



the dpsa

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TO HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

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IMPLEMENTATION OF LEAVE PROVISIONS AS IT PERTAINS TO INTERNS

1. The Minister for Public Service and Administration has determined in paragraph 5.2 of the *Determination on Interns*, that Interns receive the same leave provisions applicable to contract employees as stipulated in paragraph 29 of the *Determination and Directive on Leave of Absence in the Public Service*. Interns thus qualify for Annual, Sick, Maternity, Adoption, Pre-natal and Paternity leave. Paragraph 29.7 also determines that the terms and conditions attached to the aforementioned leave provisions is applicable to them. It therefore follow that an Intern, among others, in terms of—
 - 1.1. Paragraph 5.14 of the *Determination and Directive on Leave of Absence in the Public Service* is eligible to a leave payout at the end of a leave cycle in the event where his/her annual leave application was denied due to service delivery requirements and could not be rescheduled as a result.
 - 1.2. Paragraph 9.1 of the *Determination and Directive on Leave of Absence in the Public Service* is eligible to a leave pay out at termination of service, e.g. at the end of the Internship.
 - 1.3. Paragraph 13 and 18.5, respectively of the *Determination and Directive on Leave of Absence in the Public Service* is eligible to retain his/her annual leave and sick leave credits, respectively, when s/he secures a fixed term contract or permanent employment without a break in service.
 - 1.4. Paragraph 30.6 of the *Determination and Directive on Leave of Absence in the Public Service* is eligible to have their previous employment in the public service taken into account if the break between the periods of employment is less than one year.
2. It was brought to the DPSA's attention that Departments experience, among others, the following challenges regarding Interns leave and in particular their annual leave:
 - 2.1. The leave qualifying date where Interns obtain a contract or permanent position.
 - 2.2. The payment of leave credits on obtaining a contract or permanent position.
 - 2.3. The forfeiting of leave at the end of the Internship.

- 2.4. The duration of employment if Interns obtain a contract position or a permanent after a break in service of less than 12 months.
 - 2.5. Interns being appointed incorrectly on the Persal system.
3. The DPSA has investigated the above-mentioned challenges to establish the root cause thereof. It has been established that-
- 3.1. After the publishing of the Determination on Interns a document *Guidelines on Implementing a Determination on Interns* has been issued which seemingly contained conflicting information. Whilst access to the Guide was disabled on the DPSA website it could still be retrieved through the use of search engines on the internet. This among others gave rise to some of the challenges referred to above.
 - 3.2. Whilst the challenges raised by the departments are regulated in the *Determination of Leave of Absence in the Public Service*, Departments just failed to interpret the policy correctly. The challenges were/are further compounded by Departments' administrative inaccuracies since they are utilising the wrong appointment codes when appointing Interns on Persal, despite the guidance National Treasury provided through its Persal Notice Number 290.
4. To resolve the challenges raised above Departments are reminded to –
- 4.1. Refrain from using the *Guidelines on Implementing a Determination on Interns* as it has been disabled for use by Departments.
 - 4.2. Use the correct appointment codes and follow the guidance provided in the Persal Notice 290 on the appointment of Interns on Persal. By using the correct appointment codes the challenges currently experienced with Interns leave will disappear as the leave provisions will be corrected programmatically on Persal.
 - 4.3. Effect on Persal the transfer of an Intern when the Intern has secured either a permanent or fixed term contract appointment, following the Internship or part of the Internship, in the same or another Department and not to terminate the Intern's services.
 - 4.4. Comply with the provisions of the *Determination and Directive of Leave of Absence in the Public Service*, e.g.-
 - 4.4.1. to pay out an Intern's unused annual leave when it could not be utilised and rescheduled due to the Department's service delivery requirements as contemplated in paragraph 5.14 of the said Determination;
 - 4.4.2. to pay out an Intern's unused leave at termination of service as contemplated in paragraph 9.1 of the said Determination; and
 - 4.4.3. to adhere to the provisions contained in paragraphs 13 and 30.6, respectively of the *Determination of Leave of Absence in the Public Service* to ensure that the Interns retain their unused annual leave when transferred to a permanent/fixed term contract position in the same or another department or returns to the Public Service within a period of less than 12 months.


 DIRECTOR-GENERAL
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