



the dpsa

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TO ALL HEADS OF DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

Circular No 30 of 2020

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

1. INTRODUCTION

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

- 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 ends on 30 June 2020.

2. SCOPE

- 2.1. This Determination and Directive is applicable to all employees that are employed either on full-time, part-time, permanent or temporary basis in terms of the Public Service Act and fall within the scope of the PSCBC.
- 2.2. This Determination and Directive is applicable *mutatis mutandis* to the Senior Management Service.
- 2.3. This Determination and Directive gives effect to PSCBC Resolution 1 of 2020.

3. AUTHORISATION

This Determination and Directive is made by the Minister for the Public Service and Administration in terms of the provisions of section 3(5)(a) and 5(6)(b) of the Public Service Act, 1994, as amended.

4. END DATE OF THE GRACE PERIOD OF THE 2019 LEAVE CYCLE

- 4.1. For purposes of the 2019 annual leave cycle, as a once off arrangement, it is determined that 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 requirements, such leave shall be paid at the end of the 24 month period.
- 4.2. This adjusted time line of 24 months will only be applicable for the leave of the 2019 annual leave cycle.

5. MANAGEMENT OF UNUSED ANNUAL LEAVE OF THE 2019 LEAVE CYCLE

- 5.1. The provisions contained in the Determination and Directive on Leave of Absence apply unless directed differently through this directive.
- 5.2. The Head of Department 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.
- 5.3. The Head of Department should be vigilant in the use of the unused 2019 annual leave credits. Likewise, departments should be vigilant in the scheduling and management of the 2020 annual leave.

- 5.3.1. Employees who have unused annual leave credits from the 2019 leave cycle to their credit must be advised in writing of these credits.
- 5.3.2. The Head of Department shall for his/her department produce a leave plan to schedule the timely use of unused annual leave credits from the 2019 leave cycle.
- 5.3.3. Employees must apply for their unused 2019 annual leave credits timeously. The Head of Department shall set a mandatory deadline for the submission of applications for unused annual leave credits of the 2019 leave cycle.
- 5.3.4. 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.
- 5.3.5. Refusal of an employee's application for his/her unused annual leave credits of the 2019 leave cycle must be confirmed in writing, stating the reasons and arrangements for rescheduling of the annual leave.
- 5.3.6. Unused annual leave credits of the 2019 leave cycle shall expire after 31 December 2020.
- 5.4. If, due to the employer's service delivery requirements, an employee's application for leave is denied and not rescheduled, such leave must, upon request, be paid out to the employee at the end of the grace period referred to above. An employee's request for payment of unused annual leave credits must be:
 - 5.4.1. in writing; and
 - 5.4.2. accompanied by written proof of refusal of leave by the Head of Department.
- 5.5. Employees who have been suspended as a sanction as a result of misconduct within the above-mentioned grace period and who could not utilise their unused 2019 annual leave credits, must upon request, be paid out such annual leave credits at the end of the said grace period. An employee's request for payment of unused leave credits must be:
 - 5.5.1. in writing; and
 - 5.5.2. accompanied by written proof of suspension.

6. ANNUAL LEAVE AND PAYOUTS

- 6.1. Requests for leave pay-outs referred to in paragraphs 5.4 and 5.5 above shall be lodged by no later than 31 January 2021. If an employee failed to apply for the payment of such unused leave credits at the aforementioned due date such unused leave credits shall be forfeited.

- 6.2. The leave pay-outs shall be computed according to the formula determined in the Determination and Directive on Leave of Absence.

7. REPORTING

- 7.1. In terms of paragraph 5.16 of the Determination and Directive on Leave of Absence in the Public Service, the Head of Department shall at the end of the 24 month period report to the relevant legislature in respect of the 2019 annual leave cycle on the number of employees denied annual leave, reasons for such denial and the amount paid in this regard.

- 7.2. Given that the end date of the grace period of the 2019 leave cycle is postponed to 31 December 2020, the above-mentioned report should be produced at that point. For purposes of Departmental annual reports for the period 1 April 2020 to 31 March 2021, the details outlined in paragraph 5.16 of the Determination and Directive on Leave of Absence in the Public Service must also be discussed in the annual report given the uniqueness of the disaster.

- 7.3. The DPSA will be required to report on Departments' management of the unused annual leave credits of the 2019 annual leave cycle. The following reports are thus required. These reports must be signed off by the Head of Department.

- 7.3.1. Report on the departmental annual leave plan and scheduling of unused annual leave credits for the 2019 leave cycle. This report must reach the DPSA by no later than 30 September 2020.

- (a) This report must provide the following details:

- (i) The number of employees whom have been identified with outstanding annual leave credits of the 2019 leave cycle.
- (ii) The occupational categories of the employees concerned.
- (iii) The total number of annual leave days and total monetary value, as well as the average number of leave days per employee and average monetary value of the annual leave concerned.

- (b) The report must include a certification by the Head of Department that a leave plan as contemplated in paragraph 6.3.2 above, has been produced.

- (c) The above-mentioned details must be tabulated in the following format:

Department of _____

2019 Cycle Unused Annual Leave Credits

Occupational Category	Total Number of Employees with 2019 Unused Annual Leave	Total Unused Leave Days 2019 Leave cycle	Total Rand value of 2019 unused leave days	Average Unused Annual Leave Days Per Employee	Average Rand Value of Unused Annual Leave
Grand Total					

- (d) A copy of the report plus the data in EXCEL must be emailed to the following email address:


COSCOVID-19@dpsa.gov.za

7.3.2. Report on the utilisation and management of the 2019 unused annual leave. This report must reach the DPSA by no later than 31 March 2021.

- (a) This report must provide the following details:
- (i) The number of employees who have applied for a leave pay-out for unused annual leave days.
 - (ii) The reasons for the disapproval of the employees leave applications.
 - (iii) An indication of the efforts made to have employees' annual leave rescheduled and the reasons why the Department was unable to reschedule the employee's annual leave.
 - (iv) The number of employees whose applications for a leave pay-out have been approved and declined, respectively.
 - (v) The reasons for the approval or refusal of the above-mentioned applications.
 - (vi) The occupational categories of the employees concerned.

- (i) The total number of annual leave days in respect of which applications for a leave pay-out was approved and the monetary value of the unused annual leave days to be paid out. The average number of leave days per employee and average monetary value of the annual leave to be paid out.
- (b) The above-mentioned details must be tabulated in the format outlined in Annexure A.
- (c) A copy of the report including a soft copy of the data in EXCEL must be emailed to the following address:

COSCOVID-19@dpsa.gov.za


MS YOLISWA MAKHASI
DIRECTOR-GENERAL
DATE: 03/08/2020

Annexure A

Report on the management of the 2019 unused annual leave											
Occupational Category	Total number of Employees who submitted an application for a leave pay-out i.e. 2019 Unused Annual Leave	Total number of Employees who have applied for leave pay-outs	The reasons for the disapproval of the employees leave applications	Total number of Employees whose application for a leave pay-out has been approved	Reasons for the approval of the leave pay-outs	Total number of Employees whose application for a leave pay-out has been declined	Reasons for the refusal of leave pay-outs	The total number of annual leave days in respect of which applications for a leave pay-out was approved	Total Rand value of the unused annual leave days to be paid out	The average number of annual leave days in respect of which applications for a leave pay-out was approved	The average Rand value of the unused annual leave days to be paid out