



## higher education & training

Department:  
Higher Education and Training  
REPUBLIC OF SOUTH AFRICA

# SPECIAL LEAVE POLICY

<b>POLICY CUSTODIAN</b>	Human Resource Management and Administration
<b>POLICY VERSION</b>	2 <sup>nd</sup> Version
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## A. Acronyms

ACRONYM	DEFINITION
CET	Community Education and Training
CETC	Community Education and Training College
DHET	Department of Higher Education and Training
GPSSBC	General Public Service Sector Bargaining Council
HR	Human Resources
MMS	Middle Management Services
PSCBC	Public Service Co-ordinating Bargaining Council
SMS	Senior Management Services
TVETC	Technical and Vocational Education and Training College

## B. Glossary of Terms

TERM	DEFINITION
COMPONENT	A part that makes up the Department at various levels, i.e. Head Office, Regional Offices and Colleges.
DELEGATED AUTHORITY	The allocation of a power conferred or a duty imposed on a Director/Principal Functionary to a Delegated Official – to entrust power or a duty to somebody else.
DEPARTMENT	Department of Higher Education and Training consisting of Head Office, Regional Offices and College components.
EMPLOYEE	A person appointed in terms of the Public Service Act, 1994 as amended as well as in terms of Employment of Educators Act, excluding an Independent Contractor, who works for another person or for the State and receives, or is entitled to receive remuneration.
EMPLOYER	Department of Higher Education and Training
LECTURER	Any person, who teaches, educates or trains other persons or who provides professional educational services at a college.
LINE MANAGER/ SUPERVISOR	A person with direct managerial responsibility for a particular Employee.

<b>NATURAL DISASTER</b>	A geophysical event over which man has no control and is usually of such magnitude as to cause disruption to, or loss of human life.
<b>PERSONAL DEVELOPMENT</b>	Activities aimed at developing the knowledge, skills and attributes of an employee that are agreed to be necessary to achieve the output of the job.
<b>PRINCIPAL</b>	The accounting officer of the College

## **1. BACKGROUND AND INTRODUCTION**

### **1.1 Policy Statement**

The Special Leave Policy is to assist with creating a supportive environment for employees, and as such to enhance their contribution to ensure effective and efficient service delivery. To meet the objectives of granting Employees Special Leave, it is essential that Line Managers manage and monitor leave as part of their daily activities.

### **1.2 Legislative Framework**

- 1.2.1 Public Service Act of 1994, as amended;
- 1.2.2 Labour Relations Act, Act 66 of 1995, as amended;
- 1.2.3 Basic Conditions of Employment Act, Act 75 of 1997, as amended;
- 1.2.4 ELRC Resolution 7 of 2001;
- 1.2.5 Public Service Regulations 2016, as amended;
- 1.2.6 Senior Management Service Handbook in the Public Service 2003;
- 1.2.7 Continuing Education and Training Act, Act 16 of 2006, as amended (formerly known as the Further Education and Training Act, Act 16 of 2006, as amended);
- 1.2.8 PSCBC Resolution 1 of 2007;
- 1.2.9 Department of Public Service and Administration Determination and Directive on Leave of Absence in the Public Service June 2018, as amended;
- 1.2.10 PSCBC Resolution 1 of 2012;
- 1.2.11 ELRC Collective Agreement 1 of 2013;
- 1.2.12 GPSSBC Resolution 3 of 2014;

1.2.13 DHET Delegations of Authority according to the Public Service Act, Act 103 of 1994 and Public Service Regulations of 2016, as amended; and

1.2.14 DHET Labour Relations Manual.

## **2. POLICY PURPOSE, OBJECTIVES AND PRINCIPLES**

### **2.1 Purpose**

The purpose of this Policy is to provide a fair and justifiable basis for the administration and management of special leave entitlement to all employees.

### **2.2 Objectives**

2.2.1 To regulate and provide standard procedures for managing and monitoring employees' special leave;

2.2.2 To advise on all types of special leave and circumstances under which the Employer may consider authorising an employee's leave of absence from work; and

2.2.3 To ensure that Supervisors/Line Managers and employees share a common understanding in dealing with matters of special leave.

### **2.3 Principles**

2.3.1 Fairness and Transparency;

2.3.2 Confidentiality;

2.3.3 Professionalism and Credibility;

2.3.4 Consistency; and

2.3.5 Integrity.

## **3. SCOPE OF APPLICATION**

This Policy applies to all employees of the Department.

## 4. POLICY PROVISIONS

### 4.1 Study Leave

#### 4.1.1 PAM 2003 par 18 SPECIAL LEAVE FOR EXAMINATION

##### PURPOSES:

An educator may be granted special leave for examination purposes with full pay for each day on which such educator sits as a candidate for an examination approved for this purpose by the employer plus one additional day of special leave for study purposes for each such day of examination which may be taken on the working days immediately prior to the days of examination.

4.1.2 Study Leave may be granted to an employee for an approved course of study, on conditions and for a period approved by the Employer, including leave with full or without pay.

4.1.3 **Two (2) Working Days** study leave shall be granted for study purposes for examination preparation and/or research for portfolio of evidence. These two (2) days shall be in line with 5.4.6 of the Bursary Policy.

4.1.4 Where more than one examination is written on the same day or more than one portfolio of evidence is due, the employee may not claim an additional day of Study Leave. In other words, only two (2) study days in preparation for the examination and/or research for portfolio of evidence is available.

4.1.5 Where an examination/portfolio of evidence takes place on the Monday, the Thursday and Friday prior to the Monday may be taken for study purposes.

4.1.6 Special Leave with prior approval for full-time study may be granted in respect of:

Studying at a recognised educational institution within the Republic or abroad and the employee shall be effectively on leave without pay for the duration of the studies to afford the Department to appoint a substitute on contract to ensure that service delivery is not adversely affected during absence to pursue the studies.

- 4.1.7 Special Leave for Study Purposes, part-time study, research and/or pre-admission work up to the level of M-degree is limited to **ten (10) Working Days** per annum and may be granted in respect of:
- (a) Part-time studies and/or studies by means of correspondence when leave is required for essential preparatory or research work;
  - (b) Research work and/or writing of a thesis for a postgraduate qualification;
  - (c) Attendance of a preparatory course with the view to sitting for a qualifying examination to obtain admission to a particular field of study;
  - (d) Practical work required as a prerequisite for registration in a particular profession; or
  - (e) Any other prerequisite for a qualification as stipulated by a recognised educational institution.
- 4.1.8 Special Leave for Study Purposes, for research work (thesis) at Doctoral level is limited to **twenty (20) Working Days** per annum and may be granted.
- 4.1.9 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 (8) hours he/she is absent from his/her place of work, if the Employer is satisfied that the studies are in the interest of the Employer/Public Service. This is based on a 50/50 study leave basis.
- 4.1.10 Study leave shall only be granted to an employee who complies with the circumstances as set out above, when that employee provides the Department with the necessary proof.
- 4.1.11 Although it is the responsibility of the supervisor to manage the process, accountability is vested both in the employer and employee.

## 4.2 Examination Leave

Special Leave for Examination Purposes is applicable to all employees who are studying towards gaining a qualification which shall be to the benefit of the Employer and the Public Service Sector.

- 4.2.1 Special Leave with full pay may be granted to an employee for the day on which he/she sits for approved examination or must submit portfolio of evidence.
- 4.2.2 Special Leave may only be granted for bona fide final examinations. For the purpose of this Policy, final examinations include all examinations/portfolio of evidence that lead to the conclusion of a subject (including semester courses).
- 4.2.3 Examination Leave may only be applied **once** in respect of a re-examination or an examination in which the employee has failed previously and has to repeat.

## 4.3 Sabbatical Leave

Sabbatical Leave is applicable to Middle Management Staff (MMS) and Senior Management Staff (SMS) only.

- (a) Sabbatical Leave is granted to create an opportunity for SMS and MMS members who qualify to facilitate special study research and teaching (that does not necessarily lead to the attainment of a qualification) in order to improve his/her ability to discharge effectively his/her management and/or service obligations in the DHET and to enhance service delivery in the Department or the Public Service.
- (b) SMS and MMS members may be granted Sabbatical Leave for a maximum period of six (6) continuous months after at least ten (10) years' continuous Public Sector Service and satisfactory performance at SMS and MMS level with the Public Service.
- (c) The maximum period may only be granted where there are very clear learning programmes or research proposals with defined deliverables.
- (d) The employee to whom Sabbatical Leave was granted shall immediately after the period of Sabbatical Leave resume his/her duties and is contractually bound to serve the Department for a period equal to the Sabbatical Leave taken.



- (e) An official is allowed to be appointed in the acting capacity against the post of the SMS and MMS member who is on Sabbatical Leave, although the post is not vacant.

#### **4.4 Professional and Personal Development and for Religious Observances**

Special Leave for Professional and Personal Development and for Religious Observances up to a maximum of three (3) working days per annual cycle may be granted to Lecturing staff as per the ELRC and PS staff. Special Leave may be declined due to operational requirements.

#### **4.5 Sports, Cultural and Other Events**

Special Leave with full pay, may be granted to an employee who is selected by an acknowledged/recognised sport association to represent at:

- (a) National level: up to a maximum of thirty (30) Working Days per annum; and
- (b) Provincial level: up to a maximum of twenty (20) Working Days per annum.

#### **4.6 Resettlement Due to Transfer**

An employee transferring from one Department/Region to another will be granted **two (2) Working Days** leave to supervise the packing/loading and unloading/unpacking of personal effects.

#### **4.7 Special Leave for Trade Union Activities**

- 4.7.1 An employee who is an office bearer or shop steward of a recognised trade union shall have **up to fifteen (15) Working Days** paid leave for activities initiated by the trade union. Where there's more than one (1) shop steward in a recognised trade union, the leave days shall be pooled as per the DPSA Leave Determination.
- 4.7.2 In other words if there are ten (10) shop stewards in the Department of which four (4) belong for example to PSA and six (6) to Nehawu:

- (a) The fifteen (15) working days of each of the four (4) shop stewards belonging to the PSA will be pooled into a pool of sixty (60) working days (4 x 15);
- (b) The fifteen (15) working days of each of the six (6) shop stewards belonging to Nehawu will be pooled into a pool of ninety (90) working days (6 x 15) (par 6.3 of Leave Determination June 2018).

4.7.3 Proof must be submitted for each application.

#### 4.8 Scholarship

An employee who has successfully applied for a scholarship for a period of more than six (6) months will be awarded leave without pay for the duration of the scholarship. He/She will return to his/her post upon completion of the scholarship. The unit where the employees is working may be allowed to fill the vacancy on a contract basis until the permanent occupant of the post returns to his/her post.

#### 4.9 Miscellaneous

4.9.1 Special leave with full pay may be granted to an employee when:

- (a) He/She is absent from duty as a result of segregation or **isolation** on medical instructions where he/she was in contact with a person who has contracted, or is suspected of having contracted, an infectious or contagious disease. The granting of special leave shall be subjected to the submission of a certificate by a registered medical practitioner indicating the period of and the reason for segregation or isolation.
- (b) In a case of a **physically challenged** person, who has to attend a recognised orientation course for the **blind**, or a recognised training course in handling a guide dog.
- (c) The area in which he/she works or normally resides is struck by a **natural disaster** and the Delegated Authority is satisfied that it is impossible for the person concerned at the time to report for his/her official duties and/or utilise the employee's services elsewhere.

