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ADMINISTRATIVE AND SUPPORT LEAVE POLICY OF THE UNIVERSITY OF THE WESTERN CAPE


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1. Introduction

This policy is an integration of policies and practices and is the last approved Administrative and Support Leave Policy in order to have one document to govern Administrative and Support Leave.

The Administrative and Support Leave Policy has to comply with the Basic Conditions of Employment Act (BCEA), Act 75 Of 1997 and the provisions in the UWC Conditions of Service Manual relating to leave.


It is important to manage and communicate this policy to all employees at UWC to maximise operational efficiencies. This will require that feedback loops (reporting) be implemented to measure and manage leave in the different departments and the implications thereof.

2. Definition of Terms within the Policy

“Administrative and Support staff” refers to those employees of the University who are not academic employees. (“Academic employees” refers to those persons employed by the University primarily to teach and to do research).

“Permanent Employees” refers to those employees who are not employed on a contract basis (no end date).

“Management” refers to the Management of the University of the Western Cape and includes any committee of Management or employee of the University mandated by Management to carry out Management’s functions in terms of these rules.

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“**Senior management**” refers to the rector, the vice-rector or vice-rectors, as the case may be, the registrar or registrars, as the case may be, the executive director or executive directors, as the case may be, and the deans.

“**Line manager**” refers to an employee of the University who is accountable for monitoring people, in an area of responsibility.

“**Day**” refers to a working day unless otherwise specified.

“**Sick leave cycle**” refers to a period of three (3) years from a specific date determined by UWC.

“**Medical practitioner**” refers to the definition as documented and approved by Government.

3. Core purpose, outcome, impact and value of the Policy


The purpose of the Administrative and Support leave Policy is to regulate leave processes and benefits and to manage leave effectively and efficiently.

4. Rules

All Administrative and Support employees of UWC are subject to the policy.

5. Leave Per Annum

Subject to the rules applicable to each leave category and unless otherwise indicated in these rules, a permanent employee of the University is entitled to the following

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leave days every calendar year or every leave cycle, as the case may be, while the employee is in the continuous employ of the University:

a) **Annual Vacation Leave**

The leave entitlement of twenty-five (25) working days excludes the compulsory end of-year closure period. Application for annual vacation leave must be made via the HR web leave system.


This is by definition annual vacation leave and must be applied for in the year that it is accrued (that is January until December). Annual leave from the previous year, not applied for before the end of January of the following year, will be forfeited.

In the case where leave was applied for but not approved due to operational requirements, the UWC may grant an employee leave within six (6) months of the end of the leave cycle up till 30 June (refer BCEA, chapter three, section 20.4). All remaining leave not applied for shall lapse at the end of this period.

Annual vacation leave not taken by an employee will not be paid out to the employee in cash or in kind whilst s/he is still in the employ of the University.

Current annual vacation leave not taken by an employee will be paid out to such employee on his/her resignation from the employ of the University.

If an employee has been granted vacation leave with full pay in excess of that provided for in these rules, such overgrant may be deducted from vacation leave that subsequently accrues to him/her, provided that Senior Management is satisfied that

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such overgrant was made in good faith, provided further that, if the employee resigns or his/her services are terminated before sufficient vacation leave has accrued to him/her for the purpose of such deduction, the portion of the overgrant that has not yet been set off against his/her leave accrual on his/her last day of service shall be regarded as an overpayment of salary which shall be recovered.

b) Sick Leave

Sick leave shall accrue to an employee on the first day of a new sick leave cycle and the full provisions of the sick leave cycle may be granted to him/her with effect from that day.


Sick leave shall be granted to an employee only in respect of the absence from duty owing to an illness, indisposition or injury.

An employee is required to communicate¹ with his/her Line Manager as soon as possible on the first day of sick leave to indicate the reason for absence from work.

If an employee is absent from duty for a continuous period of more than two (2) consecutive days, or on more than two (2) occasions during an eight (8) week period, owing to illness, s/he shall be granted sick leave only if s/he submits a medical certificate which clearly:

- States that the employee is not capable of performing his/her official duties; and
- Indicates the period necessary for his/her recuperation.

¹ Communication can be via SMS, phone or e-mail.

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Sick leave may be granted, by way of application on the HR web leave system and supported by a relevant sick certificate, in respect of illnesses or indisposition only if Management is satisfied that the applicant's condition of health:

- Incapacitates him/her for duty; and
- Does not arise from his/her failure to apply for vacation leave.


