

# KZN DEPARTMENT OF EDUCATION



## LEAVE MEASURES

# TYPES OF LEAVE

- Annual Leave
- Sick Leave
- Temporary INCAPACITY Leave
- Permanent Incapacity Leave
- Leave for Occupational Injuries
- Pre-Natal Leave
- Maternity Leave
- Paternity Leave
- Surrogacy Leave
- Adoption Leave
- Family Responsibility Leave and Special Leave
- Leave for Union Office Bearers / Shop Stewards
- Special leave for Prof & Personal Development & Religious Observances
- Special Leave for Study / Exam
- Special Leave for Sporting, Cultural & Other Events
- UNPAID Leave

# 1. ANNUAL LEAVE

Leave cycle – 01 January to 31 December

NON-EDUCATORS



Admin Clerks, Cleaners,  
Groundsman etc

## Office based

22 working days ~ Less than 10 yrs  
30 working days ~ More than 10 yrs

## Institution Based

27 working days ~ Less than 10 yrs  
30 working days ~ More than 10 yrs

*(22 days taken during school holidays &  
5 or 8 days leave, when Institution is in operation)*

- Capped leave: prior to 2001

# **1. ANNUAL LEAVE**

Leave cycle – 01 January to 31 December

## **EDUCATORS**

### **Office based**

22 **working** days ~ Less than 10 yrs  
30 **working** days ~ More than 10 yrs

### **Institution Based**

- Regarded as being on leave during school closure periods
- Capped leave – prior to 2001

# **1. ANNUAL LEAVE**

Leave cycle – 01 January to 31 December

## **SHIFT WORKERS**

For the purpose of granting annual leave, working days shall mean Monday to Friday except for a shift worker for whom a working day means the day(s) she/he is scheduled for a shift in terms of their shift roster inclusive of Public Holidays, Saturdays and Sundays.

### **MANAGEMENT OF ANNUAL LEAVE FOR SHIFT WORKERS**

#### **UNPLANNED LEAVE**

8.4.1. the employee's annual leave is counted according to the work days the employee is scheduled for shifts;

8.4.2. he/she does not forfeit the off duty periods (conversely referred to as off days) that results from the design of the shift roster.

#### **PLANNED LEAVE**

8.5. If the employee applies for annual leave in advance in accordance with the leave schedule such leave must be taken into account in the scheduling of shifts. The employee must not be scheduled for (a) shift(s) for the duration of the period of annual leave in which case the granting of annual leave will be counted as working days which shall mean Monday to Friday.

# 2. NORMAL SICK LEAVE

## EDUCATORS & NON-EDUCATORS

**36 Working Days** (3yr cycle)

2019- 2021 = Current Cycle

2022- 2024 = Next Cycle

Sick leave 1-2 days can be submitted without a Med Cert (M/C).

*If the Employer establishes a trend, the employer must require the employee to submit a medical certificate for periods of sick absences of less than 3 days;*

➤ 3 days onwards M/C is compulsory

# SICK LEAVE Continued

## 8 week rule

- ❖ If employee has been absent from work on more than **two** occasions during an 8 week period, regardless of duration, a medical certificate must be submitted.
- ❖ Numerous short term absences may be indicative of abuse and M\C may be required

# SICK LEAVE Continued

## COVID-19

### QUARANTINE PURPOSES:

- An EE may be granted Special Leave for COVID-19, if such EE is screened or tested bcos the EE Displays Symptoms; Has been exposed to / Came into contact with a person Positive for Covid
- If the EE Test negative – Special Leave shall be terminated.
- Max of 7 Days, unless longer period is recommend by Med Pract.  
Disaster Mgmt Act Feb 2022.

