



**DEPARTMENTAL POLICY:  
LEAVE OF ABSENCE  
(2001)**

## LEAVE POLICY: DPSA


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# LEAVE POLICY: DPSA

## **1. PURPOSE**

To regulate an employee's absence from duty by means of granting leave of absence within the framework, provisions and measures as set out below.

## **2. ELIGIBILITY**

An employee shall receive leave of absence from work in terms of provisions of this policy if he or she is employed either on a full time/part time/casual basis in terms of the Public Service Act, 1994.

## **3. AUTHORISATION**

- Public Service Regulations, 2001;
- PSCBC Resolution 7 of 2000;
- Basic Conditions of Employment Act, 1997;
- Directive on leave of absence in the Public Service issued by the Minister for Public Service and Administration, 30 November 2000;
- Frequently asked questions on the implementation of the new leave system issued by the DPSA, 18 April 2001; and
- Delegations (attached).

## **4. CLASSIFICATION FOR GRANTING LEAVE**

- A. Annual leave
- B. Normal sick leave
- C. Disability Management leave
- D. Leave for occupational injuries / diseases
- E. Parental leave
- F. Leave for office bearers or shop stewards of recognised employee organisations
- G. Special leave
- H. Events for which the department will not grant special leave

<b>A. ANNUAL LEAVE</b>
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- A.1 An employee is entitled to the following annual leave in an annual leave cycle with effect from 1 January of each year:
  - A.1.1 Employee with less than 10 years service: 22 working days.
  - A.1.2 Employee with more than 10 years service: 26 working days.
  - A.1.3 Employees who are appointed after the commencement of an annual leave cycle, shall be entitled to annual leave on a pro rata basis determined as a fraction of the entitlement as per paragraph A.1.1 above.
  - A.1.4 Temporary employees appointed on a fixed term contract: leave entitlements will be calculated on a prorata basis.

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(For each 15 consecutive days - calendar days - leave taken without pay, the employee's annual leave entitlement shall be reduced by 1 / 12<sup>th</sup>.)

- A.2 An employee must utilise ten (10) working days leave per annual leave cycle (compulsory), which should as far as possible be taken as consecutive working days.
  - A.2.1 This required 10 days must be taken in a 12 months leave cycle. (The 10 days will be reduced proportionally if an employee is in service for less than 12 months.)
  - A.2.2 Employees should use their leave entitlements during the 12 months leave cycle as far as possible. Only in exceptional circumstances should the annual leave entitlements be carried over into the extra 6 months period for utilisation. All remaining unused leave days will fall away after the extra 6 months period.
  - A.2.3 Managers are must monitor the utilisation of leave of employees in their components and ensure that each employee utilises/schedules his/her compulsory 10 working days' leave by **31 October** annually.
- A.3 The department may refuse an employee annual leave for pressing operational reasons (Refer to delegations). However, where leave due is not taken due to the Department's service delivery requirements, a maximum of 12/16 (22 or 26 working days annual leave minus the 10 working days compulsory leave) days' leave will upon request be paid at the end of the 18 months period (as discussed in paragraph A.2 above). Employee's request for payment of unused leave credits must be in writing on the form attached as Annexure B. Note that there is an onus of proof on the employee that he/she earlier applied for leave in writing and was refused the specific leave when applying for it, due to operational reasons.
- A.4 The department will pay the cash value of unused annual leave credits due to the employee at the termination of service, whether such termination is employee or employer initiated. (Refer to delegations). (This provision excludes capped leave as at 30 June 2000). (See Annexure H for formula of payouts)
- A.5 For the purpose of leave payouts, employees shall be paid a maximum of twenty-two (22) days on recommendation of the relevant manager and on approval of the relevant responsibility manager. These payouts will come from personnel expenditure on the relevant component's budget.
- A.6 TIME OFF
  - A.6.1 An employee may request to be released from duty (time off) at any time during a working day on condition that he/she takes one (1) day's annual leave for every 8 (eight) hours he/she is so released from duty. For this purpose every responsibility manager will keep a time off register to enter the

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number of hours an employee requested to be released (format for the relevant register attached as Annexure D)

Examples of such leave:

To go to a hairdresser; to attend to domestic problems for instance fixing of a leaking water pipe at home or to be at home when contractors need to install/deliver appliances; or to attend a function at his/her child's school.

