

LEAVE ADMINISTRATION POLICY

2023/2024



public works & roads

Department:
Public Works and Roads
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



POLICY TITLE : LEAVE ADMINISTRATION
DEPARTMENT : PUBLIC WORKS AND ROADS



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1. PREAMBLE

While recognising the employees' rights as enshrined in Section 23(1) of the Constitution of Republic of South Africa, 1996, the Labour Relations Act 66 of 1995 as amended, Basic Conditions of Employment Act 75 of 1997, and the PSCBC Resolution 6 of 1999 as amended relating to the administration of leave, and further committed to promoting a working environment that is suitable to the effective realisation of the strategic objectives of the Department, the Department hereby introduces a leave administration policy to provide guidelines pertaining to all matters relating to leave and the administration thereof.

2. DEFINITIONS

All terminology used in this document has the same meaning as terminology used in Labour Legislation, as amended, unless indicated to the contrary.

Official duty - are those activities performed by an employee as part of, or an extension of regular responsibilities in furtherance of the department's interests;

Department - Department of Public Works Roads;

Effective date - the date when this policy is approved by the Accounting Officer;

Incapacity leave - an employee who has exhausted their normal sick leave, referred to in the leave determination during the prescribed leave cycle and who according to the treating medical practitioner requires to be absent from work with full pay;

Temporary incapacity leave – a short period of incapacity leave where the Employee is absent after the normal sick leave credit has been exhausted. It can further be defined as:-

- a) **Short period** - a short period of incapacity leave where the employee is absent for not longer than 29 working days per occasion after the normal sick leave credit has been exhausted, in a sick leave cycle;
- b) **Long period** - long period of incapacity leave is where an employee is absent for 30 working days or more per occasion, after the normal sick leave credit has been exhausted, in a sick leave cycle.

Permanent incapacity leave - the employer may grant an employee up to a maximum of 30 working days permanent incapacity leave following the assessment process which will determine whether the employees' condition is permanent or not;



Immediate family - means a member's spouse, permanent companion or dependent; and

Permanent companion - means a person who is publicly acknowledged by a member as that member's permanent companion.

3. PURPOSE

To provide a framework and fair procedure for the granting and administration of all types of leave.

4. SCOPE OF APPLICATION

This policy applies and binds all employees/officers employed in the Department at all levels as well as certain provisions that relate to interns and learners.

5. LEGISLATIVE FRAMEWORK

- a) Labour Relations Act 66 of 1995 as amended;
- b) Public Service Regulations 2001;
- c) Basic Conditions of Employment Act 75 of 1997;
- d) PSCBC Resolution 3 of 1999;
- e) PSCBC Resolution 1 of 2012; and
- f) Directive on Leave of Absence in the Public Service; Procedure on Incapacity Leave and Ill-health Retirement (PILIR).

6. CONDITIONS APPLICABLE FOR THE GRANTING OF LEAVE

6.1. An employee/official qualifies for leave if:-

- a) They are on probation or are permanent employees of the Department;
- b) They have a permanent contract of employment or a fixed term contract lasting for the duration of at least twelve calendar months;
- c) They are subject to the relevant collective agreements and regulations related to the Public Service which may be published from time to time; and
- d) They are temporary/new employees, leave entitlement shall be calculated on a pro rata basis.



7. LEAVE CATEGORIES

7.1. Vacation leave

The Department shall grant vacation leave as follows:-

- 7.1.1. Employees with more than 10 years' service: 30 working days (leave credit) per leave cycle;
- 7.1.2. Employees with less than 10 years' service: 22 working days (leave credits) per leave cycle;
- 7.1.3. The above leave is in respect of the full annual leave entitlement calculated from the 1st of January to the 31st December each year, or a pro rata of each calendar month for a temporary employee or employees who commenced their duties after the 1st of January;
- 7.1.4. A public holiday that falls within the vacation leave period shall not be included in the number of days an employee has taken for vacation leave;
- 7.1.5. An employee may not be granted annual leave with full pay in excess of that which they are annually entitled to, plus capped leave. Capped leave is in respect of persons who were in the public service prior to 1 July 2000. Where this may be found to have happened, it must be due to a bona fide error, such leave over-grant must be deducted from the leave credits of the subsequent leave cycle;
- 7.1.6. No employee is allowed to go on leave before their vacation leave application is approved. Any vacation leave not approved by an authorised official beforehand shall be regarded as unauthorised leave for which appropriate disciplinary measures that include leave without pay will be taken;
- 7.1.7. An employee may be refused vacation leave depending on operational requirements, provided granting of vacation leave may not be unreasonably withheld;



