

RESOLUTION NO 03 OF 2010

RATIFICATION OF COLLECTIVE AGREEMENT:

**AGREEMENT ON SPECIAL LEAVE FOR THE DEPARTMENT OF THE PREMIER:
PROVINCIAL CHAMBER: FREE STATE PROVINCE**

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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**THE GPSSBC PROVINCIAL BARGAINING CHAMBER: FREE
STATE PROVINCE**

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RESOLUTION NO 1 OF 2009

**POLICY ON SPECIAL LEAVE [AMENDMENT]: DEPARTMENT OF
THE PREMIER**

1. SCOPE -

This agreement binds

- [a] the employer;
- [b] the employees of the employer who are members of the trade union parties to this agreement; and
- [c] the employees of the employer who are not members of any trade union parties to this agreement, but who fall within the provincial administration for which the Chamber has been established.

2. PURPOSE -

Noting that the Council did not ratify Resolution 1 of 2007 [Policy on Special Leave: Department of the Premier] of the Chamber

and noting that the Department of the Premier identified the need to amend the said policy

3. AGREEMENT -

Therefore, the Chamber resolves that -

The parties adopt the attached amended Policy on Special Leave for the Department of the Premier.

4. IMPLEMENTATION

- [a] This Agreement shall come into effect 30 days after receipt by the Council [refer to Clause 10.3 of the annexure attached to GPSSBC Resolution 2/2005].
- [b] The Chamber shall supervise and monitor the implementation of this collective agreement [refer to Clause 5.1.3 of the annexure attached to GPSSBC Resolution 2/2005].

5. DISPUTE RESOLUTION




If there is any dispute about the interpretation or application of this agreement, any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.

THIS DONE AND SIGNED AT BLOEMFONTEIN ON THIS 28 DAY OF October 2009

ON BEHALF OF THE EMPLOYER PARTY

	Name	Signature
State as Employer AA	AS Becker	

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
NEHAWU	J. J. Makhubo	
POPCRU	N. G. Ramofofo	
PSA	Walter G. Kooze	

28/10/09.
4/11/2009
30/10/09.

POLICY ON SPECIAL LEAVE

1. PURPOSE

- 1.1 To regulate an employee's absence from duty by means of granting special leave within the framework, provisions and measures as set out below.

2. ELIGIBILITY

- 2.1 An employee shall receive special leave from work in terms of the provisions of this policy if he or she is employed on a full-time/contractual basis in terms of the Public Service Act, 1994.

3. AUTHORISATION

- 3.1.1 Public Service Regulations, 2001;
3.1.2 PSCBC Resolution 7 of 2000;
3.1.3 Basic Conditions of Employment Act, 1997;
3.1.4 Directive on Leave of Absence in the Public Service issued by the Minister for Public Service and Administration, revised September 2003;
and
3.1.5 Determination on Leave in the Public Service issued by the Minister for Public Service and Administration from time to time in terms of section 3(3)(c) of the Public Service Act, 1994.

4. SPECIAL LEAVE

Special leave consists of the following:

4.1 SPECIAL LEAVE FOR THE PURPOSES OF STUDY

General conditions:






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- 4.1.1 The Department is committed to the training and development of its workforce to higher levels of knowledge and skills for the Department's benefit. The Department will, subject to operational requirements, assist its workforce as far as possible with special leave to obtain higher educational qualifications by means of part-time studies or distance learning at recognised South African institutions of tertiary education.
- 4.1.2 The special leave for study purposes may be granted in the circumstances outlined below, on condition that the Director General is satisfied that the employee's field of study, preparatory work, etc. is in the interest of the Department.
- 4.1.3 Agreement shall consist of prior approval of the study course and period, and a certified copy of the previous study record.
- 4.1.4 The employees shall provide the Department with regular progress reports on the study records per semester in respect of his/her studies.
- 4.1.5 The Department may cancel the special leave of employees if their progress and / or attendance of classes are not satisfactory after consultation with the employee.

