



**DEPARTMENT OF SOCIAL DEVELOPMENT
KWAZULU NATAL**

POLICY ON SPECIAL LEAVE

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1. INTRODUCTION

- 1.1 The policy on Special leave covers general areas relating to special leave within the Department, and sets out the parameters of special leave such as, but not limited to, examinations, study, sabbatical leave, attendance of classes during office hours, sport, performing arts, resettlement due to transfer, segregation or isolation on medical grounds, natural disasters, military purposes, rehabilitation for substance abuse, and religious gathering. The special leave policy provides for absence from work other than sick, vacation or family responsibility leave.
- 1.2 The policy recognises that there are particular requirements with regard to special leave in the Department, and as such, a Special Leave Policy is mandated in terms of Section 21 of the *Determination on Leave of Absence in the Public Service*, which states that a Head of Department shall ensure that his/her department has adopted a special leave policy.

2. OBJECTIVES

The objectives of this policy are to:

- 2.1 indicate the circumstances and conditions under which special leave may be authorised;
- 2.2 regulate an employee's release or absence from duty on special leave;
- 2.3 indicate the responsibilities other than work for which the employee shall not be required to utilise leave; and
- 2.4 assist in creating a supportive working environment for employees, thereby enhancing their contribution to ensuring effective and efficient service delivery.

3. SCOPE OF APPLICABILITY

This policy framework applies to all employees of the Department of Social Development who are employed in terms of the *Public Service Act, 1994 (Act no 103 of 1999) as amended*.

4. LEGISLATIVE FRAMEWORK

- 4.1 Public Service Regulations, 2001 as amended
- 4.2 Determination of leave of absent as amended
- 4.3 PSCBC Resolution No 3 of 1999 as amended
- 4.4 Basic Conditions of Employment Act, 1997 (Act No. of 1997), as amended
- 4.5 *Public Service Act, 1994 (Act no 103 of 1999) as amended*.

5. DEFINITIONS

For the purpose of this policy framework, unless the context indicates otherwise, the following definitions are set out for the terms indicated:

- 3.1 “Department”** means Kwazulu - Natal Provincial Government in its Department of Social Development.
- 3.2 “Employee”** means any person, excluding an independent contractor, who works for another person or for the state and who receives, or is entitled to receive, any remuneration; and any other person in any manner assisting in carrying on or conducting the business of an employer, and “employee” and “employed” have meanings corresponding to that of “employee”
- 3.3 “Employer”** means the Department of Social Development.
- 3.4 “Examination”** means a formal test of knowledge or proficiency in a subject or skill administered by an accredited tertiary institution and needed to be awarded a formal qualification or to advance to the next level.
- 3.5 “M E C”** stands for Member of the executive council.
- 3.6 “Natural Disaster”** means a geographical event over which man has no control and is usually of such magnitude as to cause disruption to, or loss of, human life.
- 3.7 “Part-time student”** means an employee who attends lectures or studies on a part-time basis.
- 3.8 “Performing Arts”** means a form of creative activity that is performed in front of an audience, including but not limited to, participation in an orchestra, choir, ballet or dance event.
- 3.9 “Pre-admission Work”** means work that is required prior to admission to a particular field of study.
- 3.10 “Preparatory Course”** means the completion of a course for a qualification in order to obtain admission to a particular field of study.
- 3.11 “Recognised Educational Institution”** means an organisation accredited by a Sector Education and Training Authority (SETA) or Education and Training Authority (ETA).
- 3.12 “Research Work”** means investigation into or study of materials and sources in order to establish facts and reach new conclusions.
- 3.13 “Special Leave”** means any leave of absence taken other than leave specified in the Determination on Leave of Absence in the Public Service (*hereinafter referred to as the Leave Determination*).

