

SPECIAL LEAVE POLICY

1. Policy statement

The Western Cape Provincial Administration (WCPA) is committed to assist its employees requiring special leave of absence, taking into account fairness/equity and operational requirements.

2. Purpose

To regulate employees' absence from duty by means of the granting of special leave and to augment the prescripts contained in Resolution 7 of the PSCBC as well as the directives issued by the Minister of Public Service and Administration in this regard.

3. Scope of application

All employees of the WCPA, appointed in terms of the Public Service Act, 1994 (as amended) on a permanent/temporary basis and who serve in a full as well as part time capacity. Please note that casual employees, i.e. employees appointed on a casual basis in a full-time or part-time capacity on a hour-to-hour; day-to-day - or month-to-month basis for a period of less than 12 months, are excluded from participating in the special leave provisions. Special leave provisions as set out hereunder are applicable to employees who are employed on the following basis:

- 3.1 Permanent capacity (continuous employment contract) either in a full-time or part-time capacity.
- 3.2 Temporary capacity (fixed term contract) appointed for a period of more than 12 months either in a full-time or part-time capacity (hourly basis).

4. Regulatory framework

The following mandate this policy:

- 4.1 Constitution of the Republic of South Africa, 1996.
- 4.2 Labour Relations Act, 1995.
- 4.3 Public Service Act, 1994 (as amended).
- 4.4 Public Service Regulations, 2001.
- 4.5 PSCBC Resolution No. 3 of 1999.
- 4.6 PSCBC Resolution No. 7 of 2000.

5. Categories of special leave

The following categories of special leave are provided for in terms of this policy:

- 5.1 Treatment of substance abuse.
- 5.2 Military purposes.
- 5.3 Sport purposes.
- 5.4 Relocation.
- 5.5 Special circumstances/emergency leave.
- 5.6 Study and examination purposes.
- 5.7 Sabbatical(s).
- 5.8 Miscellaneous.

6. Principles

- 6.1 Special leave is a fixed entitlement and does not accumulate if not utilised.
- 6.2 Special leave is not a right and is considered with due regard to operational requirements.
- 6.3 Special leave cannot be discounted for cash.
- 6.4 An employee will apply to her/his supervisor reasonably in advance of the day(s) she/he wishes to utilise special leave.
- 6.5 Applications for special leave will be substantiated by acceptable official documentary proof.
- 6.6 Application for special leave shall be made through an employee's direct supervisor on the leave application form.
- 6.7 In the event of a dispute as to the validity of a claimed absence, the dispute will be referred to the head of the component responsible for a department's human resources matters.
- 6.8 Special leave will be applicable in circumstances not covered by any agreed leave category.

Note: An employee may elect, with the consent of her/his supervisor, to take leave without pay or annual leave for the circumstances listed, or to extend special leave with such leave without pay if required or if circumstances dictate. Application for leave without pay must be indicated as such. Reasons for the special leave application must be stated/motivated.

7. Treatment of substance abuse

- 7.1 Employees may be granted special leave with full pay for treatment of substance abuse (alcohol/drug related) up to a maximum of 42 calendar days once only subject to the verification of the relevant medical practitioner of a recognised institution offering rehabilitation services. If a longer period than 42 calendar days is required such absence must be certified by a relevant medical practitioner and must be accompanied by a formal rehabilitation program and may not exceed 90 calendar days.
- 7.2 In the event of failure to rehabilitate, the prescribed processes in terms of Resolution 12 of 1999 must be followed.

8. Military purposes

Absence due to duty in terms of the Defence Act, Police Act or any regulation thereunder, shall be recorded as special leave. When not specifically provided for, travelling time will be granted at the discretion of the Head of Department. In order to qualify for said leave, prior authorisation and official documentary proof must be obtained.

9. Sport purposes

Special leave may be granted when an employee is selected by a recognised amateur sports association to -

- 9.1 take part, as a member of an organised sports group, representing the Republic of South Africa at an international sporting event outside the Republic of South Africa whether as a competitor, coach, manager or technical advisor;
- 9.2 represent South Africa as a competitor, coach, manager or technical advisor at a national/international sporting event(s) within the Republic of South Africa;
- 9.3 take part as a competitor, coach, manager or technical advisor at inter provincial level or a level between provincial and national level against an international team; -
- 9.4 accompany a foreign national team visiting the Republic of South Africa, as a representative of the South African sports association organising the tour; or
- 9.5 serve as a referee, an official or a judge at an organised amateur sporting event at provincial/national /international level inside or outside the boundaries of the Republic.

