

RESOLUTION NO ____ OF 2018

IMPROVEMENT IN CONDITIONS OF SERVICE: SPECIAL LEAVE

1. OBJECTIVES

- 1.1. To provide a clear, fair and consistent special leave dispensation.
- 1.2. To assist with creating a supportive working environment and as such enhance effective and efficient service delivery.
- 1.3. To enable the delivery of consistently high-quality services by achieving the best possible levels of employee attendance at work.

2. SCOPE

- 2.1. This agreement binds the Employer and employees who:
 - 2.1.1. Are employed by the State; and
 - 2.1.2. Fall within the registered scope of the Council.

3. THE PARTIES OF THE COUNCIL AGREE TO THE FOLLOWING:

3.1. LEAVE FOR PURPOSES OF EXAMINATIONS/TESTS

3.1.1. PURPOSE

The purpose of leave for examinations/tests is to enable an employee to prepare for and write his/her exam and/or test paper geared towards obtaining a qualification.

3.1.2. ELIGIBILITY CRITERIA

- (a) An employee must be registered for an accredited course of study with a registered and accredited academic institution.
- (b) The field of study must relate to the employee's scope of work and/or be in accordance with his/her Performance Development Plan.

3.1.3. BENEFIT

- (a) An employee may be granted three (3) working days special leave for the writing of exams and semester tests per subject. Two (2) working days will be for preparation and one (1) day for the writing of the semester exam/test paper.
- (b) Where an employee has to write two examinations on the same day the employee may be granted one (1) additional working day special leave per subject for preparation plus one (1) working day special leave for the writing of the tests/examination papers.

- (c) Leave for examinations/semester test will not be granted in the event where an employee has to write a supplementary paper and/or repeat a failed subject/examination/test, unless it is the direct result of a bereavement and/or illness/accident the employee experienced in the preparation period and/or the writing of the exams/semester tests. For this purpose the employee has to submit reasonable proof to support such events.
- (d) Leave for examinations/tests is/are limited to a maximum of 24 working days per calendar year.
- (e) The employee must-
 - (i) Apply in advance, which application must include a copy of the official exam/test roster of the academic institution where the employee is registered; and
 - (ii) Submit within five (5) working days from the release of the exam/test results, by the academic institution, proof of the exam/test results to the Employer.
- (f) The utilisation of this leave is subject to the general measures contained in clauses 3.5 and 3.14 hereunder.

3.2. LEAVE FOR RESEARCH IN SUPPORT OF A POST GRADUATE QUALIFICATION

3.2.1. PURPOSE

The purpose of leave for research is to enable an employee to conduct research for purposes of writing a thesis/dissertation geared towards obtaining a post graduate qualification.

3.2.2. ELIGIBILITY CRITERIA

- (a) An employee must be registered for an accredited course of study with a registered and accredited academic institution.
- (b) The field of study must relate to the employee's scope of work and/or be in accordance with his/her Performance Development Plan.

3.2.3. BENEFIT

- (a) An employee may be granted a maximum of 12 working days special leave per calendar year to conduct research for purposes of writing a thesis/dissertation in support of a post graduate qualification.
- (b) The employee must-
 - (i) Apply in advance, which application must include a supporting evidence from the academic institution where the employee is registered; and

- (ii) Submit within five (5) working days from the release of the results, by the academic institution, proof of the results to the Employer.
- (c) The utilisation of this leave is subject to the general measures contained in clauses 3.5 and 3.14 hereunder.

3.3. LEAVE FOR THE ATTENDANCE OF CLASSES DURING WORKING HOURS

3.3.1. PURPOSE

The purpose of leave for the attendance of classes during working hours is to enable an employee, who as a result of his/her studies is required, to be absent from his/her place of work to attend mandatory classes/study schools/working groups, presented during working hours, in satisfying the requirements to obtain the qualification s/he is registered for.

3.3.2. ELIGIBILITY CRITERIA

- (a) An employee must be registered for an accredited course of study with a registered and accredited academic institution.
- (b) The field of study must relate to the employee's scope of work and/or be in accordance with his/her Performance Development Plan.

