

**NORTHWEST PROVINCE:
DEPARTMENT OF HUMAN SETTLEMENTS, PUBLIC SAFETY & LAISON,
PUBLIC SAFETY & LIAISON BRANCH
HUMAN RESOURCES POLICY**

POLICY NO: HR2012/004
NAME OF POLICY: SPECIAL LEAVE POLICY
EFFECTIVE DATE :
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PREAMBLE

The North West Department of Human Settlements, Public Safety and Liaison (Public Safety & Liaison Branch), in its attempt to empower its employees, deemed it necessary to formulate a Special Leave Policy to enable it to grant special leave in circumstances where ordinary leave could not be taken and further to regulate and authorize such special leave. The Head of the Department shall ensure that his or her department has adopted a special leave policy.

1. ABBREVIATIONS AND DEFINITIONS

- 1.1 **Department** means" the Department of Human Settlements, Public Safety and Liaison(Safety House);
- 1.2 **Head of Department**" means the Head of the Department, him/herself or his delegated authority or his designated office responsible for leave related matters and/or investigation;
- 1.3 **Employee**" means all employees of the Department employed in terms of the Public Service Act of 1994, the Basic Conditions of Employment Act of 1998, as amended and includes contract workers, interns, volunteers and prospective employees;
- 1.4 **Leave**" means, concession of absence from work provided for in PSBC resolution 7 of 2000;
- 1.5 **Casual worker**" means a person employed on a day-to-day basis who is paid a daily wage and who does not work more than 24 hours a month,
- 1.6 **Contract worker,**" means a person employed for a fixed term but excluding a casual worker or employee to whom a retirement age applies;
- 1.7 **Remuneration** "means the employee's annual basic salary;
- 1.8 **PSCBC** "means Public Service Co-ordinating Bargaining Council;
- 1.9 **Special Leave** "means leave not covered under Vacation, Maternity, Sick, Pre- Natal leave and others but addresses Study, Examinations, Military Service, Resettlement due to a transfer, Collective Bargaining or other Labour Relations requirements, Participation in sports and Treatment of substance abuse.

2. PURPOSE AND OBJECTIVES

2.1 The purpose of this policy is to:

- (a) Ensure that special leave is granted in a fair, equitable and consistent manner,
- (b) Regulate an employee's absence from duty by means of granting special leave,
- (c) Identify those circumstances for which the employee shall not be required to utilize leave within the framework and measures set out in this policy,
- (d) Indicate the circumstances under which the HOD or his/her delegate shall authorize special leave with full pay,
- (e) To assist with creating a supportive working environment for individual employees and as such to enhance their contribution to ensure effective and efficient service delivery,
- (f) Provide direction as to when certain intervention events may be regarded as part of an employee's official duties that will not require them to apply.

2.2 The objectives of the Department with respect to Special Leave are to:

- (a) To ensure that the Department has adopted a Special Leave policy.
- (b) The Special Leave policy defines circumstances and conditions under which special leave is granted, and
- (c) As far as possible, events for which employees shall be granted Special Leave.
- (d) To make sure that the policy provide paid leave for such requirements as study, examinations, military service, resettlement due to a transfer, collective bargaining or other labour relations requirements, participation in sports, sabbaticals where appropriate or any other purpose.

- (e) Give effect to the directive on leave of absence in the Public Service, which authorizes the development of a special leave policy.
- (f) Provide direction as to when certain intervention events may be regarded as part of an employee's official duties that will not require them to apply

3. PRINCIPLES

3.1 The granting of leave in terms of this policy is subject to the following principles:

- 3.1.1 An employee may not absent him/herself from duty unless he/she have lodged application for leave of absence in writing on the prescribed form(s) and in a prescribed manner, which must be recommended by the supervisor and approved by his/her manager.
- 3.1.2 Special leave is not a right but a privilege and may be granted on such condition(s) as the Department may, from time to time, deem necessary.
- 3.1.3 Applications for special leave must be substantiated by attaching documentary proof, which should include all necessary details of the special event, the itinerary and the duration that occasioned the absence, and any other relevant details necessary to enable the Department to give full and proper consideration to the application.
- 3.1.4 While the Department will not unreasonably withhold special leave, the granting thereof will be subject to the Department's operational requirements and service delivery needs.
- 3.1.5 Special leave is neither accumulative nor can it be encashed if not utilized for the purposes contemplated by this policy.
- 3.1.6 The Department may, at any time and on good cause shown, withdraw special leave that may have already been granted.
- 3.1.7 The Department may, within its discretion, consider granting unpaid leave to an employee who requires further time away over and above that which is permissible in terms of this policy, where he/she would prefer not to utilize his/her vacation leave for these purpose.
- 3.1.8 Any employee granted study leave for examination purposes, and he/she abandon his/her studies, will be required to convert special leave granted to vacation leave, unless advised otherwise by the medical practitioner.
- 3.1.9 Except in exceptional circumstances, employees may not stay away from his/her place of duty unless an application for leave of absence has been lodged, in writing, and the delegated authority has informed him/her that the application has been approved.