10. Relocation

An employee may have the need to supervise the packing/loading and off loading/unpacking of her/his personal effects on resettlement as the result of an official transfer at state expense. A maximum of two (2) working days special leave may be granted for this purpose and shall cover absence at the old and/or new headquarters. -

11. Preparation and examination leave

- 11.1 Special leave with full pay for examination purposes to obtain a tertiary, scholastic or trade qualification must be granted to an employee on the working day he/she sits for examinations at a recognised educational institution. One additional working day's special leave per paper may be granted immediately prior to the examination to enable the employee to do final preparatory work. Where a rest day(s) or Public Holiday precede the examination day, the additional working day immediately prior to the said rest day(s)/Public Holiday may be taken as special leave.

- 11.2 An employee must inform the Head of Department in writing of the proposed studies when the academic year commences.

12. Studyleave

- 12.1 The WCPA supports efforts by employees to gain further education through formal studies (courses or subjects) to enhance their competencies and/or further their professional capabilities.
- 12.2 With due regard to the aforesaid, special leave for study purposes may be granted in the following cases and with due regard to the principles hereunder:

12.2.1 Principles

- (a) Employees are to manage their leave as to comply with the requirement of PSCBC Resolution No. 7 of 2000, viz. that a period of 10 working days' leave per annual leave cycle is regarded as a compulsory rest period. These days can thus not be utilised for special leave purposes.
- (b) The granting of study leave is subject to the studies being similar to an employer's core functions or where it forms part of the employee's career pathing.
- (c) Each case will be decided on its own merits and on the basis of an application outlining the nature and scope of the study.
- (d) Study leave should not detract from the performance of official duties. It shall be granted subject to operational requirements/a Department's reasonable requirements in respect of the employee's working time and levels of productivity/performance.
- (e) Study leave to attend lectures/practical classes/tutorials in any subject during normal working hours, will only be granted if lectures/practical classes/tutorials in that subject are not lectured outside normal working hours.

12.2.2 Study leave for attending classes/lectures during office hours.

- (a) The leave shall be calculated at one working day's annual leave, or one day's annual leave without pay if the employee does not have leave to his/her credit, for every 16 hours time off/absence from the normal place of work. Time off will commence from the time a person leaves his/her office/working place and will include travelling time.
- (b) The aforesaid provisions are also applicable in respect of postgraduate studies where block modules are applied

12.2.3 Full-time study leave

Special leave with full pay on the basis of one day's special leave for every day's vacation leave with full pay may be granted to an employee in connection with his/her studies on a full-time basis (known as the 50/50 basis). Sufficient evidence must be submitted that the studies are in the interest of the employer and will enhance the competencies and professional capabilities of the employee in his/her field of work. Where applicable, employees may make use of their capped leave credits for this purpose.

12.2.4 Study leave for preparation purposes (50/50 basis)

- (a) Special leave with full pay on the basis of one day's special leave for every day's vacation leave with full pay taken by the employee in connection with his/her studies (known as the 50/50 basis) may be granted on condition that the head of department is satisfied that the relevant employee studies in a field, does preparatory work etc. which is in the interest of the Employer and will enhance the competencies and professional capabilities of the employee in his/her field of work. The purpose of study leave granted on this basis is to provide employees with adequate opportunity to prepare for examinations in their field of study.
- (b) Study leave as set out above may be granted in the following circumstances -
 - (i) full time study at a recognised educational institution within the Republic or abroad;
 - (ii) study tour abroad;
 - (iii) extramural (part-time) studies and/or studies by means of correspondence when leave is needed to do essential preparatory or research work necessary for examination purposes or tests that are taken into account to determine year end results.
 - (v) research work and/or writing an essay or a thesis for a post-graduate qualification;
 - (vi) study in a direction which requires the performance of practical work or practice teaching for a particular period annually;
 - (vii) 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;
 - (viii) practical work required as a prerequisite for registration in a particular profession.

12.2.5 Overseas study with retention of salary

- (a) The employer may consider individual requests for overseas studies at Tertiary Institutions with retention of salary. Such requests are considered only if the relevant study cannot be undertaken at Tertiary Institutions within the RSA. Upon submission of requests of this nature, full reasons should be given why the relevant study is regarded as necessary, in the interests of the employer and that it will enhance the competencies and professional capabilities of the employee.
- (b) Should circumstances justify it, the employer is also prepared to grant bursaries to employees studying overseas in order to assist them with the higher costs of study, subsistence costs and travelling expenses. In such cases the employee should pay all expenses himself/herself and no subsistence allowance will be payable.

12.2.6 Review of progress

- (a) Every employee who is granted study leave with full pay, shall as soon as possible after the completion of each academic year or after completion of the course or subject whichever is the earlier, furnish evidence of study progress.
- (b) A head of department may, at any time, require any employee to submit evidence of satisfactory attendance and/or progress in the course/subject.
- (c) No further study leave with pay, will be granted to an employee to repeat a subject in the event of a failure by that employee to successfully complete a subject for which study leave with pay has previously been granted. In instances where failure is substantially due to the operational requirements of the department having conflicted with the employee's study programme or exceptional circumstances beyond the individual's control, further study leave with pay may, upon application of the employee, be considered to the employee for this purpose.
- (d) A head of department may at any time withdraw an approval for study leave with pay if the
 - (i) reasonable operational requirements of the department will not be met if the employee is absent from duty during normal working hours; or
 - (ii) employee has without reasonable excuse, failed to attend lectures/practical classes/tutorials for which study leave with full pay had previously been granted.

12.3 **Study by assignment**

12.3.1 **Purpose**

Departments frequently identify needs for study, training or research that are crucial for the effective execution of their core functions, but that are not provided for in the standard bursary schemes. The “study by assignment” alternative provides for studies, training or research of this nature.

12.3.2 **Conditions**

The primary condition for such essential studies is that it can only be undertaken on the instruction of the head of department and approval by the Executing Authority. Expenses for this purpose may be defrayed from public funds provided by the employer, subject to statutory prescripts and any additional requirements set by the relevant department. The following conditions will apply:

- (a) When a department is convinced that, as a result of developments in a given field, the acquisition of additional knowledge and skills on a specific subject has become imperative for the effective and efficient execution of its duties.
- (b) Where the study/research has to be undertaken to obtain a specific qualification.
- (c) Where the objective of the study/research is aimed at the solution for a specific problem, a higher qualification does not have to be obtained after completion of the study/research.
- (d) The training/research should be of vital importance to the organisation.
- (e) The direction of study/research should be clearly identified well in advance, e.g. a prescript of major and subsidiary subjects for courses, a framework for a specific research project, etc.
- (f) The department, guided by expressed training/ educational/ developmental needs, should take the initiative to nominate a specific employee to undertake the study/research with full retention of salary.
- (g) This method of study will only apply to serving employees.
- (h) The necessary knowledge/skills cannot be obtained in any other way.
- (i) The study/research will be undertaken in the most economical way, e.g. international study/research must only be considered if relevant institutions in South Africa cannot satisfy the identified needs. Similarly, full-time

study should not be considered if part-time study or after hours study facilities are available.

- (j) Theses, dissertations, papers and other assignments that flow from such studies should be typed, reproduced, printed and bound within departmental facilities.
- (k) Minimum periods in which studies have to be completed should be set in advance and the extension of periods should be dealt with as follows:
 - in respect of local study a request for the extension of such period can be referred to the head of department for a discretionary decision.
 - regarding international study, the head of department may extend the agreed period with only one year, after which it has to be motivated to the Executing Authority for further extension.

12.3.3 Nature of study

(a) Part-time study or study after hours

Only class fees, registration fees and other requisites such as expenses on transport, prescribed/recommended books and assignments can be defrayed from public funds. Where study is undertaken locally, accommodation is excluded.

(b) Full-time study

- (i) Where full-time local study is necessary, all essential expenses such as registration, tuition, travelling, etc. may be defrayed from public funds, subject to existing requirements and prescripts.
- (ii) For international study, all study costs have to be covered by the employer, e.g. expenses for registration, tuition, books, equipment, travelling, accommodation, etc., subject to existing requirements and prescripts.

12.3.4 Criteria

For the selection of nominees, the following criteria should be considered by departments to determine the suitability of candidates:

- (a) Proven competence in his/her field of work.
- (b) Potential to apply the acquired knowledge and skills.

13. Sabbatical leave

13.1 Purpose

The primary purpose of sabbatical leave is to provide for leave of absence with full pay for purposes of intensive study or research which has as its outcome increased competence in the employee's field of expertise as well as an increase in the quality of the individual's future contribution to the employer.

13.2 Scope of application

13.2.1 Sabbatical leave with full pay may be granted to an employee who is appointed in a full-time capacity and who has as a core function the training of students in order that they may obtain a recognised qualification.

13.2.2 Sabbatical leave is a privilege which may be granted to an individual who has demonstrated by publication, teaching, exhibition or performance an above average ability in scholarship, research or other creative accomplishment.

13.2.3 The aforesaid study and research do not necessarily lead to the attainment of a higher qualification.

13.3 Conditions for the granting of sabbatical leave

13.3.1 Sabbatical leave is not a right.

13.3.2 Sabbatical leave is to the advantage of both the Province and its clients (the community of the Western Cape).

13.3.3 Sabbatical leave may not be discounted for cash.

13.3.4 The total period of absence (that is sabbatical leave plus any other leave for this purpose) may under no circumstances exceed an uninterrupted period of 12 calendar months.

