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**Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA**

Private Bag X916, PRETORIA, 0001 Tel: (012) 336 1000, Fax (012) 326 7802
Private Bag X9148, Cape Town, 8000. Tel: (021) 467 5120, Fax (021) 465 5484

Enquiries: Mr. D van der Westhuizen
Tel No (012) 336 1295
Facsimile: 0866178791
File: 17/8/P

TO HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

**THE AMENDED DETERMINATION ON LEAVE OF ABSENCE FOR THE PUBLIC SERVICE:
IMPLEMENTATION OF PSCBC RES 1 OF 2012 AND OTHER POLICY ASPECTS**

1. Following the conclusion of PSCBC Resolution 1 of 2012 and the need address specific policy aspects, the Minister for Public Service and Administration has determined and directed in terms of sec 3(5)(a) and 5(6)(b) of the Public Service Act, 1994, as amended,
 - 1.1. the amendment of the Determination and Directive on Leave of Absence in the Public Service (hereafter referred to as the Leave Determination).
 - 1.2. that the amended provisions in the Leave Determinations be extended and applied to the Senior Management Service.
2. The amended Leave Determination is attached for your further attention. The Determination is also available on the DPSA website www.dpsa.gov.za.

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3. The following salient aspects are addressed in the Leave Determination:

3.1. INCREASE IN THE ANNUAL LEAVE ENTITLEMENT.

3.1.1. The applicable annual leave categories have been amended to provide for the increase in the annual leave entitlement for employees having 10 and more years of service. To this end your attention is invited to the following consequential changes in the leave categories contained in the Leave Determination:

(a) The re-categorisation of the annual leave category for non-teaching staff based at schools/institutions to provide for employees having less than 10 years service and those who have 10 years and more service.

(b) In the light of the increase of the annual leave entitlement to 30 working days, the provisions that dealt with the annual leave of employees who were taken over from the former Provincial Administrations and Development Boards became superfluous and are thus deleted.

3.1.2. Since the annual leave entitlement is increased in the course of the 2012 annual leave cycle, Departments are urged to review leave schedules with the aim of ensuring that employees utilise their leave entitlement before the end of June 2013 (that is the end of the grace period for the 2012 leave cycle) and to avoid unnecessary claims for leave payouts.

3.1.3. A new Part 3 was added to the Leave Determination to provide Departments with implementation notes on the application of the Determination.

3.2. SHOP STEWARDS LEAVE.

3.2.1. Leave for shop stewards of recognised trade unions will be increased from 10 to 15 working days in a leave cycle with effect from 1 January 2013. The 15 working days shall be pooled per recognised trade union.

3.2.2. It is incumbent on the Head of Department to appoint an administrator of the pool and develop standard operating procedures to ensure that the utilisation of the pool is properly managed, recorded and monitored to ensure that the leave days available in the pool is not exceeded and/or abused.

3.3. FAMILY RESPONSIBILITY LEAVE.

3.3.1. Employees will be eligible to family responsibility leave with effect from 1 January 2013 on the following basis:

- (a) 5 working days family responsibility leave per annual leave cycle for utilisation if the employee's spouse or life partner gives birth to a child; or the employee's child, spouse or life partner is sick; and
- (b) 5 working days leave per annual leave cycle for utilisation if the employee's child, spouse or life partner dies; or an employee's immediate family member dies.

3.4. PRE-NATAL LEAVE.

A pregnant employee will be, with effect from 1 January 2013, entitled to 8 working days pre-natal leave, per pregnancy, allowing the employee to attend medical examinations by a medical practitioner or midwife, and tests related to the pregnancy.

3.5. MANAGEMENT OF LEAVE FOR SHIFT WORKERS.

Following increased requests by departments employing shift workers for assistance with the management and administration of their leave the Determination has been supplemented with specific provisions related to annual leave and sick and incapacity leave to facilitate the management and administration of shift workers leave.

3.6. MANAGEMENT OF A DECEASED EMPLOYEE'S APPLICATION FOR TEMPORARY INCAPACITY LEAVE.

Provisions have been added to deal with the temporary incapacity leave applications of an employee who passes away before s/he could submit an application for temporary incapacity leave or if submitted, passes away before or while his/her application for temporary incapacity leave is in the process of being submitted for assessment to the Health Risk Manager.

3.7. ADOPTION LEAVE.

The provisions on adoption leave were enhanced for purposes of interpretation and application-

- (a) As to indicate when a child is regarded to be adopted;
- (b) The entitlements of the committing parents in a surrogacy arrangement.

3.8. POLICY UPDATE TO FACILITATE PROPER POLICY APPLICATION

The opportunity was also utilised to update the Determination with definitions and good practices related to better facilitate and manage leave of absence in the Public Service. To this end your attention is drawn to the following changes/insertions:

- 3.8.1. Definitions for the concepts of child; a work day; and month were included.
- 3.8.2. Explicit provision for the scheduling of leave was inserted, working days for shift workers was refined and the procedure for submission of annual leave applications was inserted.
- 3.8.3. Departments' responsibility to keep manual records of annual leave utilised for part of a day is inserted and the formula for the conversion of fractions into hours modified.
- 3.8.4. Provision for employees to forfeit their unused leave credits if no application for payment is received by 31 July is inserted and the formula for computing of leave payment modified.
- 3.8.5. The omission in the formula for computing leave payout of personnel with capped and audited leave credits is rectified.
- 3.8.6. Provision for the calculation of the duration of employment has been inserted.
- 3.8.7. Provisions were expanded to accommodate the electronic application for leave through the IFMS system.
- 3.8.8. The computation examples in Annexure B to the Determination were updated to be in line with changes in the main document.
- 3.8.9. A new Part 3 is included in the Leave Determination, which will provide additional application notes on the application of the Leave Determination.

3.9. DURATION OF EMPLOYMENT

- 3.9.1. In order to ensure that sec 84 of the Basic Conditions of Employment Act, 1997, as amended, is applied and complied with in the public service, and to recognise the purpose of sec 14 A of the Public Service Act, a provision was added to facilitate this. The provision has been amplified with examples to demonstrate the application practically.

3.10. THE IMPLEMENTATION OF THE INTEGRATED FINANCIAL MANAGEMENT SYSTEM (IFMS)

- 3.10.1. The IFMS programme is a joint initiative between DPSA, National Treasury and SITA to modernize and integrate the Public Service's transverse information technology (IT) systems. The objective is to enhance the integrity and effectiveness of financial management, human resource management, supply chain management, performance reporting, etc. in the Public Service in order to support effective service delivery.
- 3.10.2. In accordance with the implementation plan the DPSA as well as the Free State Provincial Administration are lead sites. After the IFMS has been implemented in the lead sites full roll-out across the Public Service will commence in a phased approach. The implementation of the IFMS brings with it fundamental changes in the way of work which require some alignment with policies to ensure the correct implementation/application on the system.
- 3.10.3. A new Part 2 is included in the Leave Determination providing explanatory notes that are important in the implementation of the IFMS in relation to the Leave Determination.



DIRECTOR-GENERAL

DATE: 10/10/2012