



the dpsa

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TO HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

DURATION OF EMPLOYMENT – PERSAL NOTICE NUMBER 322

1. In terms of Section 84 of the Basic Conditions of Employment Act (the BCEA), 1997, as amended, for the purposes of determining the length of an employee's employment with an employer, previous employment with the same employer must be taken into account if the break between the periods of employment is less than one year. The DPSA has been advising Departments consistently on its application and implementation in relation to the leave provisions.
2. Given the increasing number of enquiries received it was deemed prudent to incorporate the provisions in the amended Determination and Directive on Leave of Absence in the Public Service issued in August 2012. To implement this provision National Treasury had to modify the leave system on PERSAL. The process has now been finalised and culminated in the issuing of PERSAL Notice Number 322. A copy of PERSAL Notice Number 322 is attached for ease of reference.
3. The DPSA want to reiterate that the provision of Section 84 of the BCEA must be complied with strictly in all instances where an employee's break between the periods of employment is less than one year.
4. It must be noted that the Public Service was aligned with the requirements of the Basic Conditions of Employment Act, 1997 and matters incidental thereto with effect from 1 July 2007 through Resolution 1 of 2007 which means that the provision of Section 84 became applicable from the aforementioned date.


Mr M Diphofa
Director-General
Date: 05/08/2014

CC Chief Director/Director: Human Resource



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ALL PERSAL CONTROLLERS

PERSAL NOTICE NUMBER 322

DURATION OF EMPLOYMENT – CONTINUOUS LEAVE (REVISED)

PERSAL Notice 317 has reference. Paragraphs regarding an error message and family responsibility leave were added to the original PERSAL Notice.

1. Background

With the amendments that the DPSA has made to the "**Determination and Directive on Leave of Absence in the Public Service**" in August 2012, PERSAL had to modify the leave system to make provision for paragraph 29.3 Duration of Employment.

The paragraph stipulates that "For purposes of determining the length of an employee's employment with an employer for purposes of annual leave, normal sick leave and family responsibility leave, previous employment in the public service must be taken into account if the break between the periods of employment is less than one year. This principle applies in respect of each break in service that occurs in the career of an employee."

To make provision for these cases on PERSAL where the break in service is less than 1 year, leave will be regarded as continuous and leave accruals will be calculated taking into consideration the period and employee's will be penalized for the break in service with regard to vacation leave, sick leave and family responsibility leave.

The system will give an error message (Continuous leave advice might be applicable, press PF9 to continue) when a re-appointment is done on the same Bureau and the break in service is less than 1 year. When the re-appointment is done over Bureau's, the previous leave information will have to be transmitted first from the previous Bureau after which the user can change the appointment date back to the original date and then load the continuous leave advice.

2. Changes to PERSAL functions

Users will have two options to capture the Continuous leave advice:

2.1 #4.2.5 Create: Assumption of Duty II

When the leave record is created with #4.2.5 (Assumption of duty II), the user will have an option to indicate if a Continuous leave advice must be loaded when the user has captured the original leave qualifying date.

When the user makes this choice, the system will keep the previous leave record and re-calculate leave credits from the original leave qualifying date.

2.2 #4.5.4 Leave

Users can also capture Continuous leave at #4.5.4 (Leave) with Leave category 62 (Continuous leave) and Leave sub-category 225 (Continuous leave). However please take note that the leave qualifying date must first be changed at #4.5.13 (Amend: Yearly Leave) and the history leave accrual codes for leave and sick leave (if applicable) must be captured. The system will then calculate the leave credits from the amended leave qualifying date.

At this function users must capture the Continuous leave advice as a full period. The system will validate if the start date is 1 day after the previous termination and if the end date is 1 day before the current appointment date on the service record. If the continuous leave period spans over a calendar year, the system will automatically split the advice in two parts to ensure that the leave credit calculations are correct.

Users will also be allowed to capture history accrual codes to facilitate the capturing of Continuous leave at a later stage should it be required.

When family responsibility leave (Category 57) and Sub-category 570 (Birth/Sickness) or Sub-category 571 (Death of family member) is captured at #4.5.4 (Leave) for an employee who has continuous leave, the system will reduce the family responsibility with 5/24 or 0.42 days for every 30 days continuous leave taken.

2.3 #4.7.1 Service Termination

When doing a service termination and leave credits have already been over granted to the employee in the applicable leave cycle, the system will give an error message to indicate that an over grant took place and the user must then press "PF9" to accept the advice. The system will display this over grant of vacation leave credits at #6.8.10 (Enquiry: Suspense File Transactions) and #6.9.10 (Enquiry: Transaction File Transactions) as well as on the outstanding liability exception report that is automatically generated with a service termination.

When one of these employees are appointed again with a break of less than 1 year, the system will ignore the over granted days when re-calculating the leave credit. The system will presume that the recovery of the leave debt took place in accordance with the provisions as expounded in the Treasury regulations.

3. New Leave Function

#4.5.24 Leave Audit

This function can be used to audit an employee's leave credits and leave accruals for example when leave advices have been transferred from another bureau and a user is not sure that the information is correct. The function will use the information available on the PERSAL leave system to re-generate leave accrual history and re-calculate leave credits using the leave history on the system.

If the PERSAL number is entered at the function, the system will validate against the leave accruals captured on the system if the leave credits are correct. If the credits are correct according to the audit program, a message will be displayed to inform the user in the command line that the data is correct. The function will, if any differences are found, write appropriate transactions to the suspense file as proof that the credits/accruals have changed, for the specific PERSAL number.

However, if users expect the outcome to be different and the function indicates that the data is correct, the user should investigate and advise any outstanding data that is not available on PERSAL.

4. Any queries regarding the duration of employment – continuous leave must please be forwarded to the **Logik Contact Centre** at telephone number (012)657 4444 or PERSALLOGIK@Treasury.gov.za.
5. We rely on your co-operation in ensuring that the contents of this notice are distributed to all parties concerned.



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