



**LIMPOPO**  
PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

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PROVINCIAL TREASURY

# **LIMPOPO PROVINCIAL TREASURY**

## **DEPARTMENTAL SPECIAL LEAVE**

### **POLICY**

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**1. PREAMBLE**

Limpopo Provincial Treasury (“LPT”) recognizes that there exist circumstances which might necessitate the employee’s absence from work, where such absence is in the interest of both the employee and the State as the employer. Through this policy, LPT is committed to create measures to facilitate the provision of special leave to employees.

**2. PURPOSE**

The purpose of this policy is to provide guidelines and procedures that must be followed by employees when requesting special leave.

**3. PRINCIPLES**

- 3.1 It is the responsibility of the Chief Directorates Human Resources to inform employees of the different types of special leave that they are entitled to. It is the responsibility of employees to acquaint themselves with the information regarding the types of leaves that they are entitled to.
- 3.2 LPT shall during the consolidation of requests of special leave ensure that the requests comply with the provision of this policy.
- 3.3 Special leave provisions will be implemented in a fair and equitable manner.

#### **4. APPLICABLE LEGAL FRAMEWORK**

The Constitution of Republic of South Africa Act, 1996 (Act no 108 of 1996)

Labour Relations Act, 1995 (Act No. 66 of 1995)

Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)

Public Service Regulations, 2001

PSCBC Resolution No. 3 of 2002

PSCBC Resolution No. 7 of 2000

#### **5. SCOPE OF APPLICATION**

5.1 All LPT employees are entitled to apply for special leave.

5.2 For the purpose of this Policy, special leave is regarded as a type of leave that is largely dependent on the circumstances of each case, and is regarded as a privilege that is extended to an employee by the employer.

5.3 Special leave therefore differs from the types of leave as mentioned in Chapter 3 of the Basic Condition of Employment Act, 1997.

#### **6. POLICY PROVISIONS FOR THE VARIOUS CATEGORIES OF SPECIAL LEAVE**

##### **6.1 EXAMINATION**

6.1.1 Special leave with full remuneration may be granted to an employee a day prior to, and on the day on which he / she writes an examination, and if the course for which he / she is being examined is in the opinion of LPT for skills development in the Public Service, irrespective of whether it relates to his /her immediate field of work.

**6.1.2** The employee shall attach an examination time table as proof for the application of special leave.

**6.1.3** Changes in the time-table shall be reflected on an amended leave application.

**6.1.4** An application for special leave for re-examination may be applied for once, and shall be subject to approval by the Head of the Chief Directorate.

## **6.2 STUDY LEAVE ON A 50-50 BASIS**

**6.2.1** Study leave on a 50-50 basis is defined as a leave based on one day's special leave with full remuneration for each day's vacation leave, which is taken by an employee in connection with his / her studies, and thereafter, if necessary, vacation leave without pay, may be granted on condition that the Head of Department is satisfied that the studies are in a field which is in the interest of Public Service.

**6.2.2** The following are types of study leave whereby special leave with full pay may be granted:-

- i) full time studies, including a study tour at a recognized educational institution within the Republic or abroad;
- ii) part-time studies and distance learning to do essential preparatory or research work once or twice a year;
- iii) study in the field which requires the performance of practical work or teaching for a particular period;

- iv) attendance of a preparatory course with a view to write a qualifying examination in order to obtain admission to a particular field of study; and
- v) practical work required as a prerequisite for registration in a particular profession.

**6.2.3** Study leave on a 50-50 basis shall be limited to two day's vacation leave and two day's special leave with full remuneration per examinable subject, which includes compulsory semester tests. Employees who want to utilize more time for this purpose have to utilize vacation leave.

**6.2.4** 50/50 Study leave may be applied once in cases where an employee does preparatory and research work with a view of re- writing examination.

**6.2.5** The employee has to attach the relevant proof to the application for leave on a 50/50 basis.

### **6.3 ATTENDANCE OF CLASSES DURING OFFICE HOURS**

**6.3.1** An employee who studies part-time or through distance learning, at an accredited and recognized educational institution, shall be allowed to attend classes during working hours.

**6.3.2** An employee has to submit leave for every full sixteen (16) hours that he/she is released from duty on a 50/50 basis.

## **6.4 SPORT PURPOSES**

**6.4.1** Special leave with full pay may be granted to an employee when he or she:

- i) is selected by an accredited provincial and national sports association to take part, as a member of an organized sport group, in a sporting tour outside the Province or Republic as a competitor, coach, manager or assistant coach to represent the Province or Country;
- ii) accompanies a foreign national team, visiting the Republic, as the representative of the South African sports association, which is organizing the tour;
- iii) serves as referee, an official or a judge at an organized amateur sport meeting at national or international level inside or outside the boundaries of the Republic, or
- iv) is selected by a recognized 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.