### EE TESTS POSITIVE FOR COVID:

- An EE may be granted **Sick Leave** for COVID-19, if such EE is tested Positive.
  - Asymptomatic persons are not required to isolate
- \*\*** *Supporting documents /Reasonable proof must be provided.*



# **3. TEMPORARY INCAPACITY LEAVE**

If an employee exhausts 36 days before the expiry of the 3 year cycle he/she must apply for ***Temporary Incapacity Leave*** (TIL) for every sick leave application

## ➤ **ONLY NEW ANNEXURES WILL BE ACCEPTED**

**Annexure A** - 1 to 29 days of leave with M/C & Appendix 1

**Annexure B** - 30 and more sick leave days with M/C

**\*\* *Medical Certificate is compulsory***

You may also submit any medical evidence related to the medical condition of the employee, such as (a) medical report(s) from a specialist, blood tests results, x-ray results or scan results, obtained at the employee's expense

- It is the responsibility of the Employee to ensure that these forms are FULLY completed and handed in timeously
- HR sends it to Alexandra Forbes Health Risk Management for assessment and recommendation.

## **4. PERMANENT INCAPACITY LEAVE**

If incapacity has been declared permanent in nature  
Processes of Ill-Health Retirement are initiated

### **NOTE**

**POLICY AND PROCEDURE ON INCAPACITY LEAVE AND ILL-HEALTH RETIREMENT (PILIR) – AUG 2021.**

**Only new Annexures will now be accepted – Circulated 19 Aug 2021**

Incapacity leave is not an unlimited number of additional sick leave days at an employee's disposal. Incapacity leave is additional sick leave granted conditionally at the employer's discretion .

There is no legal obligation on the part of the employer to grant incapacity leave.

# **5. LEAVE FOR OCCUPATIONAL INJURIES**

- Also known as Injury on Duty (IOD)
- Compensation Commission is involved in making a decision
- Special leave is granted in such cases

## **NOTE**

- Employee must immediately notify the Employer / Supervisor of the Accident / Injury. The Employer must within 7 days report the accident to the Compensation Commissioner.
- Assistance can be sought at the LEAVE SECTION of the Department

## 6. PRE-NATAL LEAVE

Effective from 01-01-2013 Only

A pregnant Employee will be entitled to 8 **working days** prenatal leave per pregnancy to attend to medical examination & Tests related to the pregnancy

### NOTE

An application for pre-natal leave should be supported by reasonable proof that the employee attended a doctor's appointment and/or went for tests related to the pregnancy.

## 7. MATERNITY LEAVE

Pregnant Employees are entitled to 4 consecutive months maternity leave.

Preferable leave to start at **least** 2 weeks prior to the expected date of delivery

## 8. PATERNITY LEAVE

3 working days per calendar year for Paternity leave if employee's spouse or life partner gives birth or adopts a child not older than 2 years.

# 9. ADOPTION LEAVE

An employee, who adopts a child that is younger than two years, shall qualify for adoption leave to a maximum of **45 working days.**

\* Can extend by applying for Annual Leave/Up to 184 days Unpaid Leave

## Requirements:

- Written proof of adoption
- Proof of the number of days applied for

*NB. If both parents are in public service – combined leave should not exceed 45 days.*

# 10. Surrogacy Leave

## ➤ Commissioning Parent

From 8 June 2018 commissioning parents qualify for **4 consecutive calendar months** leave commencing from the DOB of the child.

## ➤ Surrogate Mother

Surrogate mother is entitled to **6 consecutive weeks** leave commencing from the DOB of the child.

Supporting document – Surrogate motherhood Agreement that is confirmed by the High Court.