- A.6.2 The department may request an employee to take one (1) day's annual leave for every 8 (eight) hours he/she was absent from duty without prior approval. The time off register referred to above would also apply (Refer to delegations).

Examples of such leave:

When an employee arrives late at work due to oversleeping, attending to family matters at home in official hours. However the granting of the relevant leave does not preclude the department from taking disciplinary action.

- A.7 It is important that annual leave be managed.

A7.1 Employees should schedule their leave within an annual cycle and if, due to operational reasons they are not able to utilize the leave as scheduled, they should reschedule it as soon as possible. Planning must be done with due regard to other periods of leave that may become due, for example maternity leave/adoption leave.

A7.2 To ensure that employees schedule their leave, supervisors must instate and maintain a leave planning schedule, indicating when employees will utilise leave during the leave cycle. If an employee has not been able to utilise his/her leave during a specific annual cycle, the manager and employee must discuss the rescheduling of such leave within the month of January of the following cycle.

- A.8 An employer may not permit or require employee to take annual leave during any period of notice of the termination of service. (also refer to par. 5.4 below)

- A.9 CAPPED LEAVE:

A.9.1 Capped leave is leave accrued prior to 1 July 2000, which has been audited and converted to working days. Employees will retain capped leave and be allowed to utilise capped leave as discussed in paragraph 9.2 below. The Department will pay capped leave out to employees only in the following circumstances: (see annexure H for formula of payouts).

A.9.1.1 death;

A.9.1.2 retirement; or

A.9.1.3 medical boarding.

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- A9.2 Procedures and measures to ensure that leave credits accrued prior to 1 July 2000 are utilised in a manner that does not detrimentally affect service delivery:

### Procedures:

- The Section: Human Resources informed each employee of the number of days capped leave he/she had to his/her credit and will annually inform employees thereof in September month.
- Employees will be able to make use of their capped leave only when they have exhausted leave credits of previous and current leave cycles (Annexure D).
- When applying for capped leave the employee must clearly indicate on the Z.1 form (Annexure A) that he or she applies to make use of capped leave.

### Measures:

- Employees with capped leave are encouraged to utilise at least 5 days capped leave per annum over and above their annual entitlement.
- Utilisation of leave days from the capped leave exceeding 10 days per annum may, in exceptional cases be approved with due regard to operational service delivery requirements (Refer to delegations).

<b>B. NORMAL SICK LEAVE</b>
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- B.1 An employee will be granted 36 working days sick leave with full pay in a three year cycle. (For every 15 consecutive days leave taken without pay, an employee's sick leave entitlement shall be reduced by 1 / 36<sup>th</sup> per sick leave cycle).
- B.2 Unused sick leave credits shall lapse at the end of a three-year cycle.
- B.3 The Department shall require a medical certificate from a registered and recognised **medical practitioner\*** if three or more consecutive days are taken as sick leave.
- B.3.1 The date on which the employee consulted the medical practitioner must be within the first three days of illness. If the employee only consulted a medical practitioner thereafter he/she must submit reasons therefor at the time of his/her return to work. If reasons are not acceptable to the department, the employee will be granted leave without pay (Refer to delegations).

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\* Medical practitioner shall for this purpose include all practitioners as defined by the Health Professionals' Council of South Africa. Until such time as an act from Parliament has been enacted in terms of Section 23 (2) of the Basic Conditions of Employment Act, 75 of 1997, medical certificates from herbalists and traditional healers shall not be accepted as proof of incapacity.

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- B.3.2 The certificate shall describe the nature of the illness and the period needed for recuperation. Supervisors must check that the dates on the medical certificate correspond with the dates on the leave application (for example a certificate should not state “2 days” and the employee applied for “5 days” sick leave).
- B.3.3 Supervisors should ensure that the nature of illness captured on the medical certificate is readable. If the medical practitioner’s handwriting is not clear, the supervisor should request the employee to state the nature of illness on his/her leave application form.
- B.4 Notwithstanding paragraph B.3 above, the department may request a medical certificate as contemplated above for each day taken as sick leave if a pattern of sick leave has been established (Refer to delegations). Sick leave in respect of which a medical certificate is not submitted may only be granted for an aggregate of 6 days during a year and any further absences must be covered by a medical certificate. Failing to submit a medical certificate within 2 working days of returning to work will result in the days being regarded as leave without pay or deducted from the annual entitlement of the employee if requested in writing.
- B.5 Conversion of annual leave to sick leave:
- If an employee presents a medical certificate demonstrating that he/she became ill while on annual leave, the department shall convert the days covered by the certificate to sick leave. Leave without pay may not be converted to sick leave.
- B.6 TIME OFF
- An employee may request to be released from duty (time off) at any time during a working day on condition that he/she takes one (1) day’s sick leave for every 8 (eight) hours he/she is so released from duty. For this purpose every responsibility manager will keep a time off register to enter the number of hours an employee requested to be released (format for the relevant register attached as Annexure D)
- Examples of such leave:  
To consult a doctor, dentist, or any other medical practitioner when the employee has a health problem during working hours.

<b>C. DISABILITY MANAGEMENT LEAVE</b>
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**C.1. TEMPORARY DISABILITY LEAVE:**

- C.1.1 An employee who has exhausted all his/her normal sick leave credits, but requires to be absent from work due to a temporary disability, may be granted sick leave with full pay on the following conditions:

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- C.1.1.1 An employee must inform his/her supervisor about his/her illness, and
  - C.1.1.2. An employee must provide a medical certificate from a registered and recognised **medical practitioner\*** that certified such condition as a temporary disability in advance, except where circumstances do not permit (for example in case of an accident).
  - C.1.1.3 The Department may require the employee to obtain a second opinion before granting approval for additional sick leave. Expenditure in this regard will be met from the Departmental budget. (Refer to delegations).
- C.1.2 The department shall, during 30 working days investigate the extent of inability to perform normal official duties, the degree of inability and the cause thereof (Refer to delegations). Based on the investigation, the employer may extend the period of leave or require the employee to return to work. Should there be grounds for suspecting fraud/manipulation in this regard the employee will be dealt with in accordance with the Labour Relations Act.
- C.1.3 The department has specified the level of approval in respect of applications for disability leave (Refer to delegations).

### **C.2 PERMANENT DISABILITY LEAVE:**

- C.2.1 An employee whose degree of disability has been certified as permanent may be granted a maximum of thirty (30) working days paid sick leave or, such time which may be required by the department to finalise the process of redeployment/adapting duties/work circumstances/discharge (Refer to delegations).
- C2.2 An employee, whose degree of disability has been certified as permanent, but who can still render a service, may be redeployed horizontally with retention of his or her benefits.
- C2.3 If the redeployment necessitates reallocation to a job of a lower grading, such should be explained well in advance and the continued utilisation of such an employee should in this regard be with his or her consent.
- C2.4 In instances where the employee's redeployment entail retraining or retooling, the department shall take requisite resources (time and budget) and potential returns into

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\* Medical practitioner shall for this purpose include all practitioners as defined by the Health Professionals' Council of South Africa. Until such time as an act from Parliament has been enacted in terms of Section 23 (2) of the Basic Conditions of Employment Act, 75 of 1997, medical certificates from herbalists and traditional healers shall not be accepted as proof of incapacity.



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consideration before approving redeployment (refer to delegations).

- C2.5 If the department or the employee is convinced that the employee will never be able to render an effective service at his or her level or rank, the employee may proceed with an application for termination of service due to ill health or the employer may initiate the procedures in terms of the PSCBC Resolution 12 of 1999 (Incapacity Code and Procedures in respect of ill health). (Refer to delegations).

### **D. LEAVE FOR OCCUPATIONAL INJURIES/DISEASES**

- D.1 An employee who suffers from an occupational injury or contracts an occupational disease shall be granted occupational injury/disease leave for the duration he/she cannot work.
- D.2 If an employee suffers a work-related injury as a result of an accident involving a third party, the department shall grant him/her occupational injury/disease leave provided that the employee:-
- (i) brings a claim for compensation against the third party; and
  - (ii) undertakes to use compensation (in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993) received to recompense as far as possible for the costs arising from the accident.
- D.3 The department shall take reasonable steps to assist an employee to claim compensation in terms of par. D.2 above (Refer to delegations).

### **E. PARENTAL LEAVE**

#### **E.1 FAMILY RESPONSIBILITY LEAVE**

- E.1.1 An employee will receive three (3) paid working days per annual leave cycle when his or her:
- (i) spouse/life partner gives birth or
  - (ii) child, spouse or life partner is sick.
- E.1.2 In the event of death of an employee's spouse/life partner/child or an **immediate family**\* member he/she will receive five (5) paid leave days per annual leave cycle.

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\* Immediate family is defined as the employee's parents, adoptive parents, grand parents, children, adopted children, grand children, brothers, sisters. In granting this type of leave supervisors should take into account special circumstances, including cultural responsibilities.

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E.1.3 The amount of family responsibility leave taken according to E.1.1 and/or E.1.2 above shall not exceed five (5) days per annual leave cycle.

E.1.4 The department shall require proof of an event for which this type of leave is required (Refer to delegations).

E.1.4.1 In the event of death the employee must attach a funeral letter, death certificate or an affidavit to his or her leave form.

E.1.4.2 In the event of sickness the employee must attach a medical certificate, medicine invoice, medical practitioner's invoice or affidavit to his or her leave form.

E.1.5 An employee's unused entitlement to leave in terms of this item lapses at the end of the annual leave cycle.

E.1.6 Employees who have used all their family responsibility leave may:

(i) use available annual leave, if he/she applies to use his/her annual leave for this purpose; or

(ii) use up to 184 days of unpaid leave.

E.1.7 TIME OFF

The department will request an employee to take one (1) day family responsibility leave for every 8 (eight) hours he/she is out of the office for this purpose. The hours will be entered into a register kept by the Responsibility manager.

Examples of such leave:

When an employee attends work as usual in the morning and leaves the office later in the day to attend to a sick child, or attend a funeral of an immediate family member, or when an employee makes arrangements with his/her supervisor to take a sick child to a medical practitioner before coming to the office.

## E.2 MATERNITY LEAVE

E.2.1 An employee will receive four (4) consecutive months paid maternity leave for each confinement. There are no restrictions on the number of confinements.

E.2.2 An employee should commence maternity leave at least four (4) weeks before the expected date of birth, unless the employee provides the department with a certificate (from a medical practitioner) that indemnifies the department in the event of complications or any undesirable incidence. Such certificate must clearly state that the employee is fit enough to work until a date before the expected date of delivery.

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- E.2.3 In the event of complications, an employee's maternity leave may be extended by her available annual leave (on her own request) or sick leave due to her. In case sick leave is exhausted, an employee's leave may be extended by up to 184 days unpaid leave.
- E.2.4 An employee who experiences a miscarriage, still birth or termination of pregnancy on medical grounds during the 3<sup>rd</sup> trimester of her pregnancy shall be granted six (6) weeks paid leave after the miscarriage, still birth or termination of pregnancy and thereafter she may utilise sick leave for days taken off as a result of the miscarriage, still birth or termination of pregnancy.
- E.2.5 An employee may not return to work for six (6) weeks after the birth of her child, unless a medical practitioner certifies she is fit to do so.

### **E.3 ADOPTION LEAVE**

- E.3.1 An employee who adopts a child younger than two (2) years (24 months) will be granted a maximum of 45 working days paid leave. Thereafter, available annual leave and/or unpaid leave up to 184 days may be utilised if the employee applies to use his/her annual leave for this purpose.
- E.3.2 If both spouses or life partners are employed in the Public Service, both partners will qualify for adoption leave provided that the combined leave taken does not exceed 45 working days as mentioned above.
- E.3.3 An employee would be required to provide proof of adoption.

<b>F. LEAVE FOR OFFICE BEARERS OR SHOP STEWARDS OF RECOGNISED EMPLOYEE ORGANISATIONS</b>
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- E.1 Office bearers or shop stewards of recognised employee organisations shall receive up to a maximum of ten (10) days paid leave per annum to perform activities related to his/her union position.
- E.2 An employee may request to be released from duty (time off) at any time during a working day to perform activities related to his/her union position on condition that he/she takes one (1) day special leave for every 8 (eight) hours he/she is so released from duty. For this purpose the time off register (Annexure D) would also be used to capture the time off periods.
- E.3 All leave applications for this purpose must be submitted in writing together with supporting documents.

<b>G. SPECIAL LEAVE</b>
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The following special leave shall be negotiated in the bargaining council:

- Examinations
- Study leave
- Class attendance
- Participation in sports
- Resettlement due to a transfer
- Quarantine
- Miscellaneous

**G.1 EXAMINATION LEAVE**

G.1.1 One working day special leave with full pay may be granted to an employee for each day on which he/she sits for an examination(s) which in the opinion of the department has the object to better equip the person concerned for a career in the Public Service (Refer to delegations).

G.1.2 Examination referred to above may include ordinary School subjects up to matric as well as examinations in respect of which a certificate is not necessarily issued to successful candidates.

G.1.3 This provision may be applied only once in respect of re-examination or 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 repeat.

G.1.4 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).

G.1.5 The examination timetable shall always be attached to the special leave application.

**G.2. STUDY LEAVE**

G.2.1 The department is committed to training and development of its workforce to higher levels of knowledge and skill for the department's benefit. The department will, subject to operational requirements, assist its workforce as far as possible with study leave to obtain higher educational qualifications by means of part-time or correspondence study at recognised South African or Overseas institutions.

G.2.2 Special leave with full pay may be granted to an employee for preparation towards his/her examinations. Two (2) days' special leave with full pay may be granted to an employee in

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connection with his/her studies/examinations per course/subject.

- G.2.3 If the special leave granted precedes and succeeds a day of rest, such day(s) of rest must be disregarded when calculating the number of special leave days to be granted to the employee.
- G.2.4 Employees who attend classes, do presentations and write tests as a package that substitute examination (block attendance) may be granted three (3) days study leave with full pay in connection with his/her attendance, presentation and writing in respect of each session (limited to two sessions per annum).
- G.2.5 Where necessary, three (3) days study leave with full pay, may be granted to an employee under circumstances mentioned below, on condition that the Department is satisfied that the studies undertaken are **in the interest of the department** (Refer to delegations):
- Research work and/or writing an essay or a thesis for a postgraduate qualification,
  - Attendance of a preparatory course with a view to sit for a qualifying examination in order to obtain admission to a particular field of study,
  - Attendance of a self-enrichment course (e.g. flower arranging, interior decorating, etc) which is in the interest of the department, but not paid for by the department.
- G.2.6 This provision may be applied once only in cases where a person does preparatory and research work with a view to writing a re-examination or an examination in respect of a study course which he/she failed and had to repeat.
- G.2.7 Special leave with full pay may be granted to an employee who initiated a study tour him/herself, up to a maximum of 6 months. A contractual agreement up to a maximum of two years will be linked to this special leave. As a general rule, an employee will be contractually bound to work back four months for each month the employee is granted special leave with full pay for a self initiated study tour (Refer to delegations).

### **G.3 ATTENDANCE OF CLASSES DURING OFFICE HOURS**

- G.3.1 An employee who studies part-time or by means of correspondence at a university or other recognised educational institution and who, as a result of his/her studies is required to be absent from his/her place of work, will receive one (1) day special leave with full pay for every full eight hours, he/she is so released from duty to a maximum of five (5) days per annum (a contractual agreement is linked to the granting of this special leave). (Refer to delegations).

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### **G.4 SPORT LEAVE**

G.5.1 Special leave with full pay will not be granted to an employee in respect of any sports participation as a competitor, coach or manager.

### **G.5 RESETTLEMENT LEAVE**

G.5.1 Special leave with full pay may be granted to an employee who is, transferred to this Department at state expense. Two (2) day's special leave with full pay will be granted to an employee if he/she is transferred to Pretoria in order for him/her to:-

G.5.1.1 arrange accommodation;

G.5.1.2 supervise the packing/loading and unpacking /unloading of personal effects

G.5.1.3 arrange school for children;

G.5.1.4 connect/disconnect water/lights.

G.5.2 Special leave for this purpose can only be taken according to a bona fide need after physical transfer of an employee to Pretoria and should be taken within one (1) month of physical transfer.

G.5.3 This special leave is only granted if the employee and/or his/her household physically move from the old headquarters to Pretoria.

G.5.4 This provision is also applicable to employees who are transferred and appointed in terms of section 15(1) of the Public Service Act, 1994.

### **G.6 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 who has 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, for at least 10 consecutive days which also certifies that the employee did not contract the relevant disease.

### **G.7 MISCELLANEOUS**

Special leave with full pay may be granted to an employee, for example:

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- G.7.1 In the case of a blind employee, he/she must attend a recognised orientation course for the blind, or a recognised training course in handling a guide dog (Refer to delegations).
- G.7.2 The area in which he/she is working is struck by a natural disaster and the department is satisfied that it was impossible for the employee concerned at that time to continue with his/her official duties (Refer to delegations).
- G.7.3 Other (Refer to delegations)

<b>H. EVENTS FOR WHICH THE DEPARTMENT WILL NOT GRANT SPECIAL LEAVE:</b>
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- H.1 Attendance of self-enrichment courses (e.g. Fashion design).
- H.2 Repeating of courses/subjects (for example for a third, fourth etc time).

### **5. UNPAID LEAVE**

- 5.1 If an employee has utilised all his or her annual leave and the situation necessitates leave of absence from work, the Department may, after reasonable course is shown, grant him/her unpaid leave (Refer to delegations).
  - 5.2 Only in exceptional cases will the Department authorise more than 184 days of unpaid leave within an 18-month period (Refer to delegations).
  - 5.3 An employee shall utilise unpaid leave for absence from work due to:
    - (i) arrest, imprisonment or appearance in court on a criminal charge that leads to a conviction; or
    - (ii) a criminal sentence.
- Note: If an employee is arrested and thereafter released, the no work no pay principle should apply. However, employees have an option to utilise their available annual leave for this purpose.
- (This paragraph will be revisited pending the finalisation of the disciplinary procedures)
- 5.4 **Unpaid leave** shall be granted to an employee who is serving a period of notice in his/her last month of service.
  - 5.5 **Unpaid study leave** may be granted to an employee, provided that it should not exceed 184 days during a period of 18 months. No contractual agreement is linked to the granting of unpaid leave (refer to delegations).
  - 5.6 All unauthorised absence from duty, irrespective of any disciplinary action of any kind, which may be taken against an official, is deemed to be leave without pay.

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- 5.7 Unpaid leave is calculated as calendar days (for example if an employee utilises unpaid leave on Thursday, Friday and Monday, five days would be without pay).

### **6. LEAVE FOR CASUAL EMPLOYEES**

Casual employees (employees employed for less than 12 months) are entitled to:

- 6.1 Leave entitlement
- 6.1.1 Employees remunerated on an hourly basis: entitled to one (1) hour leave for every 17 hours worked.
- 6.1.2 Employees remunerated on a daily basis: entitled to one (1) day leave for every 17 days worked.
- 6.2 If an employee has exhausted his/her annual leave entitlement, the Department may grant him/her unpaid leave (refer to delegations)
- 6.3 After four (4) months employment, the payment in respect of any unused annual leave in an annual leave cycle in the event of the termination of their services;
- 6.4 One (1) day's sick leave with full pay for every completed month of employment;
- 6.5 The Department may grant sick leave without pay (refer to delegations);
- 6.6 A maximum of four (4) consecutive months unpaid maternity leave during their contract period;
- 6.7 A maximum of three (3) day's family responsibility leave during an annual leave cycle for utilisation if the employee's: Spouse/life partner gives birth to a child; or dependant child, spouse/life partner is sick; or child or spouse/life partner dies; or immediate family member dies.
- 6.8 Paragraphs 4 F, G and H as well as paragraphs 7,8,9 and 10 shall apply to casual employees.

### **7. PROCEDURES FOR APPLICATION OF LEAVE**

- 7.1 General procedures:
- 7.1.1 Employees applying for leave must do so in writing on the Leave application form (Annexure A). They must clearly indicate all personal information (name, persal number, date of appointment, contact details during leave, etc) as well as the type of leave applied for, the period of leave and the number of days. Employees are advised to complete separate application forms for separate periods of leave.



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- 7.1.2 The application form must be signed by the employee and submitted to the immediate supervisor. It is the responsibility of the supervisor to ensure that all information contained therein is correct and the conditions as to pay are completed. After the supervisor is satisfied that the form is correct, he or she must sign the form and refer it to the relevant responsibility manager to enter into the register (Annexure C).
- 7.1.3 After the relevant information regarding the specific leave form has been entered into the leave register, the leave application form together with any attachments (if applicable) must be submitted to the Section: Human Resources (19<sup>th</sup> floor) **within three (3) working days** after approval for leave was granted. An employee in the Section: Human Resources will sign for receipt of the documentation.
- 7.1.4 Responsibility managers will be responsible to ensure that all leave applications forms, from employees in their component, are entered into the leave register and approved leave forms (Z.1) submitted to the to the Section: Human Resources

### 7.2 Annual leave:

- 7.2.1 An employee shall not leave or stay away from work until he/she has applied, in writing, for leave and has been advised by his/her supervisor that the leave application has been approved. Employees may therefore not proceed on annual leave and then telephonically or otherwise inform the relevant supervisor of such leave being taken. Hence annual leave becomes valid once the relevant supervisor has approved it.
- 7.2.2 If an employee cannot be granted annual leave due to operational requirements, the denial of the leave should be confirmed in writing on the relevant leave application form by the relevant supervisor specifying the reasons for denial. A copy of the leave form shall be provided to the employee for future reference. If there is a dispute between the employee and the supervisor relating to the denial of the leave, the next level of supervisor should be consulted to solve the issue.
- 7.2.3 Employees who for reasons mentioned above could not utilise the annual leave within the 18 month period stipulated, must request the payment of the unutilised annual leave days in writing by no later than 30 June of that year. The supervisor must for the purpose thereof also certify to this effect. The supervisor must recommend an alternative period/dates within the prescribed 18-month period in which the employee is eligible for and has applied for annual leave (also known as rescheduling of leave).
- 7.2.4 Responsibility managers shall keep time off registers to record the time-off requested by employees for leave purposes. Employees shall for this purpose take one (1) day's annual leave with full pay or if he/she does not have annual leave, a day's leave without pay, for every full eight (8) hours he/she is so released from duty.
- 7.2.5 Furthermore, supervisors could also record approved unpaid overtime duty performed by such employees for specific purposes, and grant

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employees time off equivalent to the hours worked (also refer to the departmental policy on overtime). For this purpose the unpaid overtime time off register (Annexure I) would be used to capture the time off periods.

### 7.3 Annual leave in case of personal emergencies

Employees applying for emergency annual leave shall inform the relevant supervisor (or a higher authority in the relevant channel of command) verbally prior to commencing with such leave, provided that an agreement between the employee and the relevant supervisor has been reached.

### 7.4 Sick leave

It remains the responsibility of the employee to inform the supervisor of his or her absence from office due to sickness **before 12:00 noon** of the same day of the illness. Failing which the supervisor may if he or she has good reasons, at his or her discretion refuse to grant sick leave with pay in respect or any absence from duty to which the certificate relates. However, where an employee is not in a position to report due to a serious medical condition and the supervisor is satisfied that reason(s) are bona fide, the supervisor may waive the submission of notification for illness. Thus such absence from duty may be covered by sick leave with full pay.

### 7.5 Leave in the notice period

The following types of leave are permissible during the last 30 days of service (notice period):

- i) Sick leave
- ii) Special leave

### 7.6 Time off

If an employee requires time off during official hours (for any reason) he/she will make an entry into the time off register (Annexure D) at his or her relevant responsibility manager. For every eight (8) hours time off entered into this register, a leave application form must be completed by the employee and forwarded to the Section: Human Resources, after being signed by the relevant responsibility manager. At the end of a leave cycle any period less than eight (8) hours will be regarded as a full day's leave. Employees will not be permitted to attend work only up to 10 o'clock and be released from duty without entering time off in the relevant register (paragraph 7.8 below would be the only exception to this rule).

### 7.7 Leave between Christmas and New year

The Department is officially closed between Christmas and New Year. Employees should manage their leave during the leave cycle to make provision to have leave credits available for the relevant period. If an employee does not have sufficient leave credits to cover these days, leave without pay will be granted to the relevant employee. Motivation, certified by the relevant manager of the employee as confirmation that the employee was unable to take leave due to operational requirements for the period between Christmas and New Year, must be submitted to the Deputy Director: Human Resources before

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the 5<sup>th</sup> working day of a year. If such motivation is not received, annual leave will be subtracted from the relevant employee.

### 7.8 Last working day before Christmas

The Department's activities for the calendar year closes off at 10 o'clock on the last working day before Christmas. Employees need not make an entry in the time off register on this day.

## **8. EVENTS FOR WHICH THE DEPARTMENT WILL NOT REQUIRE AN EMPLOYEE TO UTILISE LEAVE:**

- 8.1 Study tours initiated by the department. Contractual binding could be applicable.
- 8.2 Absences for purpose of registering for studies for which the department has awarded the employee a bursary.
- 8.3 When an employee has been served with a subpoena to appear in court or in a disciplinary hearing as a witness.
- 8.4 When appointed by the Department of Home Affairs to assist with parliamentary elections.
- 8.5 Attendance of self-enrichment courses (eg: computer courses, skills courses, etc) which is in the interest of the department and paid for by the department.
- 8.6 Departmental social functions approved by the Director General.
- 8.7 Other (refer to delegations)

## **9. ANNUAL LEAVE WITH FULL PAY GRANTED IN EXCESS**

- 9.1 An employee may not be granted annual leave with full pay in excess of that which he or she is entitled to. If due to a bona fide error, an employee had been granted annual leave with full pay in excess of that which stood to his or her credit at that time, such overgrant must be deducted from the subsequent leave cycle.
- 9.2 Such over-grant will be regarded as an overpayment if the employee exits the public service and will be recovered from him/her at termination.

## **10. NOMINATION OF BENEFICIARIES**

- 10.1 Employees may, if they so desire, designate one or more beneficiaries to whom their leave payout may be paid in the event of their death (nomination form attached as Annexure F).
- 10.2 If an employee dies and has not nominated a beneficiary, the leave payout may be paid:

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- 10.2.1 In full to the spouse/life partner of that employee; or
- 10.2.2 If there is no spouse/life partner, in equal shares for the benefit of minor and other children (including legally adopted children) of the deceased who, at the time of his/her death, were fully dependent on the employee; or
- 10.2.3 If there are no children, to the employee's estate.

## **11. MONITORING, EVALUATION AND REPORTING**

- 11.1 The Section: Human Resources will be responsible for inspecting registers kept at Responsibility Managers (biannually).
- 11.2 All leave forms (Z.1) will be captured on PERSAL by the Section: Human Resources and filed on each individual employee's SL file in the registry on the 19<sup>th</sup> floor.
- 11.3 The Section: Human Resources will inform employees annually at the end of February of the number of leave credits they have left for utilisation in a specific leave cycle. These should be utilised by 30 June of the specific year. Motivations for leave payments in respect of leave credits mentioned in paragraph A.3 above shall be lodged by no later than 30 June in respect of each year.
- 11.4 The DG shall report to Parliament on the number of employees denied annual leave, reasons for such denial and amounts paid out to employees by the department. The section HR will report to the DG in February of each year of the number of leave days not utilised by employees in the Department in respect of an annual cycle and thereafter submit a monthly progress report to the DG, at the end of March, April and June of each year.

## **12. ANNEXURES**

- A: Z.1 leave application form
- B: Request for payment of leave accrued to an employee
- C: Leave Register for Responsibility Managers
- D: Time off register for Responsibility Managers
- E: Persal message on utilisation of leave cycles.
- F: Nomination of Beneficiaries
- G: Delegations
- H: Calculation formulas for payouts of leave
- I: Overtime without pay time off register for managers