**6.4.2** One day's special leave with full pay is granted for each day vacation leave, which the employee takes, provided that the number of days of special leave which may be granted per person per calendar year are limited to a maximum of 10 (Ten) days. Thus, the total number of 20 (Twenty) days sport leave consisting of 10 (Ten) days special leave and 10 (Ten) days vacation leave, may be granted.

**6.4.3** If a period of sport leave amounts to an unequal number of days, the employee should take the smaller number of days vacation leave with pay.

**6.4.4** Where the employee has no vacation leave credits, special leave for sports purpose on a 50/50 basis cannot be granted.

**6.5** **RESETLEMENT AS A RESULT OF TRANSFER**

**6.5.1** The purpose is to afford an employee an opportunity to supervise the parking and loading and the unpacking and unloading of his / her personal belongings.

**6.5.2** One day's special leave with full remuneration shall be granted to an employee who is transferred at State expense from his / her headquarters to another place.

**6.6** **MISCELLANEOUS**

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

**6.6.1** he / she is absent from duty as a result of segregation or isolation on medical grounds 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, which indicates the period of and the reason for segregation or isolation.

**6.6.2** he / she is arrested for criminal offence whilst acting within the course and scope of his employment and the interest of the State is involved.



- 6.6.3** he / she is involved in civil action in a court of law, where the interest of the State is involved.
- 6.6.4** in the case of employees with disability where arrangements are in place for them to attend a specialized course or training at an accredited and recognized institution.
- 6.6.5** on account of natural disasters and other unavoidable causes at the area where the employee is working and the Head of Department is satisfied that it is impossible for the employee concerned, at the time to continue with his / her official duties.
- 6.6.6** as a result of unrest in the area in which he / she is working, and the conditions are such that he / she is prevented at that time from continuing with his / her official duties in the area concerned.
- 6.6.7** employees who are absent from duty as a result of treatment at an approved institution for abuse of drug or alcohol related substances in terms of clause 11.5 of the Provincial Special Leave Policy ( Resolution 3 of 2002) which provides for the provision of special leave in such circumstances.

**6.7 ABSENCE FROM WORK NOT REGARDED AS LEAVE**

The following are instances whereby an employee is regarded as being on duty:

- 6.7.1** where an employee appears as a witness for LPT in any of the following:
- a) a civil or criminal court case where the interest of the state is involved.
  - b) a misconduct cases affecting the interest of LPT.

- c) a commission or committee of inquiry appointed by the state at an inquest.
- d) as a cited party in a civil or criminal matter arising from his /her official duties and in which the state has a direct interest and the employee did not forfeit his State cover in terms of the Treasury Regulations dated May 2001, as issued in terms of the Public Finance Management Act, 1999.

**6.7. 2** Where an employee:-

- a) attends a course or lecture organized and presented by LPT or a private company contracted by LPT.
- b) assist or represents an employee with permission of the employee regarding the disciplinary or misconduct inquiry, and the investigation into a complaint or grievance.
- c) is suspended from duty as a precautionary measure pending an investigation into a complaint or grievance.
- d) is charged with misconduct and is attending a disciplinary or misconduct inquiry or hearing.

**6.8** **SPECIAL LEAVE FOR UNION REPRESENTATIVES**

**6.8.1** An employee who is an office bearer or shop steward of a recognized trade union, shall receive up to a maximum of 10 (Ten) days per annum paid leave for activities related to his/her trade union.

**6.8.2** The above provisions are subject to the submission of proof to his/her supervisor relating to the activities of the trade union.

**6.9 LEAVE FOR THE PURPOSE OF PARTICIPATION IN MUNICIPAL COUNCILS**

If an employee has to perform duties on a part-time as a municipal councilor during official hours, the employee is required to take vacation leave of 1 (One) day for every 8 (eight) hours of absence.

**7. POLICY CONROL**

**7.1 POLICY AUDIT**

Policy audits will be conducted by the Directorate: Human Resource Management, when deemed necessary or as required from time to time, to ensure appropriate application and compliance with the policy.

**7.2 POLICY REVIEW**

This policy is subject to annual review or when deemed necessary by LPT, to ensure that it is aligned to prevailing legislation and market conditions.

**7.3 POLICY AMENDMENTS**

No amendment(s) may be made to any section of this policy without such amendment(s) first being:-

negotiated upon with recognized Employee Organisation; and duly approved and signed by the recognized parties to the Provincial Bargaining Council.

**8. EFFECTIVE DATE**

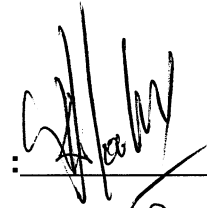
This policy will be effective from 22 June 2007 (date).

**9. RATIFICATION**


This policy was signed on the 22 (day of) JUNE (month)

at POLOKWANE (place).

HEAD OF DEPARTMENT (HOD)

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MEMBER OF EXECUTIVE COUNCIL (MEC)

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