Management may refuse to accept a medical certificate if it is not issued and signed by a registered medical practitioner or another person who is certified to diagnose and treat patients and who is registered with the Health Professionals Council of South Africa (HPCSA) or a similar body established by an Act of Parliament.

The granting to an employee of sick leave without pay is subject to the submission by him/her of a satisfactory medical certificate in respect of each absence in excess of two (2) consecutive days.

Notwithstanding the submission of a certificate, Management may, at its discretion and for cogent reasons, refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates, and in such case the absence shall be regarded as unauthorised.

An employee may, subject to a written application, be granted any vacation leave s/he may have to his/her credit in lieu of sick leave without pay, provided such application is submitted not later than thirty (30) days after the resumption of his/her duties. Response must be given to the employee in writing. Once the annual vacation leave has been granted for this purpose, such leave may not be reconverted into sick leave without pay.

If an employee to whom paid accumulative leave or annual vacation leave has been granted, becomes ill after s/he has left his/her duties to proceed on leave, that

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portion of accumulative or annual leave during which s/he was indisposed, may be converted into sick leave if:


- The employee submits a medical certificate that complies with the requirements prescribed above; and
- The necessary sick leave days are available to the employee in terms of these rules.

Annual vacation leave without pay may not be converted into sick leave.

Management may, at its discretion and for cogent reasons; grant employees a maximum of four (4) months unpaid sick leave during pregnancy and thereafter.

An employee who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his/her duties or owing to a disease contracted in the course of and as a result of his/her duties, may be granted special sick leave with full pay for the period s/he is incapacitated for his/her normal duties, or, if the matter falls within the scope of the Compensation for Occupational Injuries and Diseases Act (COIDA) Act 130 of 1993 or the Occupational Health and Safety Act (Act 85 of 1993), special sick leave with remuneration equal to the difference between full pay and the compensation payable to him/her in terms of these acts.

Special sick leave shall not be granted if Management is of the opinion that the course of sick leave is due to the serious or wilful misconduct of the employee. Management may at any time require an employee to submit to an examination by one or more registered medical practitioners nominated by Management, provided that Management shall meet the expenditure connected with such examination.

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Unused sick leave for a particular sick leave cycle shall lapse at the end of that cycle.

Exceptional Cases: If an employee who has been granted the maximum number of sick leave days (provided for in these rules) is after such leave not yet able, for health reasons, to resume his/her duties, Management may in its discretion, grant the employee such further sick leave it deems fit on such conditions and for such period it deems appropriate. Management will review such grants of further sick leave on a monthly basis and may require monthly reports from the employee's medical practitioner (see annexure A). Extended sick leave must be approved at Senior Management level.

c) Parental leave:


i. Maternity Leave

Full-time permanent employees² qualify for maternity leave, provided that only those employees who have been in the continuous employ of the University for at least twelve (12) months qualify for maternity leave with full pay.

Applications for maternity leave should be made online at least eight (8) weeks, in advance. A certificate from a registered medical practitioner detailing the expected date of birth must be submitted to the Dean or line manager as soon as possible thereafter.

An employee is entitled to take up to a maximum of six (6) months maternity leave but will be required to take a minimum of four (4) months maternity leave of which at least one (1) month must be before the expected date of birth.

² Refer to the "Fixed term Contract Guidelines" for contract staff

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The following options are available:


Option 1. Four (4) months only: For the first 4 months of maternity leave the staff member shall receive 100% of monthly salary. This will be made up of the UIF payment of salary together with the payment from the University which is 55% of salary. Reimbursements will be made on a monthly basis, but only on receipt of a bank statement as proof of deposit made by the Department of Labour (DoL). Please note that reimbursement by UWC is only in the case where the payment by DoL and UWC does not add up to 100%.

Option 2. Five (5) months: Four (4) months as above and one (1) month at 100% of salary from UWC. The staff member will return to work the sixth (6th) month.

Option 3. Six (6) months: Four (4) months as above and two (2) months at 50% of the salary with no additional contribution from UWC for the last 2 months.

During the maternity leave period all other benefits will remain unaltered. (Note: If the employee's contribution in any benefit category exceeds the salary amount for any of the months, the employee must make special arrangements).