## NOTE

*If both parents are employed in the Public Service only one will qualify for Surrogacy Leave*

# 11. FAMILY RESPONSIBILITY LEAVE & SPECIAL LEAVE FOR UPA

## 5 days if

- child, spouse or life partner is **sick** or  
(EE's Child under the age of 18)
- employee's spouse or life partner gives birth

## 5 days if

- Child, spouse or life partner **dies** or
- Employee's immediate family member dies

(EE's Child in case of Death is Son/Daughter/  
(If applicable) Son/Daughter-in Law – Any age)

(Family member means EE's Parent, Adoptive Parent,  
Step Parent, Parents in law, Brother/Sister in Law,  
Grandparent, Child, Adopted/Step Child or sibling)



## **11. FAMILY RESPONSIBILITY LEAVE & SPECIAL LEAVE FOR UPA ... continued**

With Effect From 20 May 2015 – EE who has child/ren with **severe special needs** shall be granted **5 working days** FRL per calendar year.

**(Proof must be submitted to demonstrate severe special needs)**

### **NOTE**

The total number of FRL taken shall not exceed 14 days in a year for **Institution based educators**

*If educator utilized 2 days for sick child, he/she can utilize 12 days on UPA provided the requirements for UPA is met.*

- Capped leave / annual leave may be used
- Unpaid leave to a maximum of 184 days

*Subject to Approval*

## **12. LEAVE FOR UNION OFFICE BEARERS / SHOP STEWARDS**

Max of **15 working days** per year (WEF 1 Jan 2013)

- ✓ Applications must be submitted in advance and in writing & supported by necessary documentation
- ✓ Time off must not exceed 3 days at a time
- ✓ The constitutional right of the child should not be compromised.
- ✓ For every 7 hours of leave taken a leave form must be submitted

# 13. UNPAID LEAVE

Max of 184 consecutive days

***Leave must be approved before commencement***

# SPECIAL LEAVE FOR PROFESSIONAL & PERSONAL DEVELOPMENT & RELIGIOUS OBSERVANCES

- Activities aimed at professional development
- Activities aimed at personal development (in the interest of the department as well)
- Religious observances (1 Day)  
3 days per cycle

***Leave must be approved before commencement***

# **SPECIAL LEAVE FOR STUDY**

**HRM Circular 83 of 2011**

- Educators approved course of study
- Progress reports required
- Conditions of pay are determined by the approving authority
- Each application for study leave is considered on its own merits

# SPECIAL LEAVE FOR EXAM PURPOSES

- **1 Day** for exam &
- **1 day** for study purposes
  
- Additional leave may be taken from capped leave
- Documentary evidence to accompany leave application

# SPECIAL LEAVE FOR SPORTING, CULTURAL & OTHER EVENTS

- Participating in sports, cultural etc. – representation of a country, province, or other comparable level as an actual participants, referee, adjudicator, Coach or group leader etc.
- Service delivery requirements will be taken into consideration
- \* *Documentary evidence must accompany the application*

## TEMPORARY EMPLOYEES

A **TEMPORARY EMPLOYEE** is eligible to the following types of leave on a pro rata basis linked to the duration of his/her contract.

Annual leave

Normal Sick Leave

Maternity Leave

Adoption

Surrogacy Leave

Pre-Natal Leave (Effective from 1 January 2013 only)

Paternity Leave



# TO NOTE

- Proper leave records must be kept by the supervisor.
- The supervisor needs to report any absence to the HR Department – Leave Section.
- Leave Profiles must be maintained to monitor leave taking

# REFERENCES:

- NEW LEAVE DETERMINATION – AUG 2021
- PAM
- **POLICY AND PROCEDURE ON INCAPACITY LEAVE AND ILL-HEALTH RETIREMENT (PILIR) – AUG 2021**

**Only new Annexures will now be accepted –**

**As Circulated 19 Aug 2021**

- HRM 15 of 2011 – Roles & Resp relating to submission of leave forms & automatic discharge on account of misconduct.
- HRM 55 OF 2014 – **Amendment** to processes of HRM 15 (Signing of Termination letters)
- HRM 43 of 2017 – Adherence to Time-Frames for receipt & processing of TIL
- HRM 33 of 2018 – Institution of Incapacity Code & Procedures iro Employees on prolonged absence.

# CONTACT DETAILS OF SUPERVISORS IN LEAVE SECTION

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