:

- He/she is absent from duty as a result of segregation or isolation on medical instructions where she/he 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 period of and the reason for segregation or isolation.
- He/she is arrested or has to appear before a court of law on a criminal charge and he/she is subsequently acquitted or the charge withdrawn.
- He/she is a party in a civil/criminal action in a court of law.
- In the case of a blind person, he/she must attend a recognised orientation course for the blind, or a recognised training course in handling a guide dog.
- The area in which he/she is working is struck by a natural disaster and the head of Department is satisfied that it is impossible for the person concerned at the time to continue with his/her official duties.
- As a result of unrest in the area in which he/she is working, he/she is prevented at that time from continuing his/her official duties in that area.
- He/she is absent from duty as a result of treatment for substance/alcohol abuse. (Documentary proof must be provided indicating that an employee has attended a rehabilitated program).

Special leave granted in terms of the above-mentioned may, where appropriate, include any period necessarily spent on travelling for the purposes in respect of which leave is granted.

#### **Absences from duty not recorded as leave:**

An employee is not regarded as being absent from duty in the following instances:

- When he/she appears as a witness in any of the following :
  - in court case;
  - in a misconduct case in terms of the law.
  - before a commission or committee of inquiry appointed by the State at an inquest;
  - at a rent board inquiry, except he/she is the initiator, in which case his/her absence from duty must be covered by the granting of vacation leave;
  - defendant or co-defendant in a civil court case arising from his/her official duties and in which the State has a direct interest.



- When he/she attends a course, lecture, etc. presented by his/her own or other Department or the private sector and in respect of which he/she has been granted permission by his/her Head of Department to attend such course during official hours.
- When he/she assists or represents an employee with permission of his/her employee during a disciplinary or misconduct inquiry or during an investigation into a complaint or grievance.
- When he or she assists or represents an employee in a conciliation board in so far as such a representative or nominee is an employee in the same Department as the person requesting the establishment of the conciliation board.
- When an employee is absent from duty-
  - As the aggrieved person during an investigation into his/her complaint or grievance;
  - As the person charged with misconduct during a disciplinary or misconduct inquiry;
  - As the person utilizing a conciliation board.

(vii) **Special leave for Union Representatives**

Office bearers or shop stewards of recognised employee organisations shall receive up to 15 working days paid leave per annum for activities related to his/her union position.

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.

For example if there are 10 shop stewards in the Department of which 4 belong for example to the Union A and 6 to Union B:

- The 15 working days of each of the 4 shop stewards belonging to the Union A will be pooled into a pool of 60 working days (4 x15); and
- The 15 working days of each of the 6 shop stewards belonging to Union B will be pooled into a pool of 90 working days (6x15).

The Human Resource Manager shall be the administrator of the pool. The Human Resource Manager shall develop standard operating procedures to ensure that the utilisation of the pool is properly managed, recorded and monitored to ensure that the leave days available in the pool is not exceeded and/or abused.

A shop steward may apply for leave from the pool in respect of the recognised employee organisation she/he belongs to only. An individual shop steward may apply due to the union activities attached to his/her union position for either less than or more than 15 working days in a leave cycle. However, the shop stewards accessing the same pool of leave may not exceed the total number of leave days available in the pool.

Shop steward leave may only be utilised for activities related to the employee's union position. All applications for this type of leave must be submitted in writing on the prescribed leave application form, together with supporting documentation.

The employee's supervisor shall liaise with the Labour Relations Manager and Human Resource Manager to validate the employee's involvement in a union activity/business and whether sufficient credits are available in the leave pool.

Approved applications shall be captured on PERSAL.

(viii) **Leave for the purposes of participation in municipal councils**

If an employee has to perform duties as a municipal councilor (part-time) during his/her official hours at work, the department should require that vacation leave be taken on a basis of 1 day for every 8 hours of absence.

## **2.2 APPLICATION SCOPE**

This policy will apply to all officials of the Department of Environment and Nature Conservation.

An employee shall be entitled to apply for special leave if he or she has a permanent contract or fixed term contract with the Department.

### **3. POLICY FRAMEWORK**

#### **3.1 IDENTIFICATION AND CONSULTATION OF STAKEHOLDERS**

This policy document was distributed to staff members within the department and their feedback and inputs are included where changes were suggested and motivated. Information sessions were also held as part of the consultation process. The recognized Labour Unions are not excluded in the process as they do have shop stewards within the department, and them being part of the departmental staff, thus had the opportunity to participate in the process. Furthermore, it needs to be mentioned that the department cannot negotiate with the Unions (Organized Labour) as a separate entity on this policy. Especially, because there are matters of mutual interests that must be dealt with in the formal structures created for this purpose, such as the Provincial Bargaining Council.

#### **3.2 TIMEFRAMES**

The Human Resource Unit submitted the Guideline on Special leave to the Corporate Policy unit on November 06, 2012, and the policy was returned to HR on December 04, 2012. The final comments from HR were received on March 22, 2013.

#### **3.3 IMPLEMENTATION STRATEGY**

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

An implementation plan will be drafted which will outline how and when this policy will be implemented. The plan will be drafted two months after the implementation date of this policy. In order to ensure adequate implementation of this policy the human resource unit will compile an infrastructure investment (in terms of human capital) and policy management plan. The plan will be updated on an annual basis and will contain details on future guidelines for this policy. The financial implications if any will be indicated on the plan in order to ensure that funds are available or availed.

**The implementation date for this policy is April 01, 2013.**

#### **3.4 FINANCIAL IMPLICATIONS**

This policy will be funded by the Human Resource Unit.

#### **3.5 COMMUNICATION**

This policy should be communicated through the respective directorates. However, the most important unit to contact would be Human Resources.

#### **3.6 COMPLIANCE, MONITORING AND EVALUATION (M&E)**

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### **3.7 POLICY REVIEW**

This policy will be reviewed when the need arises or in case of the occurrence of extenuating circumstances (political mitigation, or pronouncement by legislation and/or regulations). The contact person for this policy will be required to submit all relevant information pertaining to this policy in conjunction with a signed memo with all amendments (addition or omission) during the third quarter annually.

**The exception**, the Policy development unit will be conducting all extenuating reviews throughout the year, therefore it is paramount that any new information received be submitted to this unit, in order to coordinate the review process of this policy.

### **3.8 POLICY IMPACT**

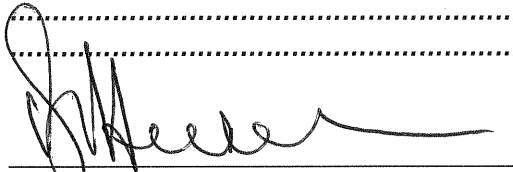
The desire of this policy is to inform all employees on their entitlement, granting and categories of special leave in the department.

### **3.9 INTERIM MEASURES**

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

4. ADOPTION OF POLICY

Approved/ ~~Not Approved:~~

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\_\_\_\_\_  
HEAD OF DEPARTMENT

28-3-2013  
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DATE

