




KWAZULU NATAL PROVINCIAL TREASURY

LEAVE POLICY

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Designation:	HEAD OF DEPARTMENT
Date:	08/02/2016

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1. Introduction

The contents of this policy is based on the prescripts contained in the Directive on the “Leave of Absence in the Public Service” as issued by the Minister for Public Service and Administration and the provisions of PSCBC Resolution 7 of 2000, “Improvements in the conditions of Service of Public Service employees for 2000/2001 Financial Year” and must be read within the context thereof.

2. Scope

This policy document is applicable to all officials of KZN Provincial Treasury who are appointed in terms of the Public Service Act (Act 103 of 1994), as amended.

3. Authorization

- Public Service Act no. 103 of 1994, as amended.
- Basic Conditions of Employment Act no. 75 of 1997.
- Public Service Regulations, 2001, as amended.
- Labour Relations Act no. 66 of 1995.
- Determination on Leave of Absence in the Public Service
- PSCBC Resolution 1 of 2012.

4. Objectives

The objectives of this policy are:

- i) To clearly communicate the leave entitlements especially in all the categories of leave.
- ii) To provide a better understanding of the implementation aspects concerning leave.

5. Categories of Leave

5.1 Annual Leave

- i) The annual leave cycle commences on the first day of each calendar year and the leave entitlements applicable to all permanent officials of Provincial Treasury are as follows:

Less than 10 years service	22 Working Days
10 or more years service	30 Working Days

- ii) Newly appointed officials serving a probationary period are allowed to take annual leave during this period. However, the probationary period will be extended by the number of days leave taken (all types of leave).

- iii) Those officials appointed after the 1st of January in a leave cycle would be entitled to pro-rata leave in respect of full calendar months. This will be calculated as a fraction of the entitlement leave. All formulae regarding the calculation of pro-rata leave are contained in Section 6 of Directive on Leave of Absence (Revised July 2009).
- iv) At least 10 working days must be taken as leave days during the annual leave cycle; the utilisation of this leave must take the service delivery requirement of the department into account. Annual leave should, as far as possible, be taken as consecutive working days.
- v) The remaining leave days, if any, must be taken no later than 6 months after the expiry of the relevant leave cycle, where after unused leave credits shall be forfeited.
- vi) If due to the employer's service delivery requirements an employee's application for leave is denied. This must be confirmed in writing by the supervisor/manager, stating the reasons for disapproving the leave and the arrangements for the re-scheduling thereof.
- vii) If 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(vi). Such a request must be in writing and have attached proof of refusal of leave by the responsible Manager. Such requests must be lodged by no later than the 31st of July after the end of the 6 months referred to above.
- viii) Officials who have exhausted their annual leave may utilize capped leave. Should an official not have capped leave, s/he may take leave without pay.
- ix) Temporary employees contracted for a fixed period are entitled to one-twelfth of the applicable annual leave entitlement per month's service. At the end of the contract all unused leave will be forfeited.
- x) Annual leave cannot be taken during the period an official is serving notice. This is applicable to resignations.
- xi) In the event of resignations, abscondments and dismissals, payouts will be restricted to unused annual leave credits accrued but only up to a maximum of twenty two days.
- xii) An official on probation who terminates his or her services during the probationary period will be paid out unused leave credits as granted on a pro-rata basis.

5.2 Normal Sick Leave

- i) All permanent employees are entitled to 36 working days over a three year cycle, irrespective of the date of appointment. All unused sick leave at the end of the sick

leave cycle will be forfeited.

- ii) If an employee is unable to report for duty due to sudden illness, he or she must report his inability to be present at work to the immediate Supervisor/ next level of supervision verbally within two hours of starting time of the first day of his/her absence.

If an official has been booked off duty by a Medical Practitioner, this information must be communicated to his or supervisor/ manager, indicating the period of absence. Medical Certificates from Herbalists or Traditional Healers is not acceptable unless they are registered with the following bodies:-

- Health Professional's Council of South Africa
- Allied Health Professional's Council of South Africa
- South African Nursing Council

- iii) For three or more day's sick leave taken, the employee must provide a medical certificate from a registered and recognized Medical Practitioner as defined by the Health Professional's Council of South Africa and who are legally certified to diagnose and treat patients for purposes of accepting these practitioner's medical certificates. If the employer establishes a pattern/trend in the employee's utilization of normal sick leave, the employer must require the employee to submit a medical certificate for periods of sick absences of less than 3 days.

An employee must submit an application with supporting documents for sick leave personally or through a relative or fellow employee within 5 working days after the first day of absence.

