



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

Branch where the policy is generated
Unit where the policy is generated

Name of policy: Special leave

Policy no HR/2013/02

Name of the official who developed the policy : Elizabeth Mathebula

Designation of the official who developed the policy : Deputy Director

Designation of the approving official : Director-General

Name and signature of the approving official : M Dlabantu

Approval date of the policy :

TABLE OF CONTENTS

	PAGE
1. Definition of terms	2
2. Introduction	2
3. Problem statement	2
4. Policy objective	2
5. Legislative framework	2
6. Policy Scope	2
7. Authorisation	3
8. Classifications	3
9. Policy and procedure	3
10. Circumstances under which the Director-General shall authorise Special leave with full pay	3
10.1. Study leave for preparation of examination	3
10.2. Leave for writing exams	4
10.3 Attendance of classes during office hours (Block Attendance)	4
10.4 Sabbaticals	4
10.5 Granting of Special leave for the purpose of rehabilitation	4
10.6 Granting of Special Leave for allegations of misconduct	5
10.7 Sports purposes	5
11. Full time study leave without pay (Initiated by the employee)	5
12. Absence from duty not recorded as special leave (Miscellaneous)	6
13 Monitoring and evaluation	7
14. Review of Policy	7



1. DEFINITION OF TERMS

- 1.1 **Special leave** – a period of time that an employee is allowed to be away from work for a particular reason, for example writing examinations.
- 1.2 **Employee** – means a person as defined by the LRA No 66 of 1995 (as amended).
- 1.3 **Head of Department** – Director-General.
- 1.4 **Resettlement** – When an employee's station of work changes and exceeds 100km radius.
- 1.5 **Unrest** – any action not within the control of the employee that prohibits him/her to go to work.
- 1.6 **Day** – means working day
- 1.7 **Community Service** - render services in line with the qualification requirements



2. INTRODUCTION

In terms of the Determination on leave of absence in the Public Service, the Head of Department shall adopt a special leave policy and should be negotiated in the relevant bargaining structures. Special leave policy which defines circumstances and conditions under which special leave shall be granted.

3. PROBLEM STATEMENT

This policy is developed to close the gap for employees who are not adhering to the departmental processes and procedures on the application of special leave

4. POLICY OBJECTIVE

The objective of this policy is to regulate employee's absence from duty by means of granting special leave within the framework of relevant legislation and prescripts.



5. LEGISLATIVE FRAMEWORK

- i) The Constitution of the Republic of South Africa, Act 108 of 1996 as amended
- ii) Public Service Act, 1994, as amended
- iii) Labour Relations Act, 66 of 1995, as amended
- iv) BCEA, Act 75 of 1995, as amended
- v) Public Service Regulations, 2001 as amended
- vi) PSCBC Resolution 3 of 1999, as amended and Resolution 7 of 2000
- vii) DPSA'S directive on leave of absence as amended
- viii) PFMA 1 of 1999, as amended
- ix) Public Holiday Act, 36 of 1994

6. POLICY SCOPE

This policy is applicable to all employees including contract workers and SMS members appointed in terms of the Public Service Act, 1994.

7. AUTHORISATION:

This policy is issued in terms of the Public Service Co-ordinating Bargaining Council resolution 7 of 2000 in conjunction with the DPSA's directive on leave of absence.

8. CLASSIFICATIONS

Circumstances under which special leave can be considered is as follows:

- Examination and preparatory special leave
- Attending classes during office hours
- Rehabilitation
- Sports purpose
- Full time study leaves without pay
- Attending interviews

9. POLICY PROVISIONS, ROLES AND RESPONSIBILITIES

All applications for special leave must be discussed with and approved in advance by the employee's supervisor

- 9.1 Line managers must maintain a leave register for all employees and record all leave taken by an employee accurately, in full and must ensure that employees do not abuse special leave system.

All line managers must certify leave registers, print name, sign and date.

- 9.2 Application for special leave shall be made in writing on the prescribed application form Z1 (a) and must be accompanied by documentary proof for such an event.

- 9.3 Special leave as contained in this policy must not accumulate.