3.3.3. BENEFIT

- (a) A maximum of five (5) working days special leave per quarter or trimester may be granted for purposes of attendance of mandatory classes/study schools/working groups during working hours and/or to release an employee earlier from work to attend the same after hours.
- (b) An employee may utilise the whole or part of the day, provided that the aggregate number of days are limited to the quantum determined in clause 3.3.3 (a), above. Therefore-
 - (i) An employee who is released earlier from work to attend mandatory classes/study schools/working groups should apply for the hours commensurate with the hours that s/he is released earlier from work.
 - (ii) An employee who applied for leave for part of the day to attend mandatory classes/study schools/working groups during working hours may not exceed the quantum provided for in clause 3.3.3 (a), above.
- (c) The Head of Department shall maintain a system to record episodes where the employee utilised part of a day. One day's leave for the attendance of classes during working hours shall be deducted from the quantum once the duration of absences equates the employee's prescribed daily working hours per quarter/trimester.

- (d) The employee must apply in advance, which application must include a certified copy of the employee's proof of registration as well as the official schedule of the mandatory classes/study schools/working groups to be attended.
- (e) The utilisation of this leave is subject to the general measures contained in clauses 3.5 and 3.14 hereunder.

3.4. LEAVE FOR TRAINING WHICH CONSISTS OF PRACTICAL WORK

3.4.1. PURPOSE

The purpose of leave for training which consist of practical work is to enable an employee to satisfy the mandatory requirement to complete practical work and/or practical exposure to specialised work environments to obtain the qualification s/he is registered for, e.g. to perform practical work in a workshop, laboratory, special factory, etc.

3.4.2. ELIGIBILITY CRITERIA

- (a) An employee must be registered for an accredited course of study with a registered and accredited academic institution.
- (b) The field of study must relate to the employee's scope of work and/or be in accordance with his/her Performance Development Plan.

3.4.3. BENEFIT

- (a) An employee who studies part-time or by means of correspondence and who as a result of his/her studies is required to undergo training which consist of practical work and/or practical exposure to specialised work environments in fulfilling the requirements to obtain the qualification may be granted special leave for the duration of the period required to complete the practical work.
- (b) The employee must apply in advance, which application must include a certified copy of the employee's proof of registration as well as the official schedule of the practical work to be performed.
- (c) The utilisation of this leave is subject to the general measures contained in clauses 3.5.2 and 3.14 hereunder.

3.5. GENERAL MEASURES

- 3.5.1. An employee who has accessed special leave as contemplated in clauses 3.1 to 3.4 to obtain a qualification may access the same benefits for a further/another qualification after a period of one (1) year has lapsed.

3.6. LEAVE FOR PARTICIPATION IN AMATEUR SPORT

3.6.1. PURPOSE

The purpose of leave for participation in amateur sport is to support the development of all sporting codes and the transformation agenda as it pertains to sport through enabling employees, who have been selected by a recognised amateur sports association to represent South Africa, a Province or a registered club to participate in an amateur sport.

3.6.2. ELIGIBILITY CRITERIA

- (a) An employee may be eligible for leave for participation in amateur sport if s/he is selected by a recognised amateur sports association -
 - (i) As an athlete to participate in a sport event/tour outside or within the Republic, to represent South Africa, a Province or a registered club; or
 - (ii) To serve as a manager of the South African, Provincial or Club team for a sports event/tour outside or within the Republic in which South Africa, a Province or a registered club is represented; or
 - (iii) To serve as referee, an official or an adjudicator in a sports event/tour outside or within the Republic in which South Africa, a Province or a registered club is represented; or
 - (iv) To serve as support staff in a sports event/tour outside or within the Republic in which South Africa, a Province or a registered club is represented.
- (b) The following categories are excluded:
 - (i) Employees who volunteer to assist in other capacities during sport events/tours.
 - (ii) Employees who participate in professional sports.

3.6.3. BENEFIT

- (a) An employee referred to in clause 3.6.2 (a), above, may be granted a maximum five (5) working days special leave per calendar year to participate in amateur sport.
- (b) The employee must apply in advance for leave for participation in amateur sport. The employee's application must be accompanied with written proof from the relevant recognised amateur sports association confirming the nature of participation and the duration thereof.

3.7. LEAVE FOR PARTICIPATION IN CULTURAL EVENTS

3.7.1. PURPOSE

The purpose of leave for participation in cultural events is to foster social cohesion through enabling employees, who have been selected by a National or Provincial registered cultural organisation to represent South Africa or Province in cultural event, to participate in such cultural events.