- 7.1.8. The period of eligibility for vacation leave shall be each and every succeeding eighteen (18) month period of employment;
- 7.1.9. Should an employee not use their leave credit for the eighteen (18) months period, such leave credits shall be forfeited;
- 7.1.10. If an employee requires time-off during official hours, such employee's supervisor/manager shall record such time-off in the register. For every eight (8) hours' time-off recorded, a leave form must be completed by the employee and be recorded in the leave register accordingly. At the end of a leave cycle, any period less than eight hours will be regarded as a full day's leave;
- 7.1.11. Supervisors/managers shall keep time-off registers for purposes of recording time-off requested by employees;
- 7.1.12. The deadline for submission of leave application form to HRM is five (5) working days after such leave form has been approved.
- 7.1.13. **Vacation Leave during closure of offices/operations:-**
- a) The Department, given its nature, is bound to close offices and operations during the period around the festive holidays that are at the end/beginning of each year. This is however with the exception of essential services;
 - b) Employees are therefore advised to always reserve up to at least 10 days vacation leave credits for this period; and
 - c) Where an employee has less days as referred to under (b) above, such leave days will be deducted from their leave credit from the next cycle.

7.2. Normal sick leave

- 7.2.1. All employees, regardless of their dates of appointment in the Department, are entitled to 36 days leave with full pay within a three-year leave cycle, excluding contract workers who qualify for one day per month;



- 7.2.2. A certificate from a registered health professional shall accompany all applications for sick leave of three (3) or more days. The certificate must have full details of such registered health professional;
- 7.2.3. Should no medical certificate be submitted, such absence shall be covered by either vacation leave or leave without pay. The Department may still pursue disciplinary measures for unauthorised leave;
- 7.2.4. All applications for sick leave in excess of 36 days per three-year cycle shall be referred to the Directorate Human Resource Management for consideration in terms of PILIR;
- 7.2.5. The Department may grant vacation or unpaid leave to an employee who has exhausted all of their paid sick leave credits;
- 7.2.6. It is the employee's responsibility to notify their supervisor/manager about their absence from duty due to illness at least before 10h00 on the day of illness. However, in cases of serious medical conditions a verbal message to the supervisor/manager by a relative, fellow employee or friend is accepted;
- 7.2.7. Sick leave may also be granted to an employee who has to go for maintenance work for equipment used as a result of their disability;
- 7.2.8. An employee is entitled to two days sick leave without submission of medical certificate in terms of the eight week rule;
- 7.2.9. An employee in their first 36 days normal sick leave period, who has been absent from work on more than one occasion during 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 on account of sickness or injury, failing which such leave will be covered by normal vacation leave or alternatively unpaid leave;
- 7.2.10. The eight week period shall be the calendar period and shall commence 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; and
- 7.2.11. The deadline for submission of sick leave form to the supervisor is within two (2) working days after returning to work.

7.3. Special sick leave/occupational injuries



- 7.3.1. The Department may grant an employee special sick leave in respect of injuries sustained and/or an illness which occurred whilst on official duties;
- 7.3.2. This leave will be processed in the same manner as incapacity leave.

7.4. Incapacity leave

- 7.4.1. It applies when an employee has exhausted their sick leave days i.e. thirty six days in a three year cycle; and
- 7.4.2. A medical certificate must be attached to all incapacity leave applications. Without the medical certificate, the incapacity leave would be captured as annual leave or leave without pay in a case where annual leave days are exhausted.