CIRCUMSTANCES UNDER WHICH THE DIRECTOR-GENERAL SHALL AUTHORIZE SPECIAL LEAVE WITH FULL PAY

10.1 STUDY LEAVE FOR PREPARATION OF EXAMINATIONS

- 10.1.1 A maximum of 2 working days special leave with full pay per subject per academic year must be granted to an employee for preparation towards his/her examinations which the course relates to his/her immediate field of work, or is in a field of study which is in full or in part in the interest of the Department.

An employee may however at his/her own request as and when the need arises opt to extend the number of days granted, by choosing to use available vacation leave to his/ her credit to a maximum of 10 working days per examination..

The extra days may be granted subject to the operational requirements of the Department. Proof of registration and time table with employee's name must be attached. No special leave will be granted for writing a test. Special leave will only be granted to employees studying for a Master's or Doctorate's degree of which the test they are writing will be evaluated as an examination at the end of the year.



10.1.2 An employee studying for a Master's degree of which the curriculum includes short dissertation/ a dissertation of limited scope/a dissertation or thesis is entitled to a total of 30 (thirty) working days study leave, and 60 (sixty) working days for employees studying for Doctorate's degree per year.

10.2 LEAVE FOR WRITING EXAMINATION

Special leave with full pay shall be granted to employees for the day on which they sit for an examination (s) which in the opinion of the Department has the objective to better equip the employee concerned for a career in the Department, or is in a field of study which is in full or partially in the interest of the department. One day special leave must be granted for re-examinations or supplementary examinations.

10.3 ATTENDANCE OF CLASSES DURING OFFICE HOURS (BLOCK ATTENDANCE)

Employees who studies part-time or by means of correspondence, at a university or other recognised institution, and who, as a result of their studies, is required to take few hours from work in order to attend classes during office hours, may be released to take few hours from their work in order to attend classes, on condition that they take a day's vacation leave with full pay for every 16 hours of attendance.

If employees do not have any leave credit or capped leave credit, a day's vacation leave without pay for every 16 hours will be taken. A certificate of attendance from such institution must be furnished as proof of attendance.

An employee who is required to attend block studies and where it is an inherent requirement of such studies or programme that participants attend classes for a certain period, 16hr basis will apply. In other words, the department will contribute 1 day for every 16hrs of the block attendance. If an employee does not have leave to his/her credit, days from his/her capped leave or unpaid leave will be granted. A certificate of attendance from such institution must accompany such leave as proof of attendance.

Employees studying for Master's or Doctorate degree will be granted 2 (two) working days special leave and 1 (one) day vacation leave for attending classes.

10.4 SABBATICAL

A sabbatical can be defined as leave granted to employees, together with their annual leave, after a number of years of service study/research purposes. In the case of the Department policy, period of special leave (exceeding one month but not more than three months) for study purposes, will be considered by the Director-General on condition that the employee has completed at least five years of continuous government service. This provision will only be granted once every six years.

10.5 GRANTING OF SPECIAL LEAVE FOR THE PURPOSE OF REHABILITATION

An employee, who has been referred for rehabilitation by medical practitioner/EAP Practitioner for alcohol, liquor or drugs abuse, must be granted special leave for three calendar months with full pay depending on the seriousness of the treatment offered to the employee.



On completion of treatment, a medical certificate and a complete report by the relevant medical practitioner or institution must be submitted to the Wellness Practitioner who referred the employee for rehabilitation. The report must be given with regard to his or her co-operation and progress during treatment as well as a prognosis of the case and the number of days leave the employee is required for treatment.

10.6 GRANTING OF SPECIAL LEAVE FOR ALLEGATION OF MISCONDUCT

If there are allegations of misconduct pending against an employee, the employee may be granted special leave for the period of investigation and until the outcome of disciplinary hearing. When the Manager evokes provisions of this clause, a letter with reasons must be furnished to the employee of such leave. A signed copy of the letter would then be given to CD: HRM for record purposes.