An employee on maternity leave must inform the University at least one (1) month in advance of the date the employee will return to work.

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An employee is not required to resign in order to take maternity leave and is guaranteed the right to return to the same position at the end of the maternity leave period.

The service of an employee who has taken maternity leave is regarded as having been continuous.

Pregnant employees are entitled to take the necessary time off once every month in order to attend ante-natal clinics and a similar arrangement will apply, for up to six (6) months after birth, to attend post-natal clinics.


The University remains cognisant of the importance of the safety and health of pregnant and nursing employees in the working environment and will not require such employee to undertake work that may be prejudicial to their health.

ii. Adoption leave

An employee who becomes the parent of an adopted child below the age of two (2) years of age will be entitled to the same benefits as other employees who become biological mothers (Maternity leave), provided that in the case of adoption, the employee is only entitled to the Parental leave after adoption.

The following will apply if both parents are UWC staff members:

1. Only one staff member will be eligible for Parental leave;
2. The other staff member will be eligible for Parenting Partner leave as per section C (iii).

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iii. Parenting Partner leave

An employee who becomes the parent of a newborn or an adopted child below the age of two (2) years of age may, on application, be granted parental leave on full pay for a maximum period of ten (10) consecutive working days, to be taken within thirty (30) calendar days of the birth or adoption of the child.

iv. Commissioning Parental Leave

An employee, who is a commissioning parent in a surrogate motherhood agreement is, entitled to:

- (a) Commissioning parental leave of at least ten weeks consecutively;

or


- (b) The Parenting Partner leave referred to in section 4.7 (iii).

v. Childcare facilities:

The University is committed to the concept of the provision of childcare facilities although it is recognised that it may not be financially possible to provide an all-encompassing facility.

d) Family Responsibility Leave

On application to the Dean or Line Manager, paid leave, not exceeding three (3) days per year, may be granted to an employee:

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- When the employee's child is sick; and/or
- In the event of the death of the employee's spouse or life partner or the death of the employee's parent, adoptive parent, grandparent, child, adoptive child, grandchild or sibling.

An employee may take leave in respect of the whole or part of a day. Reasonable proof may be required of the event before granting an employee family responsibility leave.

e) Accumulative Leave (For Study Purposes)


"Study purposes" refers to any academic course and / or skills programme that could develop an employee in such a way that:

- Performance in current position is enhanced, and / or
- Competencies for some likely future position within UWC will be developed.

Employees may accrue accumulative leave up to a maximum of ninety (90) working days.

An employee may only apply for accumulative leave, if the leave is for preparation for a test or an exam (refer attached, study leave guidelines). The employee will apply for special leave if s/he writes an exam (proof must be attached e.g. Exam timetable).

An employee applying for accumulative leave for a period of a month or longer must direct the application with relevant supporting documentation to the HR Consultants. HR consultants will present the application to the relevant committee for approval. An employee applying for accumulative for a period shorter than one (1) month must submit her/his application to her/his respective Head of Department, who will send

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the application with her/his recommendation to the Dean of the faculty for approval by the relevant DVC. The Rector to approve the application should the employee be in the executive line³.

Accumulative leave not taken by an employee will not be paid out in cash or in kind on an employee's resignation from the employ of the University or whilst s/he is still in the employ of the University. In the case of contract employees: Leave not taken shall lapse if a new contract is entered into. No leave will be carried over to the new contract.


f) Payment of Accumulative Leave at Retirement:

From January 2004 the following rules will apply:

- Employees in service as at 13 June 2003 will be paid accumulative leave credits to the maximum of 250 working days.
- Employees in service as at 13 June 2003 may accrue an additional 30 days accumulative leave after January 2004, as long as the maximum of 250 working days are not exceeded.
- Employees employed after 13 June 2003 will not be paid any leave accrued at Retirement.

In all circumstances leave credits paid to employees will not exceed the maximum amount of 250 working days. The rate of accumulative leave pay will be calculated at a rate of basic salary.

³ EMC decision – 23 October 2017
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g) Study Leave

An employee wishing to apply for full-time study leave is required to apply to the Human Resources Committee (HR14) with the support of the Head of the department in which the employee works. The course chosen must be relevant to the appropriate career path of the employee concerned. Full-time study leave are deemed to be for a period of nine (9) months or longer.