6. GENERAL PROVISIONS

- 6.1 The granting of special leave and leave of absence for responsibilities other than work for which an employee shall not be required to utilise leave is not a right and is entirely at the Head of Department's discretion, and where service delivery would be negatively affected if special leave were to be granted, such leave may be declined.
- 6.2 The employee must apply timeously and obtain written approval prior to taking special leave.
- 6.3 Unless instructed by his/her immediate supervisor to perform any of the responsibilities other than work for which the Department shall not require an employee to utilise leave, an employee must obtain written approval prior to going off duty to perform such responsibilities other than work for which he/she shall not be required to utilise leave.
- 6.4 Valid reasons must be recorded on the leave application form where any special leave is declined, and such declination should be limited to cases where granting of such leave would negatively affect service delivery or is not in the interests of the Department.
- 6.5 Documentary proof must be submitted by the employee when applying for special leave or going off duty to perform such responsibilities other than work for which he /she shall not be required to utilise leave.
- 6.6 To meet the objectives of granting employees special leave, it is essential that supervisors manage and monitor leave as part of their daily activities.

7. CIRCUMSTANCES TO AUTHORISE SPECIAL LEAVE

The Head of Department or his/her designee may authorise special leave under any of the circumstances listed below, subject to the following conditions imposed on special leave for examination, preparatory and study leave:

- (i) upon receipt of examination results an employee must submit a certified copy of such results to his/her immediate supervisor; and
- (ii) should the employee fail to write an examination without providing valid written proof from the necessary authority as to why the examination was not written, any examination, preparatory or study leave granted as special leave shall subsequently be converted to the relevant category of leave, and where there is no leave due to the employee in any of the relevant categories, unpaid leave may be granted.

7.1 Examinations

7.1.1 Special leave may be granted to an employee for each day on which he/she sits for an examination, if a Head of Department or his/her designee is satisfied that the examination would better equip the employee for his/her career in the Department.

7.1.2 In addition to the special leave granted in terms of provision on 6.1 one day's special leave, prior to and per examination,

may be granted to an employee sitting for an examination(s) to enable him/her to prepare for such examination(s).

- 7.1.3 The provisions on 6.1 and 6.2 may be applied only once in respect of a re-examination or an examination which the employee has failed previously and has to repeat.

7.2 Study

The employee may be granted special leave for the instances listed below on condition that the Head of Department is satisfied that an employee studies in a field which is in the interests of the Department. The Head of Department or his/her designee must consider the merits of each individual application, the needs of the department as dictated by policies and directives, and the requirements of the educational institution, which must be substantiated by documentary proof submitted by the employee applying for such leave.

Special leave for study purposes, part-time study, research and/or pre-admission work is limited to ten working days per annum.

7.2.1 Part-time Study, Research and / or Pre-admission Work

7.2.1.1 Provided that the employee's studies are in the interests of the Department, special leave for part-time study, research and/or pre-admission work may be granted in respect of:

- (i) part-time studies and/or studies by means of correspondence when leave is required for essential preparatory or research work;
- (ii) research work and/or writing of a thesis/dissertation for a post graduate qualification;
- (iii) attendance of a preparatory course with the view to sitting for a qualifying examination to obtain admission to a particular field of study;
- (iv) practical work required as a pre-requisite for registration in a particular profession; or
- (v) any other pre-requisite for a qualification as stipulated by a recognised educational institution.

7.2.1.2 The employee may be granted special leave of two days per examination to a maximum of ten working days per annum for part-time study if a Head of Department or his/her designee is satisfied that the employee studies or is to study in a field that is in the interests of the Department.

7.2.1.3 The provisions on 6.2 may be applied only once in respect of a re-examination or an examination which the employee has failed previously and has to repeat.

7.2.2 Full-time study

7.2.2.1 The employee may be granted special leave for full-time study, if the Head of Department or his/her designee is satisfied that the application submitted by the employee demonstrates the value or benefit to be gained by the Department from the employee's studies.

7.2.2.2 When making a decision regarding special leave for full-time study, the Head of Department or his/her designee must consider the requirements of the educational institution, which must be substantiated by documentary proof submitted by the employee applying for such leave.

7.2.2.3 Special leave for full-time study may be granted in respect of the following:

- (i) special studies outside the country, which shall be limited to six month's special leave and may only be extended by the Head of Department in exceptional circumstances for a further period not exceeding two months; or
- (ii) studies that require practical work for a particular period annually, which shall not exceed sixty working days per annum.

7.2.3 Attendance of classes during office hours

7.2.3.1 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 the Head of Department or his/her designee is satisfied that the studies are in the interests of the Department.

7.2.3.2 Special leave that is granted to an employee in terms of 6.1 shall not exceed thirty working days per annum.

7.2.3.3 The provisions of sections 6.1 and 6.2 may be applied only once in respect of an employee who repeats a course or part thereof.

7.2.4 Sabbatical Leave

7.2.4.1 Special leave for sabbatical purposes may be granted to an employee to enable him/her, by means of study or research (which may not necessarily lead to a higher qualification), to obtain a more in-depth knowledge of his/her field of study in order to provide, *inter alia*, training to students.

7.2.4.2 Sabbatical Leave may be granted subject to the following conditions:

- i) The granting of sabbatical leave must be done with due regard to the service delivery needs of a department.
- ii) The employee's study or research programme must be approved by the Head of Department and on completion thereof, a report must be submitted to the Department.
- iii) Three or six months sabbatical leave may be granted respectively after every completed three or six year's continuous full-time service, during which the employee was appointed with the aim of providing training. Such leave may not accumulate to more than twelve months.
- iv) The granting of sabbatical leave may not coincide with the payment of study fees and travel and subsistence costs from state funds.

7.3 Sport and Performing Arts

The Head of Department or his/her designee may grant an employee a maximum of ten working day's 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:

7.3.1 take part in sport or performing arts within or outside the country at inter-provincial level, or a level between provincial and national level or at national level against international opposition; or

7.3.2 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.

7.4 Resettlement due to a transfer

The Head of Department or his/her designee may grant an employee who is transferred at the State's expense a maximum of two day's special leave for the purpose of supervising the packing, loading, unloading and/or unpacking of his/her personal effects.

7.5 Natural Disaster

7.5.1 The Head of Department or his/her designee may grant special leave to an employee where the area in which he/she works or normally resides is affected by a natural disaster and it is impossible for the employee to continue with his/her duties at that time and/or the department determines that it cannot utilise the employee's services elsewhere. The affected employee needs to produce the affidavit from the recognised authority.

7.5.2 Such special leave shall be granted for as long as the employee is unable to render services due to the natural disaster.

7.6 Military Purposes

- 7.6.1 The Head of Department or his/her designee may grant special leave to an employee where it is compulsory for such employee to perform military service.
- 7.6.2 Where the employee volunteers to perform military service, such employee will not be granted special leave and will have to apply for vacation leave.

7.7 Rehabilitation for Substance Abuse

Special leave to the maximum of forty working days per annum and per occasion, to a maximum of three occasions may be granted to the employee for the purpose of rehabilitation from substance abuse subject to the following:

- 7.7.1 the employee is referred for rehabilitation through a departmental Employee Wellness Programme by his/her supervisor or
- 7.7.2 the employee approaches a departmental Employee Wellness Programme component.
- 7.7.3 the employee is ordered by a court of law to attend a rehabilitation programme; and
- 7.7.4 the treatment is completed and a medical certificate and report is compiled and submitted to the department by a medical practitioner and/or a recognised institution dealing with rehabilitation from substance abuse.

7.8 Segregation or Isolation on medical grounds

- 7.8.1 The Head of Department may grant an employee special leave as a result of segregation or isolation on medical instruction where he/she was in contact with a person who had contracted, or was suspected of having contracted an infectious or contagious disease. including, but not limited to, diphtheria, leprosy, meningococcal infection, plague, rabies, typhoid fever, viral hepatitis, yellow fever and Crimean congou haemorrhagic fevers.
- 7.8.2 Special leave granted to the employee for segregation or isolation purposes is subject to a medical certificate from a registered medical practitioner substantiating the reasons and the decision of imposing a quarantine period rests with the medical authorities in charge at the time of the outbreak.

7.9 Time off for religious gatherings

Special Leave to the maximum of one working day may be granted to an employee for the purposes of time off for religious gatherings subject to the following:

- 7.9.1 The measures will apply without discrimination on the basis of a specific religion as the administration rejects prejudice on these grounds.
- 7.9.2 Religious purposes means a specific religious gathering or to practice a religion. The religious purpose must be for all followers of that faith

and not for individual to, for example, practice his or her faith on a personal basis.