10.7 SPORTS PURPOSE

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

- Participate as a member of an organised sports group, in a sports tour outside the Republic whether as a competitor, coach or manager;
- Representing South Africa as a competitor, coach or manager at international sporting events or a Province as a competitor at South African championship events within the Republic.
- Accompany a foreign national team visiting the Republic as a representative of the South African sports association organising the tour; or
- Serves as a 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 pay is granted on the following basis to an employee:-

- One day special leave with full pay is granted for each day vacation leave with full pay which an employee takes, provided that the number of day's special leave granted per person per year be limited to a maximum of 10 working days sports leave.

11. FULL TIME STUDY LEAVE WITHOUT PAY (INITIATED BY THE EMPLOYEE)

11.1 Once-off full time study leave without pay is applicable in the event of employees who wish to further their studies on a full time basis and apply for full time study leave without pay. The field of study should be beneficial to the Department. The Head of Department shall consider an application (initiated by the employee) for full time study leave without pay based on the following conditions:

11.1.1 Employees must be appointed on a permanent (full time) basis:

11.1.2 Completed one year uninterrupted service within the Public Service.



- 111.3 The interest and operational requirements of the Department are taken into consideration prior to the granting of the leave application:
- 11.1.4 Employees must submit leave forms with proof from the educational institution for the period of absence, and
- 111.5 On completion thereof, a comprehensive, valid and reliable report must be submitted to the Department.
- 11.2 When employees apply for full time study leave, the application shall be considered based on the recommendations of the employee's Supervisor/Manager and Branch Unit Manager. Where an application is not supported, motivation to this effect should be provided to prove that the operational requirements and service delivery commitments will not be met should the employee be granted leave.
- 11.3 The employee must enter into a written collective agreement for this purpose:
- 11.3.1 Employees first utilise all their annual leave currently to their credit (including capped leave), and
- 11.3.2 Employees are granted unpaid leave for the remaining period of absence, and must be bound to service the Department equivalent to the period of absence on their return to the Department.
- 12. ABSENCE FROM DUTY NOT RECORDED AS LEAVE (MISCELLANEOUS)**
- Special leave shall be granted when:
- 12.1 An employee has to appear as a witness in a court case, before a commission of inquiry appointed by the State,
- In a misconduct case in terms of the Public Service Act, 1994;
- At an inquest; or
- 12.1.1 When he/she has to appear as a defendant or co-defendant in a civil court arising from his/her official duties and in which the State has a direct interest;
- 12.1.2 When he/she attends a course, lecture, etc. presented by his/her own or some other department or the private sector and in respect of which he/she has been granted permission by his/her Director-General or his/her delegate to attend such course during official hours;
- 12.1.3 When he/she is appointed to participate in the activities or as a member of a recognised Commission, Board, and Council which is accountable to Parliament, and will be granted 5 special leave days in a year;
- 12.1.4 When she/he serves on a military selection board and is absent from duty as a result of the activities thereof;



12.1.5 When he/she performs duty away from Head Office at the Regional offices and other recognised places of work;

12.1.6 When he/she is seconded or required to perform duty at other departments and provincial administrations.

12.1.7 When he/she assists or represents an employee during a disciplinary or misconduct inquiry or during an investigation into a complaint or grievance;

12.1.8 When he/she assists or represents an employee in the CCMA/GPSBC and PSCBC

12.1.9 When an employee attends a job interview at another National or Provincial Department.

12.2. Special leave shall not apply when:

- An employee is arrested and or has to appear as the accused in a court case or before a commission of inquiry appointed by the State
- Absence resulting from the above paragraph 12.1 will be addressed on an individual basis and provisions made in paragraph 11.1.1 should be taken into consideration
- Where an employee is acquitted or the charges withdrawn, special leave with full pay shall be granted provided that documentary proof is submitted.

13. MONITORING AND EVALUATION

Employees must discuss their special leave with their supervisors

Supervisors must ensure that relevant documents are attached before they approve special leave forms

Employees must ensure that prior approval is granted before going on special leave

HRA must ensure that leave forms are approved and necessary documents/proof is attached before accepting the leave form.

14. POLICY REVIEW

This policy is subject to review as and when necessary in consultation with the relevant stakeholders.

Approved / ~~Disapproved~~


Director-General

Mr M Diabantu

Date: 30/7/2015