

RESOLUTION NO 02 OF 2010

RATIFICATION OF COLLECTIVE AGREEMENT:

AGREEMENT ON SPECIAL LEAVE IN THE DEPARTMENT OF CORRECTIONAL SERVICES: AMENDMENT OF DBC RESOLUTION 01 OF 2002: FOR THE CHAMBER OF THE DEPARTMENT OF CORRECTIONAL SERVICES

Noting, the provisions of sub rule 10.5 and sub rule 10.6 of the Governance Rules, requiring Council to consider the ratification of an agreement in terms of sub rule 10.4

Also noting, the provisions of sub rule 10.7 of the Governance Rules on the status of such ratified agreement

Council in the meeting of the 20th May 2010 considered the agreement presented by the Chamber for ratification and agreed by decision of the Council to ratify such agreement.

This agreement therefore becomes an agreement of the Council for purposes of review and dispute resolution as per the provisions of the Governance Rules as from the date of ratification.

The Constitution of Council as per clause 16.13 determines the numbering of this Resolution.

Parties are required to ensure the implementation of the agreement as per sub rule 5.1.3 of the Governance Rules.

Date: 20th May 2010

Place: Centurion



Frikkie De Bruin
Secretary to Council



All correspondence must be addressed to the General Secretary

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**COLLECTIVE AGREEMENT NO 03/ 2008: CONCLUDED IN THE
DEPARTMENTAL BARGAINING CHAMBER FOR THE DEPARTMENT
OF CORRECTIONAL SERVICES.**

**[SPECIAL LEAVE POLICY: DEPARTMENT OF CORRECTIONAL
SERVICES: AMMENDMENT OF DBC RESOLUTION 01 OF 2002]**

Resolution Number:	03/ 2008
Date	08/12/2008

1. Objectives

The objective of this agreement is to:

- 1.1. Regulate special leave in the Department of Correctional Services.

2. Scope

This agreement is applicable and binding to the employer and employees:

- 2.1. Who are employed by the Department of Correctional Services;
- 2.2. Who fall within the registered scope of the DBC; and
- 2.3. All recognised Labour Organisations within the Department of Correctional Services.

3. Principles of the Agreement

The parties agree to the special leave policy as attached.

4. Implementation date

This agreement shall come into effect on the date of signing.


5. Dispute Resolution

Any dispute arising from the application and interpretation of this Agreement shall be dealt with in accordance with the dispute resolution procedure of the General Public Services Sectoral Bargaining Council [GPSSBC].


This done and signed at Centurion on this 08th day of December 2008 by the following representatives duly mandated by their respective organisations:

M.L.F
W.M.
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On behalf of the Employer

ORGANISATION	REPRESENTATIVE	SIGNATURE
Department of Correctional Services	M.F CHABA	

On behalf of Labour organisations

ORGANISATION	REPRESENTATIVE	SIGNATURE
POPCRU	M. SEBULOANE	
PSA		

This Agreement was confirmed and ratified by the GPSSBC on day of 2008.

ORGANISATION	REPRESENTATIVE	SIGNATURE
EMPLOYER		
POPCRU		
NEHAWU		
PSA		

M.F
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**AMENDED SPECIAL LEAVE POLICY
DEPARTMENT OF CORRECTIONAL SERVICES**

A. SPECIAL LEAVE FOR STUDY / AND EXAMINATION PURPOSES

1. The Department is committed to training and development of its workforce to higher levels of knowledge and skill for the department's benefit. The Department will, subject to the operational requirements, assist its workforce as far as possible for study leave to obtain higher educational qualifications by means of part-time or correspondence study at recognised South African or overseas institutions. In light of this study leave will thus not be unreasonably withheld.
2. Special leave with full pay may be granted to an official for preparation towards his/her examinations whether it relates to his/her immediate field of work or not. The study leave with full pay may be granted to an official for his/her studies/examinations limited to three [03] working days per examination paper/ three [03] working days per course. This includes the days on which examinations are written. Any additional days required must be covered by annual vacation leave.
3. In cases where a course requires officials to substitute examinations, special leave with full pay may be granted for his/ her attendance, presentation and writing test will be at the cost of the responsible officials vacation leave.
4. If the special leave granted precedes and succeeds a day of rest, such day[s] of rest, must be disregarded when calculating the number of special leave days to be granted to the official.
5. All requests for special leave for study/examination purposes must be accompanied by an examination timetable [or certified extract photocopy] on which the subjects and the days, on which the subjects are to be written, are indicated. The examination time-table shall always be attached to the special leave application.
6. Such leave may only be granted during the period between the date on which the official had submitted his/her examination timetable in respect on the particular examination, and the last day on which he/she writes the examination. Special leave must be taken *consecutively* before the commencement of the examination.
7. Special leave referred to above include ordinary school subjects up to Grade twelve [12].
8. This provision may be applied only once. In respect of re-examination or an end of the year examination pertaining to a study course [or part of a course] which an official failed and which he/she has to repeat, a further two [02] days special leave with full pay may be granted once per *course*. This special leave is granted for day before the examination [preparation] and for the day on which he/she sits for an examination.