7.5. Temporary incapacity leave

- 7.5.1. An employee must submit an application form for temporary incapacity leave personally or through a relative, fellow employee or friend within five (5) working days after the first day of absence;
- 7.5.2. The Accounting Officer or their delegate may approve additional sick leave with full pay for a maximum of thirty (30) working days for an employee who is required to be absent due to incapacity which is not of a permanent nature and such employee must submit a medical certificate to that effect;
- 7.5.3. The Department is entitled to obtain a second opinion before granting leave referred to in paragraph 7.5.1 and 7.5.2 above; and
- 7.5.4. During the additional sick leave period granted, the Department may conduct an investigation into the nature and extent of the disability in terms of item 10(1) of Schedule 8 of the Labour Relations Act, 1995 and the Incapacity Code.

7.6. Permanent incapacity leave

- 7.6.1. An employee shall not directly access or apply for permanent incapacity leave. The Department may grant an employee up to a maximum of 30 working days' permanent incapacity leave once the assessment and investigation determine that the employee's condition is of a permanent nature. The Department must during this period and in accordance with the advice of the Health Risk Manager, ascertain the feasibility of:-
- a) alternative employment; or
 - b) adapting duties or work circumstances to accommodate the employee.



7.6.2. Should the Department and/or the employee be convinced that the employee will never be able to render an effective service at their rank or level, the employee may proceed with an application for termination of service due to ill health or the Department may initiate the procedures in terms of Procedures on Incapacity Leave and III- Health Retirement (PILIR).

7.7. Pre-natal leave

- 7.7.1. An employee shall be entitled to eight (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;
- 7.7.2. An employee can utilise a full or part of a day for pre-natal leave;
- 7.7.3. The Accounting Officer and their delegate shall record all days utilised by the employee for pre-natal leave;
- 7.7.4. An application for pre-natal leave shall be supported by reasonable proof that the employee attended a doctor's appointment and/or went for tests related to the pregnancy;
- 7.7.5. An employee who has used all their pre-natal leave may, subject to the approval of the Accounting Officer, apply to use available annual leave and/or unpaid leave; and
- 7.7.6. An employee's absence from work due to medical complications during pregnancy will be covered by sick leave.

7.8. Maternity leave

- 7.8.1. An Employee will be entitled to four (4) consecutive months' maternity leave;
- 7.8.2. Employees are obliged to take maternity leave four (4) weeks before the expected date of birth unless the Department is presented with a certificate from a registered health professional stating that the employee is fit enough to continue with their duties until a date prior to the date of confinement;
- 7.8.3. An employee is not allowed to commence with normal duties for at least six weeks after the birth of a child, unless the registered health professional certifies that the employee is fit to do so;
- 7.8.4. In the event of death of an employee's child a few days after birth, miscarriage, stillbirth or termination of pregnancy due to medical reasons within the third trimester of the pregnancy, an employee shall be granted six (6) weeks maternity leave;



- 7.8.5. The provisions of paragraph 7.8.4 above shall apply with the necessary changes to an employee who experiences stillbirth, miscarriage and termination of pregnancy due to medical reasons after the commencement of maternity leave. The period before such an unfortunate experience shall be regarded as special sick leave with full pay; and
- 7.8.6. Should a miscarriage, stillbirth or termination of pregnancy due to medical reasons occur during the first two trimesters of pregnancy, any leave utilised will be regarded as normal sick leave.

7.9. Paternity leave

- 7.9.1. Leave of three (3) working days per annual leave cycle shall be granted for utilisation where an employee's spouse or life partner gives birth to a child or adopts a child not older than two (2) years;
- 7.9.2. An employee who has used all their paternity leave may subject to the approval of the Accounting Officer apply to:-
- a) Use their part of the five working days family responsibility leave; and
 - b) Use available annual leave;
- 7.9.3. The application for paternity leave shall be supported by reasonable proof, i.e. provisional birth certificate, doctor's note and affidavit.

7.10. Family responsibility leave

- 7.10.1. An Employee shall be entitled to five (5) working days family responsibility leave per annual leave cycle for utilisation if the employee's spouse or life partner gives birth to a child or the employee's child, spouse or life partner is sick;
- 7.10.2. An employee with a child of severe special needs shall be entitled to five (5) working days per annual leave cycle. Children with severe special needs are children with mental, emotional or physical disability, certified by a medical practitioner, which require health and related services of a type or amount beyond that required by children generally. For this purpose a child means an employee's son or daughter of any age;
- 7.10.3. An employee shall be entitled to five (5) working days per annual leave cycle for utilisation if the employee's child, spouse or life partner dies or an employee's immediate family member dies;



- 7.10.4. The number of days granted in accordance with paragraphs 7.3.6 (i) and (ii) above shall not exceed ten (10) working days in an annual leave cycle;
- 7.10.5. The Accounting Officer or their delegate may approve usage of vacation leave in the event where an employee has exhausted their family responsibility leave days;
- 7.10.6. In the event where an employee has exhausted all their family responsibility days and vacation leave days, leave taken thereafter shall be regarded as leave without pay.

7.11. Adoption leave

- 7.11.1. An employee may be granted a maximum of forty-five (45) working days leave for adoption of a child younger than two years of age;
- 7.11.2. Should both spouses be employed in the Department, adoption leave will be granted to both of them provided that such combined leave does not exceed 45 working days referred to in paragraph 7.11.1 above; and
- 7.11.3. An eligible employee shall provide the Department with a certified copy of a Court Order which would suffice as sufficient proof for a committing parent to access surrogacy leave.

7.12. Unpaid leave

- 7.12.1. The Department may grant unpaid vacation leave of not more than 184 working days to an employee who has exhausted all their paid leave; and
- 7.12.2. An employee shall utilise unpaid leave for absence from work due to an arrest, imprisonment or a criminal sentence.

7.13. Special leave

The Department shall grant qualifying employees special leave with full pay under the following circumstances:-

Special leave for preparation and for writing examinations

- 7.13.1. The Department may grant an employee two (2) working days' leave with full pay in which one day will be for preparation and the next day for the actual examination which in the opinion of the Department:-
- a) has the object to better equip the person concerned for a career in the Public Service, irrespective of whether it relates to their immediate field of work or not; and/or
 - b) is in the field of study which is in the interest of the Public Service;



- 7.13.2. Special leave referred to above may only be granted for bona fide final examinations and not for class tests, assignments etc. and may only be granted once in respect of a re-examination or an examination pertaining to a study course which an employee failed and has to repeat;
- 7.13.3. Should the special leave granted precede or succeed a holiday or more consecutive days of rest, such a day or days of rest although recorded as special leave, must be disregarded when calculating a number of special leave days which may be granted to an employee. Weekends and holidays interrupting study leave are disregarded;
- 7.13.4. Employees are entitled to one (1) day study leave with full pay for every subject/course/module/paper registered as per examination time-table over and above leave referred to in 7.3.10.(i) above;
- 7.13.5. Employees who attend classes to do presentations and tests as a package may be granted three (3) days study leave in connection with such attendance, presentation and writing but to a maximum of two sessions per annum;

7.14. Special study leave for attendance of classes during official hours

- 7.14.1. Employees who study part-time or by means of correspondence at recognised educational institutions and who, as a result of studies, are required to be absent from duty during official hours, may be released from duty on condition that one day vacation leave with full pay is taken, if no leave credits are available, one day vacation leave without pay for every full eight (8) hours that the official is released from duty;
- 7.14.2. Notwithstanding the provisions of paragraph 7.15.1 above, an employee who is attending a course or class as part of the Department's developmental training under the workplace skills plan shall not be regarded as having taken leave for purposes of this provision;
- 7.14.3. An employee who repeats a course or part thereof, may, with the approval of the Accounting Officer or their delegate, be released from duty on condition that one day's vacation leave with full pay, or where an employee does not have leave credit, one day's vacation leave without pay, be granted in respect of every eight hours they are so released from duty; and



7.14.4. The granting of leave privileges in respect of studies is subject to the Accounting Officer or their delegate being satisfied that the studies are in the interest of the Department and the Public Service in general.

7.15. Full time study leave

- 7.15.1. Full time study leave may be considered for employees who study towards courses that intend to address scarce skills as defined in the departmental Human Resource Plan;
- 7.15.2. Employees may be granted one (1) day special leave with full pay for each day to be taken as annual leave with full pay to a maximum of 180 calendar days per annum;
- 7.15.3. If no leave credits are available, excess number of days must be granted as special leave with full pay;
- 7.15.4. The number of study leave days must be as confirmed by the institution. Proof must be submitted;
- 7.15.5. Approval of the delegated authority must be obtained during the year preceding the intended year of study;
- 7.15.6. The employee must serve the department for the equivalent period on completion of their study; and
- 7.15.7. The study must be at their own expense.

7.16. Special leave during participation in sport

- 7.16.1. An employee who participates in any registered sport, in any capacity except as a supporter and represents the Department, Province or Country, may be granted special leave for the period as stated in a written confirmation from the relevant body or institution. Proof of registration for such participation is required;
- 7.16.2. Interns, learners who are on learnership programme, a learner who is on a learning programme and is not employed and a beneficiary is required to fill in an indemnity form when participating in sports.

7.17. Special leave for attending interviews

One day special leave with full pay will be granted to an employee, excluding probationers, who will be attending interviews away from their place of employment upon receipt of proof of invitation.

7.18. Special leave for treatment of substance abuse



An employee who has completed one year of service and is found to be abusing alcohol or any other substance, will be granted special leave on a once off basis. Subsequent to the problem persisting, the employee may utilise accumulated or probable future annual vacation leave for purposes of relevant treatment, on recommendation of an EAP Officer, and/or as an outcome of a sanction resulting from a disciplinary hearing provided that proof of attendance is submitted to Directorate Human Resource Management.

7.19. Special leave during resettlement on transfer

An employee who has been transferred may be granted a maximum of two days special leave to oversee the packing and unpacking of their personal belongings. If more days are required, an employee will utilise their annual vacation leave.

7.20. Special leave for recognised union activities

7.20.1. An office bearer or shop steward of a recognised labour union may be granted fifteen (15) working days with full pay per annum for activities related to their union position provided that supporting documentation to the satisfaction of the Accounting Officer or their delegate is submitted;

7.20.2. The provisions of this policy do not apply to workers appointed on an hourly/daily/monthly basis.

7.21. Special leave for absence regarded as being on official duty

When an employee:-

- a) is a witness for the state;
- b) in a court case;
- c) in a misconduct case in terms of the law;
- d) before a commission or committee of inquiry appointed by the state;
- e) at an inquest;
- f) at an inquiry (established by a recognised government body);
- g) is a defendant or co-defendant in a civil court case arising from their official duties and in which the State has a direct interest;
- h) is appointed by the Department of Home Affairs to assist with elections;
- i) assists or represents an officer or employee during a disciplinary or misconduct inquiry or during an investigation into a complaint or grievance



and/or as the person charged with misconduct during a disciplinary or misconduct enquiry; and

- j) attends short courses, congresses, symposia, seminars, conferences, lectures, etc. and study tours abroad, (the purpose of attending the above mentioned courses should be viewed as a means of keeping employees informed of the latest developments in their respective work areas, ie. the attendance of such courses may serve as an important training measure).

Departments must, on receipt of particulars relating to courses, carefully consider the subject matter to be discussed, to establish whether any good purpose would be derived by participating in the proceedings. If so, the next step would be to nominate the most suitable employee(s) to represent the Department.

8. MONITORING AND EVALUATION

The Accounting Officer and/or their delegates shall monitor and ensure adherence to all policy provisions and report on specific cases as and when required to do so. If and when this policy or provision is amended, the amended policy will supersede the previous one.

9. POLICY REVIEW

This Policy shall be reviewed every two years where and/or when a need arises.

Approved



MR M.I KGANTSI

HEAD OF DEPARTMENT

16/10/2023

DATE:

