

**POLICY TITLE : LEAVE ADMINISTRATION POLICY**  
**DEPARTMENT : PUBLIC WORKS, ROADS AND TRANSPORT**

## **1. PREAMBLE**

While recognizing the employees rights as enshrined in section 26(1) of the Constitution of the Republic of South Africa Act No.108 of 1996, the Labour Relations Act No.66 of 1995 as amended, the Basic Conditions of Employment Act No. 75 of 1997, and PSCBC Resolution 6 of 1999 relating to the administration of leave, and further committed to promoting a working environment that is suitable to the effective realization of the strategic objectives of the Department, the Department of Public Works, Roads and Transport hereby introduces a leave administration policy to provide guidelines pertaining to all matters related to leave.

## **2 PURPOSE**

The policy seeks to assist employees who apply for leave and officials who are administering the leave applications with fair procedures to both the employer and employee. It brings in a better understanding to minimise wrong practices and disputes.

## **3 SCOPE OF APPLICATION**

This policy covers all employees/officers employed in the Department of Public Works, Roads and Transport at all levels.

## **4. LEGISLATIVE FRAME WORK**

Public Service Regulations, 2001  
Basic Conditions of Employment Act  
PSCBC Resolution No. 3 of 1999  
Directive on Leave of Absence in the Public Service  
Procedure on Incapacity Leave and Ill-health Retirement (PILIR)

## **5. CONDITIONS APPLICABLE FOR THE GRANTING OF LEAVE**

### **5.1 An official qualifies for leave if:**

- 5.1.1. She/he is on probation or is a permanent employee of the Department.
- 5.1.2. She/he has a permanent contract of employment or a fixed term contract lasting for the duration of at least twelve calendar months.
- 5.1.3. Subject to the relevant collective agreements and regulations related to the Public Service which may be published from time to time.

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**5.2** Temporary employees leave entitlement shall be calculated on a pro rata basis.

## **6 LEAVE CATEGORIES**

### **6.1 VACATION LEAVE**

**6.1.1.** The Department shall grant vacation leave as follows:

- (a) Employees appointed before 1 July 1966: 28 days
- (b) Employees with more than 10 years service: 26 work days (leave credits) per leave cycle.
- (c) Employees with less than 10 years service: 22 work days (leave credits) per leave cycle.

The above leave is in respect of the full annual leave entitlement calculated from the 1 January to 31 December each year, or a pro rata of each calendar month which a temporary employee or employees who commenced their duties after the 1 January have worked.

- 6.1.2.** A day of rest that falls within the vacation leave period shall not be included in the number of days an employee has taken for vacation leave.
- 6.1.3.** An employee may not be granted annual leave with full pay in excess of that which he/she is entitled annually plus capped leave. Capped leave is in respect of persons who were in the 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.
- 6.1.4** No employee is allowed to absent herself/himself from work before her/his 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.
- 6.1.5** Vacation leave may be refused due to pressing operational requirements. Any vacation leave so refused shall be rescheduled within the period of eligibility of an employee.
- 6.1.6** The period of eligibility shall be each 18-month period of employment.
- 6.1.7** Should an employee not use his or her leave credit for the 18 month period, such leave credits shall be forfeited unless prior written approval for

accumulation of those leave days was obtained from the HoD or her/his delegate.

- 6.1.8 If an employee requires time-off during official hours, such employee's responsibility manager shall record such time-off in the register. For every eight (8) hours time-off recorded, a leave register 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.
- 6.1.9 Supervisors shall keep time-off registers for purposes of recording time-offs requested by employees.

## **6.2► SICK LEAVE**

- 6.2.1. 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.
- 6.2.2. A certificate from a registered health professional shall accompany all applications for sick leave of three (3) or more days.
- 6.2.3. 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 unauthorized leave.
- 6.2.4. 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.
- 6.2.5. The Department may grant unpaid leave to an employee who has exhausted all of his or her paid sick leave credit.
- 6.2.6. It is the employee's responsibility to notify her or his supervisor about her or his absence from duty due to illness at least before 12h00 on the day of illness. However, in cases of serious medical conditions, the supervisor may waive the submission of notification of illness.
- 6.2.7. Sick leave may also be granted to an employee who has to go for maintenance work for equipment used as a result of his/her disability.

## **6.3. SPECIAL SICK LEAVE**

- 6.3.1 The Department may grant an employee special sick leave in respect of injuries or illness while on official duties.

## **6.4. INCAPACITY LEAVE**

### **6.4.1 TEMPORARY INCAPACITY LEAVE**

Temporary incapacity leave is regarded to be:-

- i. a short period of incapacity leave, if the employee is absent for not longer than 29 working days per occasion, after the normal sick leave credit have been exhausted, in a sick leave cycle; and
- ii. a long period of incapacity leave, if the employee is absent for 30 working days or more per occasion, after the normal sick leave credit have been exhausted, in a sick leave cycle.

**6.4.2** An employee must submit an application form for temporary incapacity leave personally or through a relative, fellow employee or friend within 5 working days after the first day of absence.

**6.4.3** The Head of Department or her/his delegate may approve additional sick leave with full pay for a maximum of 30 working days for an employee who is required to be absent due to incapacity which is not of a permanent nature and submits a medical certificate to that effect.

**6.4.4** The Department is entitled to obtain a second opinion before granting leave referred to in paragraph 6.4.3. above.