13.3.5 The granting of leave must be done with due consideration to the needs of the employer;

13.3.6 Approval for the employee's study or research programme must be obtained from the head of department prior to proceeding on sabbatical leave. Upon completion thereof a report must be submitted to the department within three calendar months of the employee's return to duty;

13.3.7 Three or six calendar months sabbatical leave may respectively be granted after every completed three or six years continuous full-time service, during which the person was appointed with the aim of providing training. Such leave may not accumulate to more than twelve months.

13.3.8 The granting of sabbatical leave by the department may not coincide with the payment of study fees and travel and subsistence costs from state funds.

13.3.9 Sabbatical leave may be granted to an employee in his/her last month of service on the discretion of the head of department, provided that such leave is in the interest of the employer;

13.4 Acting arrangements

13.4.1 The granting of sabbatical leave is subject to arrangements for acting appointments being made acceptable to the relevant head of department. In those instances where a head of department is involved, such arrangements are to be acceptable to the relevant Executing Authority.

13.4.2 Acting appointments shall be managed in such a manner as not to negatively influence service delivery.

13.5 General

13.5.1 Previous continuous full-time service, at a statutory body during which a person was appointed with the aim of providing training, can be taken into account for the purposes of the calculation of sabbatical leave upon transfer to the Public Service. Sabbatical leave already utilised in such previous service periods, must be subtracted from the leave credit indicated above.

13.5.2 The granting of sabbatical leave is not subject to contractual binding.

13.5.3 In the event of abuse of sabbatical leave, the disciplinary measures as contained in the Public Service Act, 1994 (as amended) must be applied.

14. Miscellaneous

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

14.1.1 She/he is arrested or has to appear before a court of law on a criminal charge and she / he is subsequently acquitted or the charge is withdrawn;

14.1.2 As a member of the St. John Ambulance, the South African Red Cross Society, the "SA Noodhulp Liga" or other relevant recognised associations, is selected to undergo a training course presented by one of the mentioned institutions and if such a course is not lectured outside normal working hours or over weekends; and

14.1.3 In the case of a disabled person, she / he must attend a recognised programme where support is given to better cope with the disability.

14.1.4 The area in which the employee works/resides is struck by a natural disaster and the head of department is satisfied that it is impossible for the person concerned at that time to continue with his/her official duties.

14.1.5 As a result of a civil war in the area in which the employee works/resides, he/she is prevented at that time from continuing his/her official duties.

14.2 In exceptional circumstances not provided for in this policy subject to the approval of the Head of Department.

15. Absence regarded as being on official duty

15.1 When an employee -

15.1.1 is a witness for the state

- (a) in a court case;
- (b) in a misconduct case in terms of the law;
- (c) before a commission or committee of inquiry appointed by the State;
- (d) at an inquest;
- (e) at an inquiry (established by a recognised government body);

15.1.2 is a defendant or co-defendant in a civil court case arising from her / his official duties and in which the State has a direct interest;

15.1.3 is appointed by the Department of Home Affairs to assist with elections;

15.1.4 assists or represents an officer or employee during a disciplinary or misconduct inquiry or during an investigation into a complaint or grievance; and/or

15.1.5 as the person charged with misconduct during a disciplinary or misconduct enquiry;

15.1.6 attends short courses, congresses, symposia, seminars, conferences, lectures, etc., and study tours abroad; (The purpose of attending the above mentioned courses should be viewed as a means of keeping employees informed of the latest developments in their respective work areas, i.e. the attendance of such courses may serve as an important training measure.)

15.2 Departments should, on receipt of particulars relating to courses, carefully consider the subject matter to be discussed, to establish whether any good purpose would be served by participating in the proceedings. If so, the next step would be to nominate the most suitable employee(s) to represent the department.

16. Provisions

16.1 Absence from duty with full pay for the purpose of attending conferences, symposia, short courses, lectures, seminars, congresses etc., and study tours abroad may be granted to an employee provided that -

16.1.1 departments have a direct interest therein;

- 16.1.2 only the minimum number of the most suitable employees are selected to attend;
 - 16.1.3 departments have the necessary funds available;
 - 16.1.4 the operational requirements of the department are fully considered before such leave is granted.
- 16.2 who is employed in a nursing capacity has been nominated to receive post-basic training which consists mainly of practical working general or psychiatric nursing or as a midwife at provincial hospitals and institutions; and
- 16.3 her/his absence from her/his place of work shall not be recorded as leave.