Study leave decisions will be taken subject to operational requirements. **No replacement is possible.**


If the course of study is to be undertaken at an institution other than UWC the employee should sign an undertaking that s/he will not resign from the University for a period of one (1) year or a period equal to the length of the period of study leave, whichever may be greater.

The University may grant an employee permission to resign within this period provided that the employee would refund the total cost⁴ of the University financial assistance that may have been granted

Rules Governing Study Leave:

- To remain in the service of UWC for a period at least equal to the period of study leave granted.

⁴ Total cost of the University will include, cost of study leave, cost of course and any other cost the University pays on behalf of the employee related to his/her studies.

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• Should a staff member resign from the UWC before s/he had worked for the required period, the staff member would refund the total cost of financial assistance on a pro rata basis. (**EXAMPLE:** If leave of twelve (12) months was granted and the staff member worked for a period of six (6) months after returning from study leave the total costs pertaining to the remaining six (6) months will have to be refunded.)

An employee who studies at UWC as a part-time student, while continuing to work full-time, will likewise be required to sign an undertaking not to resign within the prescribe period. The same provisions regarding any permission to resign will apply in terms of refunding the University in respect of tuition fees.

Unpaid Leave

Senior Management may grant unpaid leave to any permanent full-time employee of the University. As unpaid leave has significant adverse implications for the University, such leave may only be granted where:

- The employee has, as a result of illness, exhausted all his/her sick leave days and a medical practitioner certifies that such employee will need a further period of convalescence before s/he can resume his/her duties; or
- The employee intends to improve his/her formal academic qualifications and does not have a sufficient number of leave days standing to his/her credit in order to complete the qualification s/he has enrolled for; or
- Such leave being granted to an employee will serve the strategic interests of the University.


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- Unpaid leave may be granted for a maximum continuous period of 250 working days at a time.
- Should an employee to whom the maximum of 250 working days of unpaid leave has been granted wish to extend such period of leave, a new application for unpaid leave must be submitted in terms of the leave policy.
- An employee on unpaid leave will be responsible for the full contribution to selected benefits. On receiving the contribution from the employee, UWC will pay it over to the relevant fund.

Special Leave

Management may grant special leave subject to such conditions as it may determine from time to time. Special leave with full pay may be granted to an employee for various reasons, *inter alia*:

- a) Absence from duty as a result of segregation or isolation on medical instruction if the employee has been in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease, provided that the granting of such special leave is subject to the submission of a certificate by a registered medical practitioner indicating the period of and reason for segregation or isolation;
- b) If s/he is absent from duty as a result of his/her arrest or his/her appearance in court on a criminal charge and s/he is subsequently acquitted or the charge is withdrawn, for the period of detention and trial only;

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- c) If s/he is subpoenaed to provide testimony in a court of law;
- d) Attendance of workshops, conferences, seminars or training;
- e) To write an examination at a higher education institution or to write any other examination that the Management may approve from time to time.


Special leave granted may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted. All applications for special leave must be submitted via the HR Web leave system, three (3) weeks before an applicant is due to go on special leave.

Resignation of Employees

Immediately upon an employee giving notice of resignation, any leave granted may, subject to the decision of the Line Manager, lapse with effect from the date of such notice, or if the notice is undated from the date of receipt of the notice by the line manager, and any leave applied for or absence from duty after that date may be deemed to be leave without pay except in the case of sick or special leave.

If an employee who has retired from a permanent post, or who has relinquished a permanent post for any reason whatsoever, is re-appointed in a temporary capacity, with or without a break in service, such re-appointment shall be regarded as a new appointment for all purposes of these rules.

General

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Except for sick leave, application for leave must normally be made well in advance of the intended commencement date of such leave.

Employees who are absent from work without having obtained prior written approval for leave, except in the case of sick leave, will be deemed to be absent without leave and may be disciplined for such conduct. Any unauthorised absence from work shall be regarded as leave without pay, notwithstanding any disciplinary measures, which may be instituted against such employee.


Notwithstanding any provisions in terms of any law or regulation made there under, leave of absence as provided for in these rules cannot be claimed as of right and will only be granted after considering the needs of the University. The granting of all leave of absence is subject to approval by Management and leave already granted may be withdrawn by it at any time. All leave, of whatever nature, whether with or without pay, shall count for the purpose of salary increments.

Vacation, sick and study leave without pay, not exceeding fifteen (15) days in total in a calendar month, shall count for the purpose of leave accrual.