**6.4.5** 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.

## **6.5. PERMANENT INCAPACITY LEAVE**

**6.5.1** An employee shall not directly access or apply for permanent incapacity leave. The Department may grant an employee up to maximum of 30 working days' permanent incapacity leave once he or she has following the above-mentioned records determined that an employee's condition is permanent, The Department must during this period and in accordance with the advice of the Health Risk Manager, ascertain the feasibility of:-

- i. alternative employment; or
- ii. adapting duties or work circumstances to accommodate the employee

**6.5.2** Should the Department and/or the employee be convinced that the employee will never be able to render an effective service at his or her 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 Procedure on Incapacity Leave and Ill-Health Retirement (PILIR).

## **6.6. MATERNITY LEAVE**

- 6.6.1** Employees are entitled to four (4) consecutive months maternity leave.
- 6.6.2** Employees are obliged to take maternity leave four (4) weeks before the expected date of birth unless the Department is presented with certificate from a registered health professional stating that the employee is fit enough to continue with her duties until a date prior to the date of confinement.
- 6.6.3** 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.
- 6.6.4** In the event of death of an employee's child 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.
- 6.6.5** The provisions of paragraph 6.6.4. 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.
- 6.6.6** Should a miscarriage, stillbirth or termination of pregnancy due to medical reasons occur during the first two trimesters of pregnancy, any leave utilized will be regarded as normal sick leave.

## **6.7. FAMILY RESPONSIBILITY LEAVE**

- 6.7.1.** The Department shall grant employees three (3) working days leave in the event where the employee's spouse or life partner gives birth to a child or where the employee's child, spouse or life partner is sick.
- 6.7.2** Employees shall be granted five (5) working days leave in the event of the death of the employee's child, spouse, life partner or immediate family member.
- 6.7.3** The number of days granted in accordance with paragraphs 6.7.1 and 6.7.2 shall not exceed five (5) working days in an annual leave cycle.
- 6.7.4** The HoD or her/his delegate may approve usage of vacation leave in the event where an employee has exhausted his/her family responsibility leave days.

## **6.8 ADOPTION LEAVE**

- a) An employee may be granted a maximum of forty-five (45) working days leave where he/she adopts a child younger than two years of age.
- b) 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 6.8.1. above.

## **7. UNPAID LEAVE**

- 7.1** The Department may grant an unpaid vacation leave of not more than 184 working days to an employee who has exhausted all his/her paid leave.
- 7.2** An employee shall utilize unpaid leave for an absence from work due to an arrest, imprisonment or a criminal sentence.

## **8. SPECIAL LEAVE**

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

### **8.1.1 EXAMINATION LEAVE**

- a) The Department may grant an employee one (1) working day leave with full pay for each day on which she/he sits for an examination which in the opinion of the Department:
  - i. has the object to better equip the person concerned for a career in the Public Service, irrespective of whether it relates to his/her immediate field of work or not, or
  - ii. is in the field of study which is in the interest of the Public Service.
- b) 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 she/he has to repeat.
- c) Should the special leave granted precede or succeed a day of rest or two 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 special leave days which may granted to an employee.

### **8.1.2 STUDY LEAVE**

- a) 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 8.1.1.(a) above.

- b) Employees who attend classes, do presentations and write tests as a package that substitutes an examination may be granted three (3) days study leave connection with such attendance, presentation and writing but to a maximum of two sessions per annum.
- c) The HoD or his or her delegate may grant an employee vacation leave where an employee requires further study leave.
- d) The study leave referred to in paragraph 8.1.2 (a) may be applied only once in cases where a person does preparatory or research work with a view to writing a re-examination or an examination in respect of a course which he or she failed and had to repeat.

### **8.1.3 ATTENDANCE OF CLASSES DURING OFFICIAL HOURS**

- a) Employees who study part-time or by means of correspondence at a recognized educational institution 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, or 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.
- b) Notwithstanding the provisions of paragraph 8.1.3.(a) 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 provisions.
- c) An employee who repeats a course or part thereof, may, with the approval of the HoD or her/his delegate, be released from duty on condition that one day's vacation with full pay, or if she/he does not have leave credit, one day's vacation leave without pay, be granted in respect of every eight hours she/he is so released from duty.
- d) The granting of leave privileges in respect of studies is subject to the HoD or her/his delegate being satisfied that the studies are in the interest of the Department and the Public Service in general.

### **8.1.4 PARTICIPATION IN SPORT**

An employee who participate in any registered sport, in any capacity except as a supporter, and represent the Department, Province or country, may be granted special leave for the period upon receipt of a written confirmation from the relevant body or institution.

### **8.1.5 LEAVE FOR ATTENDING INTERVIEWS**

A special leave with full pay will be granted to an employee, excluding probationers, who will be attending interviews away from his/her place of employment upon receipt of proof of invitation.

### **8.1.6 SPECIAL LEAVE FOR TREATMENT OF SUBSTANCE ABUSE**

- a) An employee who has completed one year of service and is found to be abusing alcohol or any other substance, may utilize 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 the Directorate: Human Resources Management.
- b) The provisions of paragraph 8.1.6 (a) may only be utilized on a once-off basis.

### **8.1.7 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 his/her personal belongings. If more days are required, an employee will utilize his/her annual vacation leave.

### **8.1.8 LEAVE FOR RECOGNISED UNION ACTIVITIES**

An office bearer or shop-steward of a recognized labour union may be granted ten (10) working days paid leave per annum for activities related to his/her union position provided that supporting documentation to the satisfaction of the HOD or her/his delegate is submitted.

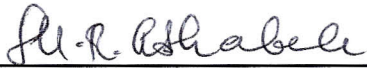
## **9. EXCLUSION**

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

**10.1 Monitoring and Evaluation**

The Executing Authority or his or her delegate 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 thereof will supersede the previous one.

**APPROVED**

**MS M.R. NTSHABELE**  
**ACTING HEAD OF DEPARTMENT**



**DATE**