7.9.3 Time off for religious purposes is not a right.

7.9.4 Time off is at the discretion of the supervisor. Prior authority must be obtained for absences.

7.9.5 Time off will not be granted should the rendering of any services be impaired.

8. LEAVE OF ABSENCE FOR RESPONSIBILITY (*other than work for which a department shall not require an employee to utilise leave*)

8.1 The employee's immediate manager/supervisor may authorise the absence of an employee from duty to enable the employee to perform certain responsibilities other than work on the provision that the employee shall not be deemed to be absent from duty during such absence and shall not be required to utilise leave.

8.2 The employee's absence from duty may be authorised in terms of Section 7.1 where the employee:

8.2.1 has to appear as a witness: proof to be submitted

(i) in a court case;

(ii) in a misconduct case;

(iii) before a commission of enquiry appointed by the State; or

(iv) at an inquest; or

8.2.2 has to appear as a defendant or co-defendant in a civil court case arising from his/her duties; or

8.2.3 has to attend a course or lecture presented by a state department or the private sector; or

8.2.4 has to assist or represent another employee at a disciplinary enquiry or in a dispute resolution process or during an investigation into a complaint or grievance; or

8.2.5 has to be absent from duty as the:

(i) aggrieved person during an investigation into his/her complaint or grievance;

(ii) person charged with misconduct during a disciplinary or misconduct enquiry; or

(iii) person utilising a dispute resolution process; or

8.2.6 has been invited to attend an interview within the public service.

9. ROLES AND RESPONSIBILITIES

- 9.1 The department's human resource component is responsible for:
 - 9.1.1 administering and ensuring consistent application of this policy;
 - 9.1.2 assisting heads, supervisors and employees in the administration and application of this policy and
 - 9.1.3 monitoring and recording special leave by capturing any special leave taken by the employee on the PERSAL system and filing it in the leave file.
- 9.2 The immediate supervisor of the employee applying for special leave is responsible for:
 - 9.2.1 assisting employees in identifying eligibility for special leave under this policy and assisting employees in the completion of the necessary documentation;
 - 9.2.2 ensuring that all the applicable, original supporting documentation is attached to applications for special leave;
 - 9.2.3 managing and monitoring special leave taken by the employee under his/her supervision; and
 - 9.2.4 informing employees of the provisions of this policy and departmental procedures regarding special leave.
- 9.3 The employee accountable for approving special leave in terms of Departmental delegations is responsible for:
 - 9.3.1 non-discriminatory and fair consideration of all applications for special leave;
 - 9.3.2 the evaluation of each application for special leave on its own merits, taking into account the service delivery needs of a department;
 - 9.3.3 ensuring that applications for special leave are finalised within five working days.
 - 9.3.4 recording the reason(s) for declination on the leave application form, if special leave is declined.
- 9.4 The employee is responsible for:
 - 9.4.1 being aware of the provisions of this policy and departmental procedures regarding special leave;
 - 9.4.2 submission of his/her application for special leave and the provision of all the relevant supporting documentation; and

9.4.3 ensuring that his or her leave is approved before he/ she leaves,

9.4.4 compliance with the special leave policy.

10. MONITORING, EVALUATION AND REVIEW

10.1 The Human Resource management component of this Department is responsible for communicating the provisions of this policy to all employees.

10.2 All offices are also responsible for the implementation thereof.

10.3 This policy will be monitored, evaluated and reviewed on regular basis to ensure that it achieves the intended purpose.

11. EFFECTIVE DATE

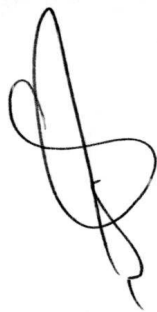
This policy is to be effective on the date of approval.

12. TITLE OF THE POLICY

The title of this policy shall be called Policy on Special Leave

13. POLICY APPROVAL

This policy supersedes all other policies on Special Leave promulgated before. The policy is approved with effect from the 20th day of October in the year 2009.



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MR B L NKOSI
HEAD OF DEPARTMENT: SOCIAL DEVELOPMENT