Relevant Legal Framework

This policy is guided by legislation and complies with the following:

- Basic Conditions of Employment Act (BCEA), Act 75 of 1997 as amended;
- Labour Relations Act (LRA), Act 66 of 1995 as amended; Income Tax Act (ITA), Act 28 of 1997;
- UIF Act (UIA), Act 63 of 2001;
- Compensation for Occupational Injuries and Diseases Act (COIDA), Act 130 of 1993; and the

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- Occupational Health and Safety Act (OHSA), Act 85 of 1993.

POLICY PROCEDURES

6.1. Annual Leave


The employee should discuss his leave with the HOD before applying for leave. Applications for annual leave must be submitted via the HR web leave system to the HOD.

6.2. Accumulative Leave for study purposes

Applications for study leave must be submitted on an (HR 14) via the HOD to the Human Resources Committee (HRC) for approval.

6.3. Maternity Leave

Applications for maternity to be submitted via the HR web leave system and the relevant documentation, i.e. certificate of expected date of birth, must be uploaded via the web leave system and a copy must be submitted to the HOD for submission to HR.

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6.4. Special leave

Applications to be submitted via the HR web leave system and the accompanying documentation must be submitted to the HOD for submission to HR.

6.5. Sick leave

Applications must be submitted via HR web leave system and the sick certificate must be submitted to the HOD for submission to HR.

6.6. Paternity leave


Application must be submitted via the HR web leave system and the proof of birth must be submitted to the HOD for submission to HR.

6.6. Family responsibility leave

Application must be applied for via the HR web leave system and the relevant proof must be submitted to the HOD for submission to HR.

6.7. Study Leave

Study leave applications (HR14) must be submitted to the HOD by the end of October of the previous year before the commencement of study leave. The Line Manager or Dean will submit the application to the HR consultant for submission to the relevant committee. A written application must be submitted to the HOD and s/he will submit the application with a motivation to Senior Management. After approval by Senior Management, the HR consultant will inform the HOD and the staff member of the

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outcome. The staff member will then proceed with the application on the HR web leave system.

6.8. Unpaid leave

Applications for unpaid leave, together with all supporting documentation, must, in the case of an Administrative and Support employee:

- Be lodged with his/her Line Manager;
- The Line Manager must submit such application (which must indicate the **period** and **number of days** applied for), together with his/her recommendation in writing, through the office of the Executive Director: Human Resources to the relevant Committee;
- The decision of the Committee is reported to Council and conveyed to the applicant in writing.


REVISION CYCLE AND MAINTENANCE

Date of last review

The policy was last review in 2006 (refer C2006/01)

Date of last review:

The policy was amended in 2018 (refer C2018/6/12).

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A copy of the Administrative and Support HR web leave system will be available on the S-Drive for UWC employees.

Control reports:

The web leave audit trail will reflect all changes made on the web leave system and will be checked and controlled by the Human Resources department.

Information reports

There is a need to design leave reports reflecting per employee and department the following:


- Leave available per leave type
- Leave taken per leave type per leave cycle
- Leave liability report
- Available leave per employee
- Absenteeism report

FUTURE TRAINING IN RESPECT OF POLICY

Consultants will be responsible to communicate all leave rules and processes to the business.

TECHNOLOGY REQUIREMENTS

Leave is managed via the online HR leave system.

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BIBLIOGRAPHY

- UWC's Conditions of Service Manual
- Recognition Agreement
- Income Tax Act, Act 28 of 1997;
- UIF Act, Act 63 of 2001;
- Compensation for Occupational Injuries and Diseases Act (COIDA), Act 130 of 1993; and
- Occupational Health and Safety Act (OHSA), Act 85 of 1993.
- Basic Conditions of Employment Act (BCEA), Act 75 of 1997 as amended;
- Labour Relations Act (LRA), Act 66 of 1995;

Annexure A: CRITERIA FOR CONSIDERING ADDITIONAL SICK LEAVE

In considering additional sick leave in terms of the leave policy for Administrative and Support employees the following may be taken into consideration:

- The nature of the employee's illness
- The cause of the employee's illness
- History of sick leave pattern of the employee
- The reasons which caused the depletion of sick leave credits
- The nature of the employee's work
- The employee's length of service at UWC
- The personal circumstances of the employee

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OPTIONS AVAILABLE TO EMPLