

NORTHERN CAPE PROVINCIAL ADMINISTRATION



PROVINCIAL POLICY ON SPECIAL LEAVE

A handwritten signature and the initials 'GSP' are written over the title 'SPECIAL LEAVE'.

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1. CONCEPTUAL BACKGROUND

According to Section 25 of the Determination on Leave of Absence in the Public Service the Head of Department shall ensure that his or her department has an approved Special leave policy. This was further deliberated upon and resolved at the Public Service Co-ordinating Bargaining Council; to which Resolution 3 of 1999 mandate departments to develop and approve policies and programmes that would enhance their managerial actions especially in respect of human resource matters.

2. PURPOSE

The purpose of this policy is to effectively regulate the absence of officials in relation to special leave and to provide guidelines and procedures for applying and granting of special leave.

3. SCOPE OF APPLICATION

This policy shall be applicable to all officials appointed in terms of the Public Service Act, 1994 as amended, in the Northern Cape Provincial Administration either on a full-time/ part-time and fixed term contract provided that they have sufficient leave credits.

4. PRINCIPLES

- (a) Leave of absence shall be managed cost-effectively.
- (b) The granting of leave of absence shall be fair and consistent.

5. LEGAL FRAMEWORK

- ✓ Public Service Act, 1994 as amended
- ✓ Basic Condition of Employment Act no.75 of 1997 as amended
- ✓ Public Service Regulations, 2016, Chapter 4, Part 2 (48)
- ✓ PSCBC Resolution no.2 of 1999
- ✓ PSCBC Resolution no.3 of 1999
- ✓ PSCBC Resolution no.12 of 1999
- ✓ PSCBC Resolution no.7 of 2000
- ✓ Labour Relations Act of 1995
- ✓ Determination and Directive on leave of absence in Public Service issued by MPSA

6. POLICY PROVISIONS

- 6.1 The prescribed Z 1(a) Leave form shall be completed and submitted in applying for all special leave types together with supporting document/s.
- 6.2 Officials shall only go on leave after it has been approved. Where exceptional circumstances occur, recommended leave applications will be considered. Only in exceptional cases may an employee proceed on leave without the leave application be recommended/approved.
- 6.3 Unauthorised absence from duty shall be deemed to be leave without pay.
- 6.4 Confidentiality shall be maintained on all leave records.

A. EXAMINATION PREPARATION LEAVE

- (i) Study leave shall be granted to officials to assist them in the preparation for writing of their examinations on condition that the studies or preparatory work is in the interest of the Department or the Public Service.
- (ii) One (1) working day special leave with full pay shall be granted to an employee a day before he/she sits for an examination for purposes of preparing for the examination.

B. EXAMINATION LEAVE

- (i) One (1) working day special leave with full pay shall be granted to an employee for each day on which he/she sits for an examination(s) on each subject registered for in a field of study that aims to better equip him/her for a career in the Public Service.
- (ii) Examination referred to above may include ordinary School subjects up to Matric, Adult Basic Education and Training (ABET), National Certificate Vocational, Tertiary Qualification as well as examinations in respect of which a certificate is not necessarily issued to successful candidate/s.
- (iii) This provision shall be applied once in respect of supplementary as well as 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 rewrite.
- (iv) 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).
- (v) The examination timetable must be on the letterhead of the Institution reflecting the personal particulars of the official and must accompany the special leave application.

C. STUDY LEAVE (50/50 BASIS)

- (i) Study leave on a 50/50 basis for part-time studies shall be limited to two (2) days per subject and granted on the basis of one (1) day's special leave for each day's vacation leave taken by an employee per examination subject 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:
 - a) Part-time study at a recognised educational institution within the Republic or abroad.
 - b) Special studies nationally and abroad for attendance of block sessions (including a study tour).

- c) Research work and the writing of a thesis for a postgraduate qualification for a maximum period of twenty (20) working days per annum. (Ten(10) days special leave and ten (10) days vacation leave).
 - d) Study in a field, which requires the performance of practical work for a particular period annually.
 - e) Attendance of a preparatory course with a view to sitting for a qualifying examination in order to obtain admission to a particular field or study.
 - f) Practical work required as a prerequisite for registration in a particular profession.
- (ii) Officials who want to utilise more time for the above purpose can use vacation leave from his/her available leave credits.
 - (iii) If the period of leave amounts to an unequal number of days, the employee shall take the larger number of days' vacation leave and the employer takes the lesser number day's special leave.
 - (iv) 50/50 Special leave shall be applied once only in cases where a person does preparatory and research work in respect of a study course, which he/she failed and had to repeat.
 - (v) 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.
 - (vi) It is the responsibility of the supervisor to effectively manage the process.

D. NON EXAMINATION SUBJECTS

An employee shall be granted one (1) day special leave per subject/module for non examinations subjects on the final Presentation/Portfolio of evidence.

E. ATTENDANCE OF CLASSES DURING OFFICE HOURS

- (i) Attendance of classes during working hours must be in the interest of the Department or/and Public Service.
- (ii) An employee who studies part-time or by means of correspondence at a recognised educational institution and who as a result of her/his studies, is required to be absent from her/his place of work, may be released from duty on condition that she/he, takes a day's annual leave with full pay for every sixteen (16) hours she/he is so release from duty. If an employee does not have vacation leave days to her/his credit she/he shall take a day's vacation leave without pay.
- (iii) if the period of leave amounts to an unequal number of days, the employee shall take the larger number of days' vacation leave and the employer take the lesser number day's special leave



- (iv) It is the responsibility of the supervisor to effectively manage the process. This provision is only applicable to employees who have been employed in the Public Service for a period longer than twelve (12) months.

F. PROFESSIONAL BODY REQUIREMENTS

Officials will be granted five (5) days special leave per annum to attend sessions or practical work as required by a professional registration body to meet the minimum requirements.

G. SPORT LEAVE

- (i) Special leave with full pay shall be granted to an employee when he/she is selected by a recognised sports association to:
- (a) take part as a member of an organised sports group, in a sports tour outside South Africa whether as a competitor, coach or manager .
 - (b) represent South Africa/ Province and not merely a club as a competitor, coach or manager at international sporting events within the Republic;
 - (c) accompany a foreign national team visiting the Republic as a representative of the South African sports association organising the tour and,
 - (d) serves as a referee, an official or a judge at an organised amateur sports meeting at an International/National level inside or outside South Africa.
- (ii) Special leave with full pay may also be granted to an employee when she/he is selected by a recognised amateur sports association to take part in sports within South Africa at inter-provincial level or a level between provincial and national level or lower than national level against an international team, on the following basis:
- (a) One (1) day special leave with full pay may be granted for each day vacation leave with full pay on a 50-50 basis limited to a maximum of twenty (20) days in a leave cycle (ten (10) days special leave and ten (10) days vacation leave).
 - (b) If the period of sports leave amounts to an uneven number of days, the employee shall take the larger number of day's vacation leave and the employer takes the lesser number day's special leave.
 - (c) Where the employee has no vacation leave to her/his credit, unpaid vacation leave may be granted.
- (iii) An applicant shall provide the department with evidence, which substantiates the applicant's period of absence when requesting such leave.



H. RESETTLEMENT LEAVE

- (i) A maximum of two (2) days special leave with full pay shall be granted to an employee who is newly appointed, transferred or employer initiated transfer at state expense at the workplace from which he/she is transferred, in order for him/her inter alia;
 - (a) arrange accommodation;
 - (b) supervise the packing/loading and unpacking /unloading of personal effects;
 - (c) arrange school for children; and/or
 - (d) connect / disconnect water/lights.
- (ii) One (1) day special leave with full pay shall be granted to an employee to conduct a pre-visit at the new employer.
- (iii) Special leave for this purpose can only be taken according to a bona fide need after physical transfer of the household of the employee and should be taken within the first three (3) months of physical transfer.
- (iv) This special leave is only granted if the employee and/or his/her household physically move from the old headquarters to the new headquarters (The movement must be between different Magisterial Districts or with a radius of at least thirty (30) km.
- (v) This provision is also applicable to officials who are appointed in terms of section 15(1) of the Public Service Act, 1994 and seconded officials.

I. ATTENDING REHABILITATION PROGRAMMES

- (i) The Department will provide special leave for the purpose of attending rehabilitation only to officials who are referred or recommended by a registered specialist or licensed Medical Practitioner, to be admitted to an accredited in-patient treatment centre or programme.
- (ii) Rehabilitation leave will be granted in the following instances and conditions, but not limited to:
 - (a) An employee who/that abuses alcohol or any other drugs;
 - (b) An employee's behaviour is affecting his/her work performance;
 - (c) An employee is willing to be rehabilitated.
- (iii) Special leave with full pay shall be granted for a maximum period of sixty days (60) per leave cycle.
- (iv) 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 Employee Assistance Programme (EAP) Practitioner will make such recommendation to the Head of Department for consideration of additional special leave.

- (v) The direct supervisor of the employee and the Employee Assistance Programme (EAP) Practitioner will submit a combined progress report to the Senior Manager or Head of Department (in the case of Senior Management Services (SMS) members) for a period of one (1) year on a quarterly basis on the progress of the employee after returning from the rehabilitation centre and substantiate that with a medical report.
- (vi) Special leave will not be granted for rehabilitation for more than twice.

J. QUARANTINE

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 or she was in contact with a person, animal or environmental health risks and has subsequently contracted or 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 reason for segregation or isolation.

K. MISCELLANEOUS

Special leave shall be granted to an employee, in the following cases:

- (i) Five (5) days special leave with full pay shall be granted to an employee with a disability, if he/she must attend a recognised orientation course, or a recognised training course in respect of his/her disability.
- (ii) A maximum of two (2) days special leave with full pay shall be granted to an employee if the area in which he/she is working or resides is struck by a natural disaster or unrest and the department is satisfied that it was impossible for the employee concerned at that time to continue with his/her official duties.
- (iii) Officials will be granted one (1) day special leave with full pay if he/she has to appear before court of law as a complainant/defendant or as a state witness.
- (iv) Officials will be granted a maximum of two (2) days special leave with full pay if he/she is invited to attend an interview within the public service provided that the interview is held in a different Province and such proof is submitted. In cases of Senior Management Service (SMS) positions a maximum of three (3) days special leave with full pay will be granted for purposes of competency assessments and practical exercises.
- (v) Officials will be granted one (1) day special leave with full pay for purposes of registering for part / full time studies at Tertiary Institutions provided that proof (registration documents) is submitted.



L. SABBATICAL

- (i) Sabbatical is a time period in which a person does not report to his/her regular job but who remains employed within the Department so as to allow him/her for independent research, writing or special studies.
- (ii) The commencement and termination dates of a sabbatical leave must be scheduled at times reasonable and convenient to the relevant approval authority taking into account the service delivery requirements of the Department.
- (iii) Only the Head of Department shall approve sabbatical leave.
- (iv) Applications for sabbatical leave shall only be granted once within a period of five (5) years and such leave will be approved as unpaid leave.
- (v) An official may be granted sabbatical leave for a maximum continuous period of six (6) months after at least ten (10) years' continuous service and satisfactory performance within the Public Service.
- (vi) Sabbatical leave may not be used as a means of augmenting personal income by undertaking remunerative work.

M. CIRCUMSTANCES/ EXCEPTIONS 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 she/he is appointed by the Independent Electoral Commission to assist with elections.
- (c) When she/he 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 she/he 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 she/he has to appear as a defendant/co-defendant in a civil court case arising from her/his official duties and in which the state has a direct interest.
- (f) When she/he is the aggrieved party during an investigation into her/his complaint or grievance, charged with misconduct during the disciplinary inquiry

and as the person utilising a conciliation meeting. This includes conciliation, arbitration and adjudication.

7. COMMUNICATION

Upon approval, this policy will be circulated to Departments within the Provincial Administration. Departmental Human Resource Heads will be responsible to inform all officials in their respective Departments of the content of this policy.

8. MONITORING AND EVALUATION

It is the responsibility of each Head of Department to ensure that this policy is carefully followed within their respective Departments.

The Office of the Premier through its delegated structures shall monitor and evaluate the effectiveness of this policy on an annual basis.

9. REVIEW

This policy will be reviewed annually.

10. ADOPTION OF POLICY


The Provincial Policy on Special Leave is hereby approved / ~~not approved~~ with effect from 01 October 2017.


.....
J. BEKEBEKE
DIRECTOR GENERAL

03/10/2017
.....
DATE

CONFIRMATION BY HEADS OF DEPARTMENTS:

The following signatures confirm that Heads of Departments agree with the adoption of the policy.


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HOD: Department of Education


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HOD: Department of Health


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HOD: Department of Social Development



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**HOD: Department of Sport,
Arts and Culture**



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**HOD: Department of Transport,
Safety & Liaison**



.....
**Acting HOD: Department of
Environment and Nature Conservation**



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**HOD: Department of Cooperative
Governance, Human Settlement and
Traditional Affairs**



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**HOD: Department of Agriculture,
Land Reform and Rural Development**



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**Acting HOD: Department of Economic
Development and Tourism**



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Acting HOD: Provincial Treasury



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**HOD: Department of Roads and
Public Works**