

# **POLICY ON LEAVE OF ABSENCE**

**DEPARTMENT OF SAFETY, SECURITY AND LIAISON**

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# **POLICY ON LEAVE OF ABSENCE**

## **1. INTRODUCTION**

In implementing basic conditions of employment, the Department has to make available, among others, guidelines on the types of leave and circumstances under which the employer may consider authorizing an employee's absence from work and the employee's leave entitlement and conditions that the employee must adhere to access the said entitlement.

It is against this background that a policy on leave of absence has become a necessity.

## **2. OBJECTIVES**

The objective of this policy is to –

- Provide a frame work to regulate effective leave management and proper procedures to be followed when employees have to go on leave.
- Ensure that service delivery is not disrupted by haphazard absence from duty by employees.
- Ensure that leave is taken in an equitable, justifiable and fair manner.
- Generally regulate all issues pertaining to leave and including the Special leave in the Department in accordance with the Provincial Special Leave Policy.

## **3. LEGISLATIVE FRAMEWORK**

- Public Service Act, 1994, as amended.
- Public service regulations 2001
- Basic Conditions of Employment Act, 1997
- Determination of leave of absence in the Public Service as amended.
- Procedure manual on Incapacity Leave and Ill- retirements (PILIR)
- Limpopo Provincial Special Leave Policy

## **4. SCOPE**

This policy applies to employees employed by the Department of Safety, Security and Liaison, under the Public Service Act of 1994, as amended.

## **5. CATEGORIES OF LEAVE**

### **5.1 ANNUAL LEAVE**

- 5.1.1 The employer must grant employees annual leave with full pay during each leave cycle of 12 months, commencing on 01 January and ending 31 December of each year.
- 5.1.2 Employees with 10 years of service and more are entitled to 26 leave days per leave cycle.
- 5.1.3 Employees with less than 10 years of service are entitled to 22 leave days per leave cycle.
- 5.1.4 Employees employed in the middle of the leave cycle qualify for pro rata leave days depending on the number of months for their employment in a leave cycle.
- 5.1.5 Annual leave should, as far as possible, be taken at an interval of 10 (ten) consecutive days. SBU leave plans should take into account service delivery requirements of the Department.
- 5.1.6 The remaining leave days, if any, must be taken no later than 6 months (30 June) after the expiry of the relevant leave cycle, where after unused leave credits, if not rescheduled, shall be forfeited.
- 5.1.7 Any refusal of annual leave must be confirmed in writing, stating the reasons and arrangements for rescheduling of the annual leave.
- 5.1.8 If , due to service delivery requirements, an employee's application for leave is denied and not rescheduled, such leave must, upon request, be paid out to the employee at the end of the 6 months' period referred to in **5.1.6** above. The employee must make a request in writing and attach written proof of refusal of leave by Head of Department.
- 5.1.9 Upon termination of service by retirement and medical boarding, the employer shall pay leave gratuity to the employee.
- 5.1.10 In the event of death, the employer shall pay leave credits to nominated beneficiaries or spouse/life partner if the deceased was married or to the beneficiary that shall have been appointed by the Magistrate.
- 5.1.11 It is the duty of the supervisor to ensure that-
  - a. employees take leave days as planned and that employees submit application forms ten days prior to commencement of leave.
  - b. take the service delivery requirements of a Department into account when considering an application for annual leave.
  - c. in writing give valid reasons for refusing an employee to take leave and make arrangements for rescheduling the leave.



- d. recommend and or approve leave application and monitor the usage of sick leave and irregular patterns of leave.

5.1.12 An employee -

- a. must apply for leave of absence by completing the leave form and submit to the immediate supervisor for recommendation and or approval. Officials can only go on leave after the approval of the application has been granted.
- b. may apply in writing to utilize capped leave credits only if the annual leave credits are depleted.

## 5.2 NORMAL SICK LEAVE

- 5.2.1 An employee is entitled to 36 working days sick leave with full pay over a three year cycle. Any unused sick leave credits shall lapse at the expiry of the three year cycle.
- 5.2.2 In cases of sick leave, the officer concerned must ensure that he/she personally notify his/her supervisor/manager **immediately**. A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness/injury prevents the employee to inform the supervisor/manager personally.
- 5.2.3 An employee must submit an application for sick leave personally or through a relative or fellow employee within 5 working days after the first day of absence.
- 5.2.4 Failure to adhere to **5.2.3** above the following arrangements will apply;
  - a. the supervisor must immediately notify the employee to submit the application within 2 working days, and failure to do so will result in the leave taken as leave without pay.
  - b. Failure to submit within 2 days, the leave will be covered by annual leave and /or unpaid leaves if insufficient annual leave credits are available.
  - c. Failure to adhere to (a) and (b) above by the employee and the supervisor must be viewed in a serious light and disciplinary steps should be taken.
- 5.2.5 The medical certificate from a registered practitioner should be submitted:
  - a. if the employee takes sick leave for 3 days and more.
  - b. if the employee takes leave for more than two occasions within an eight week period, must submit regardless of the duration of the sickness,
  - c. if there is an observation of a pattern of taking sick leave frequently even if the period of leave is less than 3 days.
- 5.2.6 The employer must grant sick leave to an employee who is isolated or quarantined for at least ten consecutive days.

- 5.2.7 If an employee falls ill while on annual leave with full pay, such leave may be converted to sick leave provided that a certificate from a registered medical practitioner is submitted to substantiate that he/she is ill indisposition.
- 5.2.8 For every 15 consecutive days leave taken without pay, an employee's sick leave entitlement must be reduced by 1/72nd per sick leave cycle.

### 5.3 TEMPORARY INCAPACITY LEAVE

- 5.3.1 An employee who has exhausted his/her normal sick leave, during the prescribed sick leave cycle and who according to the treating medical practitioner requires to be absent from work due to a temporary incapacity, may apply for temporary incapacity leave with full pay on the applicable application form prescribed in terms of *PILIR in respect of each occasion*.
- 5.3.2 For an employee's application for temporary incapacity leave to be considered, the-
- a. employee must submit sufficient proof that s/he is too ill/injured to perform his/her work satisfactorily; and
  - b. application form must, regardless of the period of absence, be accompanied by a medical certificate issued and signed by a medical practitioner that certifies his/her condition as temporary incapacity and if the employee has consented, the nature and extent of the illness/injury. The application form and supporting documents must be submitted within five (5) working days after the first day of absence.
- 5.3.3 Employee is in accordance with item 10(1) of Schedule 8 to the Labour Relations Act, 1995, afforded the opportunity to submit together with his/her application form – any medical evidence related to the medical condition of the employee, such as (a) medical report(s) from a specialist, blood tests results, x-ray results or scan results, obtained at the employee's expense; and any additional written motivation supporting his/her application;
- 5.3.4 Employee is requested to give his/her consent that medical information/records be disclosed to the employer and/or its Health Risk Manager and to undergo further medical examinations in terms of the assessment process described in *PILIR*.
- 5.3.5 Upon receipt of application form and supporting documents, the Head of Department must within 5 working days, conditionally grant a maximum of 30 consecutive days temporary incapacity leave with full pay, subject to the outcome of the investigation into the employee's illness or injury and refer the application to the Health Risk Manager for assessment and advice.
- 5.3.6 The Head of Department may
- a. on the basis of medical evidence gathered during the investigation approve the granting of further temporary incapacity leave.
  - b. if applicable and as soon as possible, must after the receipt of the Health Risk Manager's advice, decide on the possibility of securing alternative employment for the employee, or adapting his/her duties or work circumstances to accommodate



his/her incapacity or as soon as possible, approve and implement an action plan for this purpose.

- 5.3.7 If the Head of the Department approves the temporary incapacity leave granted conditionally, such leave must be converted into temporary incapacity leave. If the temporary incapacity leave is not approved, the HOD must notify the employee in writing:

(a) of the refusal;

(b) of the reasons for the refusal;

Upon receipt of the decision of the HOD the employee must in writing within 5 working days of the date of the notice to him/her, notify the HOD, state whether or not the period of conditional incapacity leave must be covered by annual leave (to the extent of the available annual leave credits) or unpaid leave.

Failure by the employee to notify the Head of Department of his/her choice, will result in the period being covered by unpaid leave.

- 5.3.8 The employee may, if he/she is not satisfied with the Head of Department's decision, lodge a grievance in terms of section 35 of the Public Service Act.

#### **5.4 PERMANENT INCAPACITY LEAVE**

- 5.4.1 Employees whose degree of disability has been certified as permanent by a registered medical practitioner shall, with the approval of the Head of Department/delegated authority, be granted a maximum of 30 working days paid sick leave, or such additional number of days required by the Department to finalize the processes set out below.
- 5.4.2 The supervisor shall, during the 30 working days as pertained in 5.3.5 above, ascertain the feasibility of:
- (a) alternative employment;
- (b) adapting duties or work circumstances to accommodate the disability.
- 5.4.3 If the redeployment necessitates relocation to a job of a lower grading with subsequent reduction in salary, such should be explained well in advance and the continued utilization of such an employee should, in this regard, be with her or his written consent. The employee should submit the said written consent within ten working days after receiving notice of the possible relocation to a job of a lower grading. If the employee does not give her or his consent, such a person should be dealt with in terms of the PSCBC Resolution No. 12 of 1999 (Procedures in respect of ill-health).
- 5.4.4 In the event of the employee being convinced that she or he will never be able to perform any type of duties at her or his level or rank, she or he shall immediately proceed with application for ill-health benefits in terms of the Public Service Act, 1994, section 17 (2) (a) without first utilizing the 30 working days paid sick leave as contemplated in 5.3.5 above. The Department may also initiate the procedures in terms of the PSCBC Resolution 12 of 1999 (Procedures in respect of ill-health).

## **5.5 LEAVE FOR OCCUPATIONAL INJURY AND DISEASES**

- 5.5.1 An employees who, as a result of his/her work, suffers occupational injuries or contract occupational diseases, shall be granted occupational injury and disease leave for the duration of the period they cannot work.
- 5.5.2 Approval of such leave is granted provided that an employee furnishes proof of registration of the injury on duty with the Compensation Commissioner, as well as the granting of the claim by the Compensation Commissioner.
- 5.5.3 If an employee suffers a work-related injury as a result of an accident involving a third party, the Department may grant her or him occupational injury and disease leave provided that the employee –
- a. Brings a claim for compensation against the third party, and
  - b. undertakes to use compensation (in terms of the Compensation for Occupational Injuries and Diseases Act, 1993) received to recompense as far as possible the costs arising from the accident.
- 5.5.4 The Department shall be obliged to take reasonable steps to assist an employee to claim compensation according to **5.5.3** above.

## **5.6 MATERNITY LEAVE**

- 5.6.1 An employee may receive four months' consecutive paid maternity leave for each confinement. There is no limit to the number of confinements.
- 5.6.2 The maternity leave is to commence:
- a. At least four weeks before the expected date of birth or later, in which event the employee must submit a medical certificate from the attending practitioner which indemnifies the Department in the event of complications or any other undesirable incidence, by stating that the employee is fit enough to work until a date before the expected date of delivery; or
  - b. on a date certified by a registered practitioner as necessary for the employee's health or that of the unborn child; or
  - c. in the event of giving birth unexpectedly prior to the expected date of delivery.
- 5.6.3 Maternity leave may be interrupted if –
- a. The baby is born prematurely and is hospitalised during the maternity leave; and/or
  - b. the baby becomes ill and is hospitalized for a period longer than a month during the maternity leave.



- 5.6.4 The stipulations in paragraph **5.6.1** must be adhered to. Should an employee, however, choose to interrupt her maternity leave and fail to return to work after six weeks, such a period must be covered with annual leave or unpaid leave if enough annual leave credits are not available. If she chooses to continue with her remaining period of maternity leave, it should resume on the day of the baby's discharge from hospital.
- 5.6.5 If an employee has utilized all her maternity leave and wishes to extend the leave as a result of medical complications suffered by herself, she may:
- a. utilize available annual leave; and/or
  - b. receive up to 184 calendar days of unpaid leave; or
  - c. utilize any sick leave due to her.
- 5.6.6 Employees who, during the third trimester of their pregnancy, experience a miscarriage, stillbirth or termination of the pregnancy on medical grounds, shall be eligible for 6 consecutive weeks' maternity leave, where the leave is to commence after the miscarriage, stillbirth or termination of the pregnancy, there after, **5.6.5 (c)** shall apply in the event of medical complications. If an employee takes a period off due to a miscarriage, stillbirth or termination of pregnancy on medical grounds during the first two trimesters of pregnancy, it will be regarded as normal sick leave. After the exhaustion of normal sick leave credits, temporary disability leave may be granted.
- 5.6.7 Provisions in **5.6.5** above shall also apply to an employee who experiences a miscarriage, stillbirth or termination of pregnancy on medical grounds after the commencement of maternity leave. The period prior to the miscarriage, stillbirth or termination of pregnancy on medical grounds shall be covered by special leave with full pay for a maximum of 6 consecutive weeks.
- 5.6.8 In the event of the baby having survived the birth but passes away during the employee's maternity leave period, the employee is entitled to 6 consecutive weeks' maternity leave, commencing after the date of confinement. If the baby passes away during any time after the aforementioned 6 weeks, the employee has to return to work after she has taken family responsibility leave accordingly. If the employee has exhausted her family responsibility leave credits and wishes to extend her leave of absence, she may apply for annual leave if her current leave credits allow. Leave may also be granted to her according to paragraph **5.6.6** if she is not fit to resume duty after the expiry of the aforementioned 6 weeks.
- 5.6.9 In terms of the Basic Conditions of Employment Act, 1997, employees are not allowed to return to work for at least 6 weeks after the date of birth of a child unless the medical practitioner confirms that the employee is fit to do so.

## **5.7 ADOPTION LEAVE**

- 5.7.1 An employee who adopts a child, who is younger than two years, qualifies for adoption leave for a maximum of 45 working days. Thereafter the provisions of **5.6.5 (a) and (b)** above shall apply.



- 5.7.2 The employee must submit the leave application form together with a letter from the institution that will be handling the adoption case, declaration form certified by the Commissioner of Oaths for adoption and certified copy of the child's birth certificate.
- 5.7.3 If both spouses and life partners are employed in the public service, both partners will qualify for adoption leave provided that the combined leave taken by both does not exceed the 45 days. Employees must therefore upon application, declare how both spouses will utilize adoption leave.

## **5.8 FAMILY RESPONSIBILITY LEAVE**

- 5.8.1 An employees shall be granted 3 days leave per annual leave cycle for utilisation if:
- a. The employee's spouse or life partner gives birth to a child; or
  - b. The employee's child, spouse or life partner is sick.
- 5.8.2 Employees shall be granted 5 days leave per annual leave cycle for utilisation if:
- a. The employee's child, spouse or life partner dies; or
  - b. An employee's immediate family member dies.
- 5.8.3 The number of family responsibility leave days taken according to **5.8.1** and **5.8.2** above shall not exceed five (5) days in an annual leave cycle, unless special circumstances warrant further leave at the discretion of the Head of Department.
- 5.8.4 Immediate family member for purposes of this provision means the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling. The granting of family responsibility leave must be taken with due consideration of the employee's cultural responsibilities. Where the latter discretion is exercised, Heads of Departments must limit the total period of family responsibility leave to a maximum of 5 days.
- 5.8.5 Employees who have used all their family responsibility leave may, subject to the approval of the Head of Department, apply to:
- a. use available annual leave; or
  - b. use up to 184 calendar days of unpaid leave.

## **6. SPECIAL LEAVE**

### **6.1 EXAMINATION/ PREPARATION (study) LEAVE**

Study leave may be granted to employees to assist them in the preparation and the writing of their examination, on condition that the studies or preparatory work is in the interest of the Department, as follows:

- 6.1.1 One working day special leave with full pay prior to the examination for preparation purposes and one working day for the examination;



- 6.1.2 This concession will only be for writing of subjects on first attempt and for re-writing of supplementary or special examinations;
- 6.1.3 the latest available timetables or relevant documents must accompany leave forms. Subsequent changes should be reflected on an amended leave form; and
- 6.1.4 The employee must submit her or his examination results to the leave section as soon as it is available.
- 6.1.5 Employees who attend classes, do thesis or dissertation work and write tests as a package that substitutes examination ( block attendance) may be granted five days leave with full pay limited to two sessions per annum.
- 6.1.6 consideration should be given to employees who request to use their vacation leave for the above purpose, which vacation leave should not be refused unreasonably.

## **6.2 PARTICIPATION IN SPORTS OR CULTURAL ACTIVITIES**

- 6.2.1 Special leave with full pay to a maximum of 10 working days per annum, may be granted to an employee when h/she is selected by regional or local areas as a member of an organized sports group whether as a competitor, official, judge, coach, manager or referee in a sports tour or an organized sport event within or outside South Africa.
- 6.2.2 Special leave with full pay, may be granted to an employee when he/she:
  - a. accompanies a foreign national team visiting South Africa, as a representative of the South African Sports Association.
  - b. Takes part in cultural activities as a member of an organized cultural activities, in a cultural tour within and outside South Africa as a competitor, official, judge, coach and manager to represent South Africa, the Province or region.
- 6.2.3 Written proof of such nomination or selection must be provided.

## **6.3 RESETTLEMENT**

- 6.3.1 Special leave with full pay will be granted to an employee who is transferred at the state expense. Two days special leave will be granted to employees who are transferred within the province and five days if transferred outside the province in order to:
  - a. arrange accommodation.
  - b. supervise the packing or loading and unpacking or unloading of personal belongings,
  - c. arrange school for children.
- 6.3.2 Special leave in this instance will only be granted if the employee and his or her household are required to resettle.

## **6.4 TRAINING OF DISABLED EMPLOYEES**

### **6.4.1 The employer shall –**

- a. afford disabled employees the opportunity to undergo training to manage the employees disability.
- b. treat employees who need training to be able to utilize equipment that would enable the employees access to the work place or to perform the job, the same as other officials training provided to equip employees with the knowledge and skills to do the employees' jobs.

## **6.5 MILITARY SERVICE**

Special leave may be granted to an employee when he/she is required to perform voluntary military service.

## **7. REHABILITATION**

Any special leave provided in this section will be over and above any leave taken as sick or disability leave.

### **7.1 Substance Abuse**

7.1.1 Special leave with full pay to a maximum of 60 working days may be granted to an employee to enable him or her to undergo treatment for substance abuse at an approved institution or facility.

7.1.2 Special leave will be limited to one rehabilitation session. A certificate and a comprehensive report compiled by the institution or facility concerned must be submitted to the department or Employee Assistance Programme (EAP) office on completion of the treatment.

### **7.2 Trauma**

An employee may be granted special leave for a maximum of five working days with full pay annually to undergo trauma debriefing and counseling sessions.

### **7.3 Mental disorders**

An employee may be granted special leave for a maximum of twenty one (21) working days for the purpose of psychological or psychiatric treatment for a mental disorder at an approved institution. At the completion of the special leave provided for this purpose a report pertaining to the Department or the Employee Assistance Programme (EAP) office. In case the psychiatrist recommends more than 21 days, disability leave rule will apply.

## **8. LONG SERVICE RECOGNITION**

Employees who have completed 20 or 30 years continuous and satisfactory service qualify for long service recognition. Employees with 20 years service will be awarded a certificate and the discounting of a maximum of 10 days annual leave in cash and employees with 30 years service will be awarded a certificate, a wristwatch and the discounting of a maximum of 15 days annual



leave in cash. Leave days will be discounted in the following sequence: capped leave, previous leave and lastly current leave.

## **9. LEAVE FOR OFFICE BEARERS OR SHOP STEWARDS OF RECOGNIZED EMPLOYEE ORGANISATIONS**

8.1 Office bearers or shop stewards of recognized/registered employee organizations may receive up to 10 working days paid leave per annum for activities related to her or his union on condition that it is supported by documentary proof.

8.2 Only employees whose names have been submitted to Human Resources Management as officially nominated shop stewards in terms of Section 14 of the Labour Relations Act, 1995, shall benefit from this leave entitlement.

8.3 The 10 working days leave per annum may be granted for the purposes of attending specific union activities/meetings.

## **10. UNPAID LEAVE**

10.1 The Head of the Department may –

- a. grant unpaid leave to an employee if an employee has exhausted all leave entitlements for all leave categories;
- b. not grant unpaid leave on a calendar day basis and may grant the employee more than 184 calendar days of unpaid leave in 18 months only in exceptional circumstances.

10.2 An employee shall utilise unpaid leave for absence from work due arrest, imprisonment or appearance in court on a criminal charge that leads to a conviction.

## **11. ACCEPTANCE OF MEDICAL CERTIFICATES**

11.1 For purposes of normal sick leave, medical certificates issued and signed by the practitioners and persons who are certified to diagnose and treat patients and who are registered with the following professional councils established by an Act of Parliament shall be accepted:

- a. The Health Professions Council of South Africa.
- b. The Allied Health Professions Council of South Africa.
- c. The South African Nursing Council.

11.2 The medical certificate must contain the name, address and qualifications of the practitioner.

## **12. OFFICE OPERATION IN DECEMBER**

12.1 Offices will operate on a skeletal staff during the last two weeks of December. Skeletal staff will be identified (appointed) depending on the needs and nature of different offices and this will mostly apply to officers who do not have annual leave to their credit.

- 12.2 Leave during the last two weeks in December will be compulsory to employees who did not utilize at least 10 working days annual leave during the year.

### **13. LEAVE BOOK, REGISTER AND ATTENDANCE REGISTER**

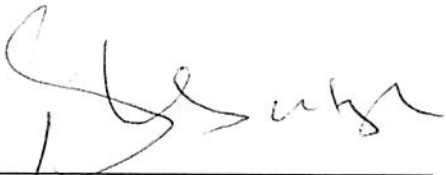
Programme Managers should manage the leave process throughout the cycle and make sure that all leave taken is registered in the leave book and register and it corresponds with the attendance register.

### **14. AMENDMENTS TO THE POLICY**

The policy will be amended on need bases in line with the Public Service Regulations

### **15. DATE FOR IMPLEMENTATION**

Date of implementation is the date of signing.



**Head of Department**  
**THOBAKGALE M.S**

19/06/08  
**Date**

**Approved/Not Approved**

  
**EXECUTING AUTHORITY**  
**MEC: NDOU R.S**

17/07/2008  
**DATE**