



the dpsa

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TO ALL HEADS OF DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

Circular No 20 of 2020

NATIONAL STATE OF DISASTER:COVID-19: CIRCULAR ON UNUSED ANNUAL LEAVE OF THE 2019 ANNUAL LEAVE CYCLE AND THE END DATE OF ITS GRACE PERIOD

1. In response to the COVID-19 pandemic, the President of the Republic of South Africa has declared a national disaster, and subsequently a nationwide lockdown in terms of the Disaster Management Act, to prevent the escalation of the disaster or to alleviate, contain and minimise the effects of the disaster. The lockdown commenced on 28 March 2020. The easing of the lockdown will take place in a phased approach commencing with Level 4 lockdown with effect from 1 May 2020. There are no fixed timeframes to the introduction of each level. The introduction of the different levels are dependent on progress made with the containment of the spread of COVID-19.
2. Due to the nature of the role and responsibility of the public service, the public service did not shut down. Services continued to be provided to the 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 in terms of Regulation 10(8) of the Disaster Management Act Regulations. It is therefore common cause that the policies governing, among others, employee benefits such as annual leave continue to be relevant.
3. In terms of paragraphs 5 and 9 of the Determination and Directive on Leave of Absence in the Public Service -
 - 3.1. Employees are entitled to annual leave with full pay of either 22 or 30 working days during each leave cycle of 12 months, commencing on 1 January of each year.
 - 3.2. Annual leave should be planned and scheduled at least at the start of a leave cycle, i.e. January of each year.
 - 3.3. The remaining leave days, if any, must be taken no later than 6 months after the expiry of

the relevant leave cycle, where after unused leave credits shall be forfeited or paid out if the employee's application was declined owing to the employer's operational requirements and could not be rescheduled.

4. The DPSA has been inundated by enquiries from both departments and organised labour on the use and/or management of unused annual leave from the 2019 leave cycle and the end date of the grace period of this cycle, i.e. 30 June 2020 within the context of the lockdown. Departments are advised that the DPSA is currently investigating options relating to the concerns raised. The outcome will be communicated in due course.
5. In the interim, it is impressed upon departments that since the public service is operational despite the declaration of the nationwide disaster and subsequent lockdown, both the employer and employees should comply with the provisions of the Determination and Directive on Leave of Absence in the Public Service.
 - 5.1. Employees who have unused annual leave credits from the 2019 leave cycle to their credit must be advised in writing of these credits. These employees must be encouraged to apply for and utilise their annual leave.
 - 5.2. Whilst consideration of an employee's application for annual leave should take the service delivery requirements of a department into account, it should not be unreasonably refused.
 - 5.3. Departments may only cancel an employee's annual leave based on the employer's service delivery requirements or on the written request of the employee. Neither the employer nor an employee may cancel annual leave because of the declaration of the national lockdown.


Ms Yoliswa Makhasi
Director-General
Date: 19/05/2020