- (d) At the discretion of the Delegated Authority, there are situations that may pose **dangerous to life**, in the area in which the employee is working and prevents the employee from carrying out his/her duty.
- (e) An employee is **not regarded as being absent** from duty in the following instances:
- (i) When he/she appears as a witness in any of the following:
    - In a court case;
    - In a misconduct case in terms of the law before a commission or committee of inquiry appointed by the State at an inquest;
    - At a rent board inquiry, except if he/she is the initiator, in which case his/her absence from duty must be covered by the granting of vacation leave;
    - At an inquiry or investigation; and
    - Defendant or co-defendant in a civil court case arise from his/her official duties and which the State has a direct interest.
  - (ii) He/She is arrested or has to appear before a court of law on criminal charges and he/she is subsequently acquitted or the charges withdrawn. (If the person is not acquitted, it will be regarded as unpaid leave.)
  - (iii) He/She is appointed/called upon to assist with/monitor national or municipal elections.
  - (iv) He/She attends or participates in a training programme required by the Employer or the professional body with whom he/she is required to register in order to remain registered or with the approval of the Employer attends or participates in a training programme or other activity that is in the Employer's interest.
  - (v) He/She assists or represents an employee with permission during a disciplinary or misconduct inquiry or during an investigation into a complaint or grievance.
  - (vi) When he/she assists or represents an employee in a conciliation board so far as such a representative or nominee

is an employee in the same Department as the person referring the matter for conciliation/arbitration.

- (vii) He/She attends employer's recreational activities, e.g. choir; soccer etc.

4.9.2 An employee is **regarded as absent from duty** in the following instances:

- (a) As the aggrieved person during an investigation into his/her complaint or grievance;
- (b) As the person charged with misconduct during a disciplinary or misconduct inquiry; and
- (c) As the person utilising a conciliation board and or arbitration hearing.

#### **4.10 Rehabilitation for Substance Abuse**

Special Leave to the maximum of forty (40) Working Days per annum and per occasion, to a maximum of three (3) occasions may be granted to an Employee for the purpose of rehabilitation from drug and/or alcohol abuse subject to the following:

- 4.10.1 An Employee is referred for rehabilitation through an Employee Wellness Programme (refer to the DHET's Employee Wellness Policy) by his/her Supervisor/Line Manager/HR; or
- 4.10.2 An Employee approaches an Employee Wellness Programme co-ordinator/Department or chooses to seek medical assistance through a registered medical practitioner and/or a recognised institution of his/her own accord; or
- 4.10.3 An Employee is ordered by a court of law to attend a rehabilitation programme; and
- 4.10.4 The treatment is completed and a medical certificate and report is compiled and submitted to the Employer by a registered medical practitioner and/or a recognised institution dealing with rehabilitation from alcohol and/or drug abuse.

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 Director-General**

Accountable for effective implementation and adherence to the policy.

### **5.2 Director: HRMA**

5.2.1 Responsible for effective implementation, adherence and compliance to the policy; and

5.2.2 Leave compliance oversight.

### **5.3 Employees**

5.3.1 Sign attendance register daily;

5.3.2 Apply for leave in advance together with relevant documentary proof and in case of absence due to illness, submit within two (2) days of return; and

5.3.3 Use sick leave responsibly.

## **6. POLICY MONITORING AND EVALUATION**

This Policy shall be monitored by the Directorate responsible for HRM.

## **7. POLICY REVIEW**


This Policy shall be reviewed every three years, unless changes to Legislation and Ministerial Directives dictates otherwise.

## **8. DISPUTE RESOLUTION**

Any dispute arising out of the interpretation and/or application of this Policy shall be dealt with in terms of the DHET Labour Relations Manual.

## **9. POLICY APPROVAL SIGNATURE**

Signed at Pretoria on this 12 day of November 2021



**Dr Nkosinathi Sishi**

**Director-General: Department of Higher Education and Training**