3.7.2. ELIGIBILITY CRITERIA

- (a) An employee may be eligible for leave for participation in cultural events if s/he is selected by a National or Provincial registered cultural organisation-
 - (i) As a competitor/participant in a cultural event/tour outside or within the Republic in which South Africa or a Province is represented; or
 - (ii) To serve as a manager of the South African or Provincial team for a cultural event/tour outside or within the Republic in which South Africa or a Province is represented; or
 - (iii) To serve as referee, an official or an adjudicator in a sports event/tour outside or within the Republic in a cultural event/tour outside or within the Republic in which South Africa or a Province is represented; or
 - (iv) To serve as support staff in a cultural event/tour outside or within the Republic in which South Africa or a Province is represented.
- (b) The following categories are excluded:
 - (i) Employees who volunteer to assist in other capacities during cultural events/tours.
 - (ii) Employees who participate as professional artists.

3.7.3. BENEFIT

- (a) An employee referred to in clause 3.7.2 (a), above, may be granted a maximum of five (5) working days special leave per calendar year to participate in cultural events.
- (b) The employee must apply in advance for leave for participation in a cultural event. The employee's application must be accompanied with written proof from the relevant National or Provincial registered cultural organisation confirming the nature of participation and the duration thereof.

3.8. LEAVE FOR RELIGIOUS HOLIDAYS

3.8.1. PURPOSE

The purpose of leave for religious holidays is to accommodate religious holidays that are not provided for in the Public Holidays Act, Act 36 of 1994, as amended.

3.8.2. ELIGIBILITY CRITERIA

An employee has in terms of the Constitution the right to freedom of, among others, religion and therefore has the freedom to observe the religious holidays attached to his/her religion.

3.8.3. BENEFIT

- (a) An employee may be granted one (1) working day special leave per calendar year to commemorate a religious holiday associated with his/her religion, if such a day falls on a working day.
- (b) The employee must apply in advance for such leave, which application must be accompanied with reasonable proof of the religious holiday. Such proof can include for example a certified copy from the church, programme of the church, etc.

3.9. LEAVE FOR NATURAL OR ANY OTHER UNFORESEEN DISASTERS

3.9.1. PURPOSE

The purpose of leave for natural or any other unforeseen disasters is to accommodate employees who have been directly affected by a natural or other unforeseen disaster and are unable to report for duty as a result thereof.

3.9.2. ELIGIBILITY CRITERIA

- (a) An employee is directly affected by the natural or unforeseen disaster which is of a nature that causes extensive and/or severe threat to or destruction of life and/or property which prevent him/her from reporting for duty.
- (b) Disaster is for purposes of this benefit defined as a sudden, devastating event bringing great damage, loss, and destruction to life and property e.g. floods, earthquakes, tornados, etc.

3.9.3. BENEFIT

- (a) The Head of Department may grant the employee special leave for the period the employee could not attend work as a result of a natural or unforeseen disaster.
- (b) The employee must immediately on his/her return to work apply in writing for such special leave, which application should be substantiated with reasonable proof demonstrating that he/she could not attend work as a result of a natural or unforeseen disaster. The reasonable proof must include an affidavit from the employee stipulating the occurrence of the natural or unforeseen disaster and the impact it had on him/her personally which prevented him/her from reporting for duty.

3.10. LEAVE FOR RESETTLEMENT

3.10.1. PURPOSE

The purpose of leave for resettlement is to support an employee who has been transferred and has to relocate to and resettle in another city or town.

3.10.2. ELIGIBILITY CRITERIA

- (a) An employee must be transferred and has to relocate to/resettle in another city or town.
- (b) The employee must qualify for the payment of resettlement benefits.

3.10.3. BENEFIT

- (a) An employee may be granted a maximum of two (2) working days special leave per calendar year to supervise the packing/loading and unloading/unpacking of personal effects.
- (b) The employee must apply in advance for the special leave, which application must be supported by the letter of appointment as well as the letter confirming that the employer will pay the resettlement cost of the employee.

3.11. LEAVE FOR REHABILITATION FROM SUBSTANCE ABUSE

3.11.1. PURPOSE

The purpose of leave for rehabilitation from substance abuse is to support an employee who is receiving treatment for substance abuse (i.e. alcohol/drug-related) at a rehabilitation clinic/institution.

3.11.2. ELIGIBILITY CRITERIA

An employee must voluntarily seek help or agree to be subjected to treatment for his/her substance abuse.

3.11.3. BENEFIT

- (a) An employee may be granted special leave for rehabilitation from substance abuse at a rehabilitation clinic/institution, for the first time only, for a maximum of twenty one (21) working days in a period of 36 months.
- (b) The employee must apply in advance, which application must include the admittance letter from the rehabilitation clinic/institution with a letter from the registered medical practitioner confirming the addiction and indicating the period of treatment.

3.12. LEAVE FOR INSTANCES OF SEXUAL HARASSMENT

3.12.1. PURPOSE

The purpose of leave for instances of sexual harassment is to support an employee who has been a victim of sexual harassment in the workplace.

3.12.2. ELIGIBILITY CRITERIA

The sexual harassment case should have originated in the workplace or whilst the employee was elsewhere on official duty and the employee has reported the case to the employer.

3.12.3. BENEFIT

- (a) The Head of Department shall grant special leave in instances of sexual harassment in the workplace based on the merits of each case up to a maximum period of five (5) working days special leave per calendar year, provided that the instance has been reported.
- (b) The employee must submit reasonable proof in support of the application which may include for example a medical certificate from a registered medical practitioner or a confirmation of the instance by the Employee Health and Wellness Unit of the Department.

3.13. LEAVE FOR EVENTS RELATED TO COMMUNITY OR THIRD PARTY PROTESTS

3.13.1. PURPOSE

- (a) The purpose of leave for events related to community or third party protests is to accommodate employees who have been directly affected by these events and are unable/prevented to report for duty as a result thereof.

3.13.2. ELIGIBILITY CRITERIA

- (a) An employee is directly affected by events related to community or third party protests that causes a threat to or destruction of life and/or property and/or which prevent him/her from reporting for duty.
- (b) The events related to community or third party protests must affect the community where the employee resides.
- (c) Events related to community or third party protests is for example service delivery protests, strikes by third parties such as taxis, etc. It does not include strikes employees might embark upon in the course of their employment relationship with the State as employer, e.g. strikes during wage negotiations.

3.13.3. **BENEFIT**

- (a) The Head of Department may grant the employee special leave for the period the employee could not attend work as a result of events related to community or third party protests.
- (b) The employee must immediately on his/her return to work apply in writing for such special leave, which application should be substantiated with an affidavit.

3.14. **ABSENCES FROM DUTY WHICH ARE NOT RECORDED AS LEAVE**

3.14.1. An employee is not regarded as being absent from duty in the following instances:

- (a) When the employee has to appear as a witness-
 - i) In a court case;
 - ii) In a misconduct case in terms of the law;
 - iii) Before a commission or committee of enquiry appointed by the State, or
 - iv) At an inquest.
- (b) When the employee has to appear as a defendant or co-defendant in a civil court case arising from his/her official duties and in which the State has a direct interest.
- (c) When the employee attends a course, lecture, etc. presented by his/her own or another department or the National School of Government or a private company and in respect of which he/she has been authorised by the Head of Department to attend such course during official working hours as part of his/her personnel development plan.
- (d) When the employee undertakes a study tour approved by the Employer.
- (e) When the employee attends an interview for an advertised post within the Public Service. The absence from duty not recorded as leave pertains only to the day on which the interview is scheduled.
- (f) When an employee visits the new place of work before the date of transfer.

3.15. **GENERAL**

3.15.1. Special leave is granted with full pay.

3.15.2. Categories of special leave cannot be converted to other types/forms of leave. Special leave may run concurrently with other types of leave such as maternity leave or sick leave.

3.15.3. Any unused special leave credits shall lapse at the expiry of the calendar year.

3.16. DEFINITIONS

3.16.1. "Calendar year" means from 1 January to 31 December of each year.

4. DISPUTE RESOLUTION

4.1. If there is a dispute about the interpretation or application of this agreement any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.

5. IMPLEMENTATION OF AGREEMENT

5.1. This agreement shall come into effect on the date it enjoys majority support and will remain in force unless terminated or amended by agreement.

5.2. The Council will monitor the implementation of this agreement.

THIS DONE AND SIGNED AT _____ OF THIS _____ DAY OF _____ 2018

ON BEHALF OF EMPLOYER

	Name	Signature	Date
STATE AS EMPLOYER			

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature	Date
NEHAWU			
POPCRU			
PSA			