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9. Proof of results [pass or fail] must be submitted by officials in order to control whether officials to whom special leave were granted did in fact write exams. This proof must be submitted within three (3) months after the leave was taken. It is the responsibility of officials concerned to ensure that proof of results is handed in timeously. The results submitted must be handled appropriately by the personnel office.
10. Should officials abuse special study leave by not handing in results or being absent from the exams, such leave must be converted to vacation leave or leave without pay. Sick leave should be granted upon submission of a sick certificate.
11. A maximum of an additional twenty (20) working days per annum may be granted to an official under circumstances mentioned below, on condition that the Department is satisfied that the studies undertaken is in the interest of the department [documentary proof must be submitted]:
 - 11.1. Officials registered for full time studies at a recognized educational institute within the republic or abroad,
 - 11.2. Extramural (part-time studies and/or studies) by means of correspondence when once or twice a year leave is needed to do essential preparatory or research work,
 - 11.3. Research work and/or writing an essay or a thesis for a postgraduate qualification,
 - 11.4. Study in a direction which requires the performance of practical work or practice teaching for a particular period annually,
 - 11.5. Attends a preparatory class with a view to sit for a qualify examination in order to obtain admission to a particular field of study, or
 - 11.6. Practical work required as a prerequisite for registration in a particular profession.

Available vacation leave with full pay, and thereafter vacation leave without pay, may be utilised by an official to extend absence for purposes stipulated above.

12. If an official is required to perform practical work or practical teaching in an office or institution of a government department, he/she must be regarded as being on official duty.
13. Any traveling and subsistence expenses arising from the provisions in this section must be borne by the official him/herself.
14. If an employee is to receive remuneration for the practical work or the practical teaching, his or her case must be dealt with in terms of section 30 (b) of the Public Service Act, 1994.

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15. EVENTS FOR WHICH THE DEPARTMENT WILL NOT GRANT SPECIAL LEAVE :

- 15.1. Attendance of self-enrichment courses [e.g. Fashion design, etc];
- 15.2. Repeating of courses/subjects for third, fourth, etc time per paragraph 8 above).

16. EVENTS FOR WHICH THE DEPARTMENT WILL NOT REQUIRE AN OFFICIAL TO UTILISE LEAVE

- 16.1. Study tours initiated by the Department.
- 16.2. When appointed by the Department of Home Affairs to assist with elections.
- 16.3. Attending interviews at another government department, if proof can be submitted of attendance of the interview.

B. SPECIAL LEAVE FOR SPORT PURPOSES

1. Special leave with full pay to a maximum of ten [10] working days per annum, may granted to an official when he/she is selected by an acknowledged sports association to represent a Province as a member of an organised sports group, whether as a competitor official, judge, coach, manager or referee in a sport tour/ organised sports meeting within or outside the Republic and the territory.
2. Special leave with full pay may be granted to an official when he/she is selected by an acknowledged sports association to represent South Africa as a member of an organised sports group, whether as a competitor, official, judge, coach, manager or referee in a sport tour/ organised sports meeting within or outside the Republic and the territory.
3. Periods of absence for Departmental championships should be regarded as sport duty. An official may only be granted seven [07] days sport duty [weekend included where applicable] per championship to a maximum of two [02] championships per official per year. Provincial Commissioners may consider an additional five [05] days per championship for trials and preparation. These periods of absences is also accounted by submission of the necessary leave forms together with documentary proof.
4. An official competing for DCS against another DCS sport team is regarded as being on sport duty.

C. TREATMENT FOR ALCOHOLISM AND DRUG ADDICTION

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1. An official who abuses alcoholic liquor and/or drug substances may be granted special leave with a view or rehabilitating him/her in anticipation of further utilizing his/her service. Treatment must however be completed and a medical certificate and a complete report compiled by a medical practitioner/ an institution/ the EAP practitioner is submitted to the Department.
2. An EAP practitioner must refer the official for rehabilitation.
3. Special leave with full pay may be granted for the duration of the treatment up to a maximum of twenty-six [26] working days. This concession will only be allowed once.

D. TRANSFERS [RESETTLEMENT] AT STATE COSTS/PRE-VISITS

1. After approval of the transfer on state cost, the official and his/her dependants may request a pre-visit to the new Management Area on state cost if they need to do so. Prior written approval to have a pre-visit must be obtained from the delegated authority [Director Human Resource Maintenance].
2. A standard pre-visit is limited to a maximum of two [02] days special leave. Any other requests for further extension to this provision must be forwarded to the delegated authority for consideration.
3. Three [03] days special leave on the following basis can also be granted to an official transferred at state costs:
 - one day for packing
 - one day for unpacking, and
 - one day to travel to the new Management Area

E. MISCELLANEOUS

Special leave with full pay may be granted to an official when:

1. In the case of a disabled official, he/she must attend a recognized orientation course or a recognized training course.
2. The area in which he/she is working is struck by a natural disaster and the department is satisfied that it was impossible for the official concerned at that time to continue with his/her official duties.
3. When the **bona fides** of officials are above all doubt and their absence from work did not emanate from their participation in riots/boycotts, but could be ascribed to the fact that they were physically prevented (intimidation and lack of commuter services) to report for work, special leave with full pay should be granted on condition that the South African Police Service [SAPS] confirms the above-mentioned circumstances.

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F. OTHER REQUESTS

1. Requests for special leave not covered in the provisions of this section may be referred to Head Office for consideration by the DC: Human Resource Management via the office of the DD Human Resource Benefits. The granting of such special leave is only considered in exceptional circumstances. All requests of this nature must be motivated in detail by the applicable official's: Area Commissioner and Regional Commissioner.

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