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TO HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

THE AMENDED DETERMINATION AND DIRECTIVE ON LEAVE OF ABSENCE IN THE PUBLIC SERVICE: IMPLEMENTATION OF PSCBC RESOLUTION 2 OF 2015 AND OTHER POLICY ASPECTS

1. Following the conclusion of PSCBC Resolution 2 of 2012 and the need to address specific policy aspects, the Minister for Public Service and Administration has determined and directed in terms of Section 3(5)(a) and 5(6)(b), respectively, 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 Determination be extended and applied to the Senior Management Service.
2. The amended Leave Determination is attached for your further attention. The Leave Determination is also available on the DPSA website at www.dpsa.gov.za.
3. You will note from the Leave Determination that I have also utilised the opportunity to address other policy issues. The following aspects are addressed in the Leave Determination:

3.1. IMPLEMENTATION OF PSCBC RESOLUTION 2 OF 2015

- 3.1.1. It was concluded in this collective agreement that the following leave provisions be introduced with effect from 20 May 2015, i.e. the date of signing of the agreement:

- (a) Family Responsibility leave of five (5) working days for employees with children with severe special needs. For this purpose a child with severe special needs is a child who has a mental, emotional or physical disability, certified by a medical practitioner which require health and related services of a type or amount beyond that required by children generally (Refer to clause 4 of the collective agreement).
- (b) Paternity leave of three (3) working days for utilisation if the employee's spouse or life partner gives birth to a child or adopts a child not older than two (2) years (Please refer to clause 5 of the collective agreement).


3.1.2. To provide for the new leave type, i.e. Paternity Leave, the current leave form Z1(a) will be reviewed and amended. Correspondence in this regard will be issued in due course.

3.2. POLICY UPDATE TO FACILITATE PROPER POLICY APPLICATION AND/OR COMPLIANCE

3.2.1. This opportunity was also utilised to update the Leave Determination to better facilitate and manage leave of absence in the Public Service. The following changes were effected to the Leave Determination:

- (a) In accordance with paragraph 23.4.2 of the Leave Determination an employee is entitled to five (5) working days family responsibility leave if the employee's immediate family member dies. For the purposes of the aforementioned paragraph the term immediate family is defined to include parent and adoptive parent as well as child, adopted child, stepchild, grandchild or sibling. The definition draws a link between parent and child and adoptive parent and adopted child however the same link is not drawn between step-parent and stepchild as the definition allows for stepchild but not step-parent. To ensure consistency the inclusion of step-parent is thus required. Please refer to the amendment in paragraph 23.5 of part 4 of the Leave Determination.
- (b) The current provisions contained in paragraph 22 of part 4 of the Leave Determination provide for Adoption and Surrogacy Leave. However, it was omitted in the case of temporary employees whose leave conditions are governed by paragraph 29.4 of the Leave Determination. To ensure consistency in paragraph 29 and to be in keeping with PSCBC Resolution 1 of 2007 paragraph 29.4 has been amended to include Surrogacy Leave.
- (c) The provisions of paragraph 29.7 of the Leave Determination allows specific terms and conditions to be applicable *mutatis mutandis* to temporary employees. With the amendment of the Leave Determination in 2012, due to an administrative oversight, paragraph 15, which provided for temporary incapacity leave to be applicable to temporary employees, was omitted. To rectify the omission in paragraph 29.7 of Part 4 of the Leave Determination, the correct reference has been included.

- (d) Annexure B of the Leave Determination contains computed examples for the calculation of leave payout. Example 9 on Annexure B deals with the calculation of unpaid leave as provided for in paragraph 27 of the Leave Determination. In accordance with the formula in paragraph 27 unpaid leave must be calculated in calendar days. In defining the formula in Example 9 it is erroneously stipulated that unpaid leave must be calculated as working days which is contrary to the provision as contained in paragraph 27 of the Leave Determination. Example 9 on Annexure B has been corrected.


MR M DIPHOZA
DIRECTOR-GENERAL
DATE: 21 July 2015