4.2 EXAMINATION LEAVE

- 4.2.1. Special leave with full pay may be granted to an employee to prepare for his/her examinations. One (1) day's special leave with full pay may be granted to an employee in connection with his/her preparation for examinations per registered subject per leave cycle.
- 4.2.2. One day's special leave with full pay may be granted to an employee for each day on which he/she sits for an examination.
- 4.2.3 If granted special leave proceeds and follows 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 employee.


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4.2.4 Special leave may only be granted for *bona fide* final examinations and not for class tests. For the purpose of this policy, final examinations include all examinations that lead to the conclusion of a subject (including semester courses).

4.3. SPECIAL LEAVE FOR THE PURPOSES OF OBTAINING A POSTGRADUATE QUALIFICATION

4.3.1 Where necessary, up to a maximum of five (5) days' special leave with full pay per leave cycle may be granted to an employee under the circumstances mentioned below:

4.3.1.1 Research work on an essay or a thesis for a postgraduate qualification, (maximum of 20 working days per thesis.) The employer may on good cause shown by the employee grant additional special leave days.

4.3.1.2 A sitting for an admission examination in order to obtain admission for employees to pursue a particular field of study; and employees, who attend classes, do presentations and write tests as a package that counts as a substitute examination (block attendance), may be granted two (2) days' special leave with full pay in connection with his/her attendance, presentation and writing in respect of each session (limited to two sessions per annum).

4.4 SPECIAL LEAVE FOR PREPARATION PURPOSES (50/50 BASIS)

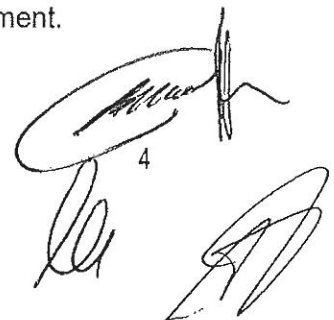
4.4.1 Special leave with full pay on the basis of one day's special leave for each day's vacation leave with full pay taken by an employee in connection with his/her studies may be granted on the condition that the Director General approves the special leave request. This special leave is granted on the basis of providing employees with an adequate opportunity to prepare for examinations in their field of study.

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- 4.4.2 The employee shall apply in writing for special leave to the Director-General.
- 4.4.3 The timetable of exams, the study records (copy from the institutions listing all subjects, passed, failed or discontinued) and a copy of the leave record should be submitted with each application.
- 4.4.4 A maximum of 2 days' special leave (2 days' vacation leave) per course per semester to a maximum of 10 special leave days per leave cycle is allowed for preparatory purposes.

4.5 ATTENDANCE OF CLASSES DURING OFFICE HOURS

- 4.5.1 An employee who studies part-time or by means of a distance learning at a university or other recognised educational institution and who, as a result of his/her studies, is required to be absent from his/her place of work, shall submit one (1) day's vacation leave with full pay for every full 16 hours that he/she is released from duty to a maximum of five (5) working days per annum (a contractual agreement is linked to the granting of this special leave).
- 4.5.2 Contractual agreements should be concluded with the employer under the following conditions:
- 4.5.2.1 Prior approval for the attendance of classes during office hours must be obtained from the Director General per semester.
- 4.5.2.2 Timetable/roster from the educational institution must be provided.
- 4.5.2.3 The supervisor of the employee must keep record of absence during office hours, in the time off register.
- 4.5.2.4 The time-off register should be submitted to the Human Resource Component on a quarterly basis for monitoring purposes.
- 4.5.2.5 The time-off register should be kept for auditing purposes by the direct supervisor of the employee.
- 4.5.2.6 The manager/ supervisor should ensure that special leave forms and vacation leave forms are submitted according to the agreement.



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4.5.3 The Department may cancel the attendance of classes during office hours if the conditions of the contract are not complied with, or if the employee's progress and or attendance of classes are/is not satisfactory after consultation with the employee.

4.6 RESETTLEMENT LEAVE

4.6.1 Special leave to maximum of two working days per resettlement shall be granted to enable the employee to:

4.6.1.1 Supervise the packing/loading and unpacking /unloading of personal effects;

4.6.1.2. Arrange a school for the children; and

4.6.1.3 Connect/ disconnect utilities

4.6.2 Special leave for this purpose may only be taken in the case of a *bona fide* need after the physical transfer of an employee and should be taken within one (1) month of physical transfer.

4.6.3. This special leave is only granted if the employee and/or his/her household physically would resettle from the old headquarters to new headquarters.

4.7 REHABILITATION/ QUARANTINE OR TREATMENT OF SUBSTANCE ABUSE

4.7.1 When an employees on grounds of a medical certificate or medical referral letter needs to refrain from attending work, such employee may be granted normal sick leave or temporary or permanent incapacity leave with full pay for the treatment or rehabilitation. The employee is subject to the provisions of incapacity leave provisions.



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4.8 NATURAL DISASTERS

4.8.1 A special leave with full pay may be granted to an employee if the area in which he/she is working/residing is struck by a declared national disaster and the Department is satisfied that it was impossible for the employee concerned to continue with his/her official duties at that time.

4.9 MILITARY LEAVE

4.9.1 Special leave with full pay may be granted to an employee if he/she is instructed, in writing, or called up in terms of the Defence Act No. 42 of 2002, or any regulation made there under, to perform military service.

4.10 SPECIAL LEAVE FOR OFFICE BEARERS OR SHOP STEWARDS OF RECOGNISED EMPLOYEE ORGANISATIONS

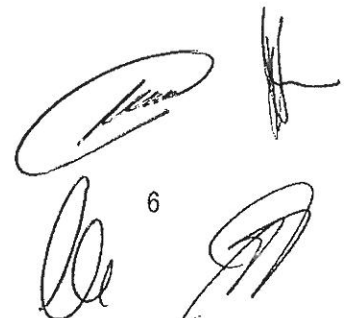
4.10.1 Office bearers or shop stewards of recognised employee organisations shall receive up to 10 working days' leave per leave cycle for activities related to his/her union position.

4.10.2 All applications for leave for these purposes must be submitted in writing together with the supporting documentation. The application must be submitted at least 5 working days before the leave is taken.

4.10.3 Registers must be maintained of employees who utilise this leave provision.

4.10.3.1 The number of employees who qualify for this leave provision will be determined in accordance with Chapter III, Part A of the Labour Relations Act, 1995, for each registered union

4.11 EXCEPTIONAL CASES WHERE SPECIAL LEAVE MAY BE GRANTED



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4.11.1 Special leave with full pay may be granted to an employee in respect of any participation in sport as a competitor, coach, or manager when it is in the interest of the Public Service.

4.11.2 In the case of unforeseen circumstances (e.g. lifts in the building not in operation) special leave may be granted to employees with a physical disability.

4.11.3 Special leave may be granted to an employee to attend an interview in the Public Service. Documentary proof of the interview should be provided with the application. Control measures should be put in place to ensure that the interview was attended.

4.12 CIRCUMSTANCES UNDER WHICH THE DEPARTMENT WILL NOT GRANT SPECIAL LEAVE:

4.12.1 Sabbatical leave

4.12.2 Re-examinations

4.12.3 Attendance of a self-enrichment course

4.13 Apart from the provisions for special leave as set out here above, the HOD may in his/her discretion grant special leave to an employee in deserving circumstances.

4.14 MONITORING, EVALUATION, AND REPORTING

4.13.1 The Human Resources Advice, Coordination, and Management Directorate will be responsible for inspecting the registers kept by Responsibility Managers (bi-annually).

4.13.2 All leave forms (Z.1 a) will be captured on PERSAL by the Human Resources Advice, Coordination, and Management Directorate and filed in each individual employee's SV file in the registry.

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