3.1.10 The Department will, through the appropriate mechanisms, ensure that:

- Special Leave forms are submitted for all absences;
- All outstanding Special Leave forms are followed up and resolved;
- Details of all Special Leave taken will be captured timeously;
- There will be no backlog in respect of Special leave transactions for each leave cycle; and

4. LEGISLATIVE FRAMEWORK

- 4.1 Determination on Leave of Absence in the Public Service, 2009;
- 4.2 PSCBC Resolution No. 3 of 1999,
- 4.3 PSCBC Resolution No. 7 of 2000,
- 4.4 PSCBC Resolution No. 1 of 2007,
- 4.5 PSCBC Resolution No. 1 of 2012
- 4.6 Labour Relations Act, 1995
- 4.7 Basic Conditions of Employment Act, 1997
- 4.8 Public Service Regulations, 2001 as amended
- 4.9 Public Finance Management Act, 1999
- 4.10 Public Service Act, 1994

9.1.5 If the special leave granted precedes and succeeds a day of rest, such day(s) of rest(s) although to be recorded must be disregarded when calculating the number of special leave days to be granted to the employee.

9.1.6 Special leave may not be granted for writing of class tests.

9.2 Full Time Study Leave: Local or International (Employee initiative)

9.2.1 Study leave may be granted to an employee by the Head of Department or delegated authority if he/she is satisfied that the studies are in the fields which is in the interest of the Public Service in the following circumstances:

9.2.1.1 Full time studies at a recognized educational institution within the Republic or abroad.

9.2.1.2 Special leave with full pay may be granted to an employee for the duration of his/her study period.

9.2.1.3 The course undertaken should be intended to acquire critical scarce skills, guided by the Departmental Workplace Skills plan.

9.2.1.4 For international studies, there must be evidence to the effect that local academic institutions cannot offer the course applied for.

9.2.1.5 In the event a course offered by International Academic Institution is preferred to the one offered by the local academic institution, the HOD is to determine the merit of each case.

9.2.1.6 Documentary proof of a field of study for which special leave is required including the total number of leave days required, must be submitted together with special leave application.

9.2.1.7 The study leave shall not be granted simultaneously with a bursary.

9.2.1.8 If the employee was previously on study leave or granted bursary then the employee must first complete his/her contractual obligations before he/she can be considered for another opportunity.

9.2.1.9 Study leave shall be granted to an employee who complies with the circumstances as set out above, when an employee provides the Department with the necessary documentary proof.

9.3 Part-Time study and/or Attendance of classes/lectures during official Hours

9.3.1 Special leave may be granted to an employee to attend classes/lectures/tutorials or practical sessions during working hours for any subject in pursuit of approved studies.

9.3.2 Where an absence period covers a full working day, an employee must apply to utilize his/her annual leave days to cover the absence.

9.3.3 When an employee attends classes/lectures anytime during the normal official hours of work (08h00-16h30), hours accumulating to 8hrs must be converted to one (1) working day which will be taken off the annual leave days/credit.

9.3.4 When the employee knock off thirty (30) minutes before his/her official knock-off time to attend classes/lectures, one day Special leave with full pay may be granted for every full eight hours an employee has been released from duty.

9.3.5 Unpaid leave may be granted where the annual leave credits have been exhausted.

9.3.6 Line Managers should keep a register for time-off and proof/letter confirming attendance of classes/lectures and must submit as proof to Human Resource Management.

9.3.7 The employee and the supervisor or manager to develop leave plan at the beginning of the year or after the registration of an employee as a student at an institution. This is done in order to cater for the service delivery requirements of the department.

9.4. Block Attendance including research work as a requirement towards completion of employee's studies

9.4.1 Special leave may be granted to an employee for block attendance/and or including preparatory and research work as a requirement towards completion of employee's studies.

9.4.2 Documentary proof of a field of study for which special leave is required including the total number of leave days required, must be submitted together with special leave application.

9.4.4 Special leave up to a maximum of 20 working days per leave cycle may be granted and thereafter annual leave may be utilized.

9.4.5 Unpaid leave may be granted where annual leave and special leave days are exhausted.

9.4.6 The provision must be applied once only in cases where a person does preparatory and/or research work with a view to writing an end of the year examination.

9.4.7 Twenty (20) working days for block attendance including research work may only be granted once, an employee must utilize vacation/annual or unpaid leave in cases where he/she repeats.

9.5 Resettlement Leave

9.5.1 Special leave with full pay may be granted to an employee who is transferred on state expense from one Province/Headquarters to the other.

9.5.2 One (1) working day special leave with full pay limited to a maximum of three (3) working days may be granted to an employee who is transferred at state expense to arrange accommodation, supervise the packing/loading and unpacking/unloading of personal effects and arrange school for children.

