



KWAZULU-NATAL PROVINCE

SOCIAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

DIRECTORATE : HUMAN RESOURCE ADMINISTRATION

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TO ALL EMPLOYEES DEPARTMENT OF SOCIAL DEVELOPMENT

HRM CIRCULAR NUMBER 13 OF 2020

PSCBC RESOLUTION 1 OF 2020 AGREEMENT ON THE AMENDMENT OF UNUSED 2019 ANNUAL LEAVE

1. The purpose of this circular is to inform all employees on the latest developments regarding the agreement on the amendment of the Public Service Co-ordinating bargaining Council Resolution (PSCBC) Resolution 5 of 2001 Annual Leave.
2. In terms of the policies governing annual leave in the public service, the commencement of the nationwide lockdown in terms of the Disaster Management Act, 2002 coincided with the grace period of the 2019 leave cycle, which grace period ended on 30 June 2020.
3. Subsequently, the employer and the PSCBC have concluded an agreement in terms of the PSCBC Resolution 1 of 2020 – **attached for ease of reference**, wherein a once off agreement for the purpose of 2019 Annual leave has been reached.
4. In terms of the PSCBC Resolution 1 of 2020, clause 7.1 (d) of PSCBC 5 of 2001 has been adjusted for the 2019 leave cycle to read as follows :

"The remaining days of unused leave for the 2019 annual leave cycle shall be utilised within a 24-month period. The 24-month period will end on 31 December 2020. All remaining unused leave for the 2019 annual leave cycle shall fall away thereafter. However, where leave due is not taken due to the employer's service delivery requirement, such leave shall be paid at the end of the 24-month period".

5. The utilization and management of the unused annual leave days for 2019 shall be subject to the prevailing provisions governing annual leave in the public service.
6. The Circular must be brought to the attention of all employees.


.....
MRS NI VILAKAZI
HEAD OF DEPARTMENT

DATE: 16/07/2020
.....

RESOLUTION 1 OF 2020

**AGREEMENT ON THE AMENDMENT OF PSCBC RESOLUTION 5 OF 2001 ANNUAL
LEAVE**

1. OBJECTIVE

To extend the time period for the utilization of unused leave due to fall away at the end of the current 18 month cycle.

2. SCOPE

This agreement binds the employer and employees who:

- 2.1. are employed by the State; and
- 2.2. fall within the registered scope of the Council.

3. NOTING

3.1. It is noted that-

3.1.1. The President of the Republic of South Africa, in response to the COVID-19 pandemic, has declared a national disaster and subsequently a nationwide lockdown in terms of the Disaster Management Act, 2002 to prevent the escalation of the disaster or to alleviate, contain and minimise the effects of the disaster. The easing of the lockdown will take place in a phased approach depending on progress made with the containment of the infection rate of COVID-19;

3.1.2. Due to the nature of the role and responsibility of the public service, the public service did not shut down. Services continue to be provided to the

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All correspondence must be addressed to the General Secretary of Council

citizenry taking into account the *Directions issued by the Minister for Public Service and Administration on Service Delivery and Business Continuity for the Public Service during COVID-19*, issued by the Minister for the Public Service and Administration issued in terms of Regulation 10(8) of the Disaster Management Regulations of 18 March 2020;

3.1.3. It is common cause that the policies governing, among others, employee benefits such as annual leave continue to be relevant; and

3.1.4. In terms of the policies governing annual leave in the public service, the commencement of the lockdown coincided with the grace period of the 2019 leave cycle, which grace period will end on 30 June 2020.

4. AGREEMENT

4.1. Parties, as a once off arrangement, agree, for purposes of the 2019 annual leave cycle, that-

4.1.1. clause 7.1 (d) of PSCBC Resolution 5 of 2001 be adjusted for the 2019 leave cycle to read as follows:

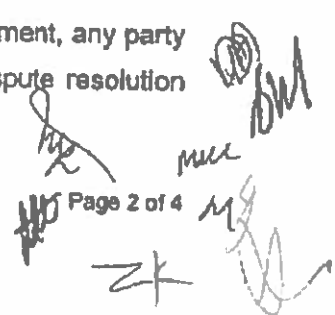
"The remaining days of unused leave for the 2019 annual leave cycle shall be utilised within a 24 month period. The 24 month period will end 31 December 2020. All remaining unused leave for the 2019 annual leave cycle shall fall away thereafter. However, where leave due is not taken due to the employer's service delivery requirements, such leave shall be paid at the end of the 24 month period."

4.1.2 This adjusted time line of 24 months will only be applicable for the leave of the 2019 annual leave cycle.

4.2. The utilisation and management of the unused annual leave days from the 2019 annual leave cycle shall be subject to the prevailing provisions governing annual leave in the public service.

5. DISPUTE RESOLUTION

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 Council.

Handwritten signatures and initials are present at the bottom right of the page, including a large signature, the word 'muc', and the initials 'ZK'.

6. IMPLEMENTATION OF THE AGREEMENT

6.1. This agreement shall come into effect on the date it enjoys majority support and shall remain in force until 31 December 2020;

6.2. In the interpretation and application of this agreement, words used in the agreement and defined within the constitution of Council will have the meaning as defined in the constitution;


6.3. In the event of any conflict between a provision of this agreement and any other agreement of the Council, the provision of this agreement takes precedence; and

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

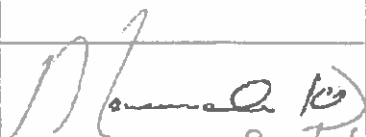
THUS DONE AND SIGNED AT CENTURION ON THIS 29 DAY OF

June 2020

ON BEHALF OF THE EMPLOYER

	Name	Signature
State as Employer	MODISE LETSATS	 23/06/2020

ON BEHALF OF THE UNION PARTIES

Trade Union	Name	Signature
DENOSA	MAMAMELA KWENA DANIEL	 25/06/2020



HOSPERSA	Susan H. H. H.	
NAPTOSA	Basil L. Manuel	
NEHAWU	Zola SATHENA	
POPCRU	UNAITHI ICA THELEM	
PSA	Astrid Al-arani	
SADTU	Mugwema Mahlete	
SAPU	TUMELO MOSOOISENS	