- iv) The Employer will accept medical certificates that may not describe the nature of the illness. However, if abuse of sick leave is detected, the Employer can request for medical certificate indicating the nature of illness before granting sick leave with full pay.
- v) The employer shall treat information pertaining to the nature of illness at all times with the necessary respect and confidentiality. Should such confidentiality be breached, the responsible official will be disciplined in terms of the Disciplinary Code and the Department's Disciplinary Procedure.
- vi) An employee who in his/her 36 normal sick leave days, has been absent from work on more than two occasions within a 8-week calendar period, must regardless of the duration of the illness or injury submit a medical certificate stating that the employee was unable to work for the duration of the employee's illness/injury failing which such leave will be recovered by normal vacation leave (with the employee's consent) or alternatively unpaid leave.

On every third and subsequent occasions, within a 8 week period, the employee must submit a medical certificate, irrespective of the duration of absence, failing which unpaid leave or annual leave will be instituted. The employee will be notified

accordingly.

- vii) If an official falls ill whilst on annual leave or special leave, he or she must submit a Medical certificate, regardless of the period of illness. The period of illness will be converted to sick leave subject to the approval thereof.
 - a) Sick leave must be utilized in instances that an employee requires to undergo an operation.
 - b) Unused sick leave credits shall lapse at the end of a three-year cycle.
 - c) Sick leave can be taken as partial leave where an employee is absent for a part of the day, the Head of Department could manually record such time off until a full day is completed as sick leave.

5.3 Temporary Incapacity Leave

This leave category is subdivided into:

- Short period of Incapacity – Period of absence is less than 29 days.
 - Long period of Incapacity – Period of absence is 30 days or more.
- i) If an employee's sick leave entitlement (36 day's) has been exhausted before the end of the sick leave cycle, Temporary Incapacity Leave will have to be applied for periods of absence related to ill health, regardless of the nature of illness.
 - ii) Such an application must be submitted on a prescribed form and must be accompanied by a medical certificate indicating the nature of illness from a Medical Specialist registered with the Health Professional Council. A medical certificate indicating the nature of illness must be submitted for all absences irrespective of duration.
 - iii) The elected Health Risk Manager is then tasked to provide the Department advise on the respective case based on which the Head of Department would either approve/disapprove this leave. This will be done in line with the provisions of the Policy on Incapacity Leave and Ill Health Retirement.

5.4 Permanent Incapacity Leave

- i) An employee shall not directly access or apply for permanent incapacity leave. The employer may grant an employee up to a maximum of 30 working days' permanent incapacity leave once s/he has following the assessment process to determine that an employee's condition is permanent.
- ii) During this period, the Department must ascertain as per the advice of the Health Risk Manager) if alternative employment or adapting duties/work arrangements are possible. If not possible, the Department may proceed with the termination of service on the grounds of ill-health in terms of Section 17(2) (a) of the Public Service Act.

- iii) This leave category will be applicable to the period of absence during which the processes leading to the finalization of Ill Health Retirement are being executed.

5.5 Parental Leave

5.5.1 Pre-natal Leave

- i) An eligible employee is entitled to 8 working days pre-natal leave, per pregnancy, allowing the employee to attend medical examinations by a medical practitioner or midwife, and tests related to the pregnancy.
- ii) An employee can utilise a full day or part of a day for pre-natal leave.
- iii) An application for pre-natal leave should be supported by reasonable proof that the employee attended a doctor's appointment and/or went for tests related to the pregnancy.
- iv) An employee who has used all her pre-natal leave may, subject to the approval of the Head of Department, apply to use available annual and/or unpaid leave.
- v) Absences related to medical complications during the pregnancy will be covered by sick leave.

5.5.2 Maternity Leave

- i) The leave entitlement for this category of leave is four consecutive months and must commence on a date as certified by the attending Medical Practitioner as necessary for the employee's health and that of the unborn child or at any time from four weeks of the expected date of delivery.
- ii) An employee must notify her Supervisor/ Manager at the beginning of the last trimester about the date of commencement for maternity leave so as to allow Managers/ Supervisors to plan in terms of work arrangements.
- iii) It is preferable to commence maternity leave two weeks before the expected date of delivery. Should an employee not be willing to do so, she must submit a Medical Certificate from his/her medical doctor that indicates that the official is fit to work until a date before the expected date of delivery. Furthermore, the employee is compelled to sign an indemnity form (Attached herein as Annexure A) that indemnifies the department in the event of complications or an undesirable incident to her or the unborn child.
- iv) Sick leave cannot be taken concurrently with Maternity Leave if the illness is pregnancy related. Maternity leave will commence from the date that the medical practitioner certifies that it is necessary for the employee's health or that of the

unborn child.

- v) For at least six weeks after the birth, no employee must commence with normal official duties unless the attending practitioner certifies that the employee is fit to do so.
- vi) Maternity leave may be interrupted based on the following reasons:-
 - o If the baby is born prematurely and is hospitalized during maternity leave.
 - o The baby becomes ill and hospitalized for longer than a month during maternity leave.

If an employee chooses to interrupt her maternity leave for the above-mentioned reasons and fails to return to work after the elapse of the six weeks, such a period must be covered by annual leave or unpaid leave if not enough annual leave is available.

- vii) Should an employee wish to extend her maternity leave, such request may be granted on the following conditions:-
 - o The granting of sick leave as a result of a Medical complication;
 - o The granting of up to 184 calendar days unpaid leave; or
 - o The granting of annual leave.
- viii) If an employee experiences a miscarriage/still birth or if the pregnancy is terminated on medical grounds during the first two trimesters, normal sick leave would have to be utilized and if normal sick leave is exhausted then Temporary Incapacity Leave must be applied for.
- ix) If an employee experiences a miscarriage/still birth or if the pregnancy is terminated on medical grounds during the third trimester, an employee will be granted six consecutive weeks maternity leave that begins a date after the stillbirth, miscarriage or termination of the pregnancy. Thereafter, provision of 5.1.6 (above) may be applied.
- x) The above-mentioned provisions shall apply if the above-mentioned occurrences take place whilst the employee is on Maternity Leave. The periods prior to these occurrences shall be regarded as special leave with full pay.
- xi) There is no restriction on the number of confinements.
- xii) If a child is born and passes away a few days after birth, the employee is entitled to six weeks maternity leave.

5.5.3 Adoption Leave

- i) An employee who adopts a child younger than two years shall qualify for adoption leave to a maximum of 45 working days. Should an employee wish to extend her

adoption leave, the provisions of 5.1.6 (bullet one and two) shall apply. Should both spouses/life partners be employed in the Public Service, the total adoption leave taken must not exceed 45 days for both.

5.5.4 Paternity Leave

- i) An employee shall be granted three (3) working days paternity leave per calendar year for utilisation if the employee's spouse or life partner gives birth to a child or adopts a child not older than two (2) years.
- ii) An employee who has used all his/her paternity leave may, subject to the approval of the Head of Department, apply to:
 - a) use his/her part or all of 5 working days family responsibility leave provided for in paragraph 5.5.5 (i)(a), below; or
 - b) use available annual leave; or
 - c) use up to 184 calendar days of unpaid leave.
- iii) An application for paternity leave shall be supported by reasonable proof.

5.5.5 Family Responsibility Leave

- i) An employee is entitled to 5 working days per annual leave cycle for the utilization of Family Responsibility Leave 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.
- ii) An employee is entitled to 5 working days per annual leave cycle for the utilization of Family Responsibility Leave if:
 - a) The employee's child, spouse or life partner dies; or
 - b) An employee's immediate family member dies.

(Immediate family member for the purposes of paragraph 5.5.4 (i and ii) means an employee's parents, adoptive parents, parents-in-law, brother and sister-in-law, grandparents, child, adopted child, step child, grandchildren or siblings. For the purpose of this provision "child" means the employee's son or daughter, and where applicable son- or daughter-in-law, of any age).
- iii) An employee who has a child(ren) with severe special needs shall be granted five (5) working days family responsibility leave per calendar year.
 - a) For the purposes of paragraph (iii), a child with severe special needs is a child who has a mental, emotional or physical disability, certified by a medical practitioner, which requires health and related services of a type or amount beyond that required by children generally. For the purposes of this provision "child" means the employee's son or daughter of any age.

- b) An application for family responsibility leave should be supported by reasonable proof to demonstrate the severe special needs of the employee's child.
- iv) Irrespective of the number of days of Family Responsibility Leave taken, proof must be submitted. The following documents must accompany the application requests:-
 - a) **In the case of a death of an immediate family member** - A death certificate and a sworn affidavit obtainable from HRM to be submitted.
 - b) **In the case of a spouse or dependant child being ill** - A sworn affidavit obtainable from HRM is compulsory and any other medical evidence, if available, to be submitted.
 - c) **In the case of a spouse or life partner giving birth to a child** - Proof of admission to hospital of spouse or life partner, and a sworn affidavit obtainable from HRM to be submitted.
 - d) Family responsibility leave may be taken for part of a day. For example an employee who takes three hours off to attend to a family responsibility would use only three hours of their family responsibility leave entitlement.
- v) All unused leave entitlement in terms of Family Responsibility Leave within a particular annual leave cycle will be forfeited at the end of that cycle.

5.6 Leave for shop stewards of recognized employee organizations

- i) Shop steward leave may only be utilised for activities related to the employee's union position. All applications for this type of leave must be submitted in writing on the prescribed leave application form, together with supporting documentation.
- ii) Shop stewards as a collective of a recognised trade union will be granted a maximum of 15 working days in a leave cycle, that is, the 15 working days shall be pooled per recognised trade union.
- iii) All applications for this type of leave must be submitted in writing together with supporting documentation.

5.7 Unpaid Leave

- i) If an employee has utilized all her/his vacation leave, the employer may grant him/her unpaid vacation leave. Only in exceptional cases shall the Head of Department grant more than 184 days of unpaid vacation leave in a period of 18 months.
- ii) An employee shall utilise the unpaid leave for absences from work due to
 - a) Arrest, imprisonment or appearance in court on a criminal charge that leads

- b) to conviction or
A criminal sentence
- iii) If an employee has exhausted his or her sick leave entitlement before the end of the three year leave cycle, all other sick leave taken will be considered as available annual leave or unpaid leave, except in instances of the granting of Temporary Incapacity Leave by the Head of Department for serious illnesses.

5.8 Special Leave

5.8.1 Study Leave

Study leave is not a right but rather a privilege and therefore such leave will be approved on the basis of taking into account operational demands. Special leave will only be granted for a full course with the duration of 12 months. This leave category will be utilized towards fields of study leading to a formal qualification.

i) Examinations

The following provisions apply:

- a) Proof of examination in the form of the examination timetable from the institution where the employee is studying must be submitted before special leave may be considered.
- b) Subsequent changes in the timetable must be reflected on an amended leave application.
- c) For every examination an employee sits for, he or she shall be granted one (1) day special leave for the actual sitting of the examination and a further one days special leave for the day immediately prior to the examination for preparatory purposes.
- d) The above-mentioned provisions may only be applied once in the event of a re-examination and if an official has failed a study course and which he or she must repeat.

ii) Part Time Studies

Provided that the Head of Department or his/her designee is satisfied that employee's studies are in the interest of the public service, Special leave for part-time study, research and/ or pre-admission work may be granted in respect of:

- (a) Part-time studies and / or studies by means of correspondence when leave is required for essential preparatory or research work.
- (b) Research work and/ or writing of a thesis for a post graduate qualification.

- (c) Attendance of a preparatory course with the view to sitting for a qualification examination to obtain admission to a particular field of study.
- (d) Practical work required as a pre-requisite for registration in a particular profession; or
- (e) Any other pre-requisite for a qualification as stipulated by a recognised education institution.
- (f) For preparatory work for examination purposes, an employee may be granted special leave of two (2) days in addition to 5.8.1(i)(c) per exam sitting to a maximum of ten (10) working days per annum for part-time study.

For all of the above categories (combined or not) a maximum of 10 working days per annum shall apply.

The abovementioned provisions may be applied only once in respect of a re-examination or an examination which the employee has failed previously and has to repeat.

iii) **Full Time Study**

This leave is awarded on the basis of demonstrated benefit to the department and is dependent on the requirements of the study institution. Special study leave will be awarded on the basis of an official's proposal, which demonstrates value to be gained by the department and which can be further categorized as follows:

a) Special studies outside the Republic.

Limited to six months special leave which may be extended by a further two months in exceptional circumstances, as approved by the Head of Department.

b) Study that requires practical work for a particular period annually.

Not to exceed a total of 60 working days per annum. Due consideration must be given to the requirements of the educational institution, which must be substantiated by documentary proof.

c) Practical work required as a prerequisite for registration in a particular profession.

Special leave may be granted with due consideration to the requirements of the educational institution, which must be substantiated by documentary proof.

All the above-mentioned categories require the approval of the Head of Department.

iv) Attendance of classes during office hours

- a) An employee who studies part-time and/or by means of correspondence at a recognised educational institution may be released from duty to attend compulsory classes during office hours on condition that he/she is granted a day's special leave for every eight hours he/she is absent from his/her place of work, if a Head of Department or his/her designee is satisfied that the studies are in the interests of the public service.
- b) Special leave that is granted to an employee in terms of section 5.8.1(iv)(a) shall not exceed thirty (30) working days per annum.
- c) The provisions of sections 5.8.1(iv)(a) and 5.8.1(iv)(b) maybe applied only once in respect of an employee who repeat a course or part thereof.

5.9 Sport Purposes/ Performing Arts

A Head of Department or his or her designee may grant an employee a maximum of ten (10) days special leave per annum for sport or performing arts purposes, provided that written proof of selection is submitted upon application, when he/she is selected by a recognised national or provincial sports or performing arts association to:

- a) Take part in sport or performing arts within or outside the country at inter-provincial level or level between provincial and national level or at national level against international position; or
- b) Serve as a referee, official, judge, coach or manager at an organised amateur sports meeting or performing arts event at inter-provincial level, or a level between provincial and national level or international level.

5.10 Time off for Religious Gatherings

Special leave to the maximum of one (1) working day may be granted to an employee Or the purpose of time off for religious gathering subject to the following:

- i) The measures will apply without discrimination on the basis of a specific Religion as the Administration rejects prejudice on these grounds.
- ii) Religious purpose means a specific religious gathering or to practice a religion. The religious purpose must be for all followers of that faith and not for an individual to, for example, practice his or her faith on a personal basis.
- iii) Time off for religious purpose is not a right.
- iv) Time off is at the discretion of the supervisor. Prior authority must be obtained for absences.

v) Time off will not be granted should the rendering of any service be impaired.

5.11 Resettlement due to transfer

The provisions in the Department's policy on Resettlement shall apply which indicate two days special leave during the move.

5.12 Segregation or isolation on medical grounds

Special leave may be granted to an official as a result of segregation or isolation on medical instruction where he or she was in contact with a person who has contracted or suspected of having contracted an infectious or contagious disease such as diphtheria, leprosy, meningococcal infection, plague, typhoid fever, typhus fever, viral hepatitis, yellow fever and crimeon Congo haemorrhagic fevers. This is subject to a medical certificate from a registered Medical Practitioner substantiating the reasons thereof and the decision of quarantine rests with the medical authorities in charge at the time of the outbreak.

5.13 Person with disability

Special leave may be granted to employees with disabilities for the attendance of orientation courses or training courses designed to assist them in handling specific aspects of their disability, to equip them and enable them to be more efficient and effective at the work place, for example, a blind person training in guide dog handling, an injured person attending occupational therapy.

5.14 Natural Disaster

Special leave may be granted by the Head of Department to an official if in the area he or she works or resides is struck by a natural disaster and it is impossible for the official to continue with his or her duties at that time. Documentary proof must be submitted in this regard.

5.15 Rehabilitation for substance abuse

Special leave may be granted to an employee for the purpose of rehabilitation from alcohol or drug abuse. This special leave will be granted in line with the provisions of the Employee Assistance Policy.

All applications must be supported by applicable documentation.

Applications for leave must be in advance as approval is required prior the official going on leave and would be approved by the Head of Department.

5.16 Responsibilities other than work for which the employer shall not require an employee to utilize leave

An employee shall not utilize leave in the following instances:

- i) When he or she has to appear as a witness –
 - In a court case;
 - In a misconduct case;
 - Before a commission of enquiry appointed by the State;
 - At an inquest.
 - Interviews within the Public Service (only if absent for the full day)
Document proof must be submitted to the supervisor.
- ii) When he or she has to appear as a defendant or co-defendant in a civil court case arising from his or her official duties.
- iii) When he or she has to attend a course offered by a State Department or the private sector for which he or she has been given permission to attend by his or her supervisor or manager.
- iv) When he or she represents or assists an official during a disciplinary hearing or in a conciliation board or during an investigation into a complaint or grievance.
- v) When he or she as an officer bearer, shop steward or member of an employee organization is involved in labour issues deemed to be in the interest of the employer such as, dissemination of information, briefings and training.
- vi) When he or she is absent from duty:-
 - As the aggrieved person during an investigation into his or her complaint or grievance.
 - As the person charged with misconduct during a disciplinary or misconduct enquiry, and
 - As a person utilizing a conciliation board.

5.17 Leave for periods covering parts of a day

A supervisor may grant part of a day to an official to attend to matters relating to annual leave, sick leave, family responsibility leave, special leave and leave for union office bearers/ shop stewards.

6. GENERAL

Except for sick leave and Temporal Incapacity leave (in exceptional circumstances only), employees may not stay away from his or her place of duty without having a leave form being completed and approved by the relevant authority.

7. COMMUNICATION

The Directorate: Human Resources is responsible for communicating this policy to all employees within the department.

8. MONITORING AND EVALUATION

The Directorate: Human Resources is responsible for the development and regular review of this policy document.

Any inputs or amendments regarding this policy can be directed to the abovementioned component for the attention: Senior Manager: Human Resources.