9.5.3 Proof of appointment on transfer or transfer letter must be attached to the application for leave.

9.6 Participation in sports, arts and culture

9.6.1 Special leave with full pay for a maximum of 10 working days per annum, may be granted to an employee when he/she:

9.6.1.1 is selected by a national/provincial recognized sports association to take part, as a member of an organized sports group, in a sporting tour as a competitor, coach, manager or official to represent the Province/South Africa.

9.6.1.2 accompanies a foreign national team visiting the Republic, as a representative of the South African sports association organizing the tour.

9.6.1.3 Documentary proof from the Executive office of such association should be submitted in advance with the special leave application for service delivery purposes.

9.7 Military Service/National call

- 9.7.1 Special leave with full pay may be granted when an employee is called up in terms of any regulation or obligation pertaining to the National Defence Force and/or National call.
- 9.7.2 Special leave with full pay may be granted for the total number of days required by an employee.
- 9.7.3 Documentary proof must be submitted with special leave application.

9.9 Natural Disaster

- 9.9.1 Special leave with full pay may be granted to an employee if the area in which he/she is staying or working is struck by a natural disaster as declared by the relevant Authorities and it is impossible for the employee to continue with his/her duties at that time.
- 9.9.2 Special leave with full pay may be granted for the total number of days as will be determined by Head of Department.
- 9.9.3 The Head of the Department must be satisfied that it is impossible for the employee concerned at that time to report for duty.
- 9.9.4 Documentary proof must be submitted with the special leave application.

9.10 Participation in Interviews as a candidate

- 9.10.1 Special leave with full pay may be granted in the case of an employee who has to attend an interview at any Public Service department away from employee's head quarters (proof of the invitation must be attached on the application form).
- 9.10.2 Special leave with full pay may be granted for the date of the interview.
- 9.10.3 Officials attending interviews within the department should complete special leave when attending interviews within the department (one day special leave).

9. 11 Absence from Duty which the Employer shall not require an Employee to utilize Leave

- 9.11.1 An employee is not regarded as being absent from duty and therefore shall not utilize leave in the following instances:
 - 9.11.1.1 When he/she has to appear as a witness in a:
 - 9.11.1.1.1 Criminal court case
 - 9.11.1.1.2 Civil court case
 - 9.11.1.1.3 Before a Commission of Enquiry appointed by the State
 - 9.11.1.1.4 Labour Court
 - 9.11.1.1.5 At CCMA and its Bargaining Councils
 - 9.12.1 When he/she attends workshops in the employer's interest
 - 9.12.2 When he/she has to appear as a Defendant or co-defendant in a Civil Court Case arising from his/her official duties in which state has direct interest.

9.12.3 When he/she attends a course, lecture, workshop, seminar presented by his/her own or other Department or the private sector, and in respect of which, he/she has been granted permission by Head of Department or delegated authority to attend such course during official working hours.

9.12.4 When he/she assists or represents an employee with permission of his/her employer during a disciplinary or misconduct inquiry or during an investigation into a complaint or grievance.

9.12.5 When he/she assists or represents an employee in a conciliation board in so far as such a representative or nominee is an employee in the same Department who has referred the matter for conciliation/arbitration.

9.13.1 The treatment of Substance Abuse (Rehabilitation)

9.13.1.1 An employee who has completed at least one (1) year satisfactory service and has been diagnosed with a substance abuse problem will be entitled to a maximum of ninety (90) calendar days as special leave in order to enter a recognised substance abuse treatment programme per annual leave cycle.

9.13.1.2 Supporting Medical documentation from a registered Medical Practitioner must be submitted together with the application for Special Leave.

9.13.1.3 The Special Leave is granted on condition that should any relapse occur within twelve (12) months from the date of treatment, the Special Leave shall be converted to vacation leave with or without pay, depending on the available vacation leave credit at the time.

9.13.1.4 If such an employee resigns or services are terminated before sufficient vacation leave has accrued, the portion of the over grant which exceeds the vacation leave credit on the last day of service, shall be regarded as an overpayment of salary which will be recovered.

9.14 Disabled Employees

9.14.1 Special leave may be granted to a disabled employee for the attendance of orientation courses or training courses designed to assist them in handling specific aspects of their disabilities.

10. MONITORING, EVALUATION AND REVIEW

The Department's Human Resources Administration Sub-Directorate is responsible for communicating the provisions of this document within the department. All managers and supervisors are responsible for the implementation thereof.

The policy shall be reviewed and amended as and when a need arises to ensure that it is aligned to prevailing legislations.

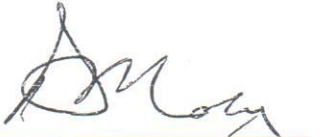
11. RELATED POLICIES

Effective implementation of this policy requires that it be read together with other Departmental Policies.

12. COMMENCEMENT OF THE POLICY

This policy shall be implemented by the Department with effect from the date of approval and signature by the HOD.

APPROVED



**BDT MAHLAKOLENG (MR.)
ACTING HEAD OF DEPARTMENT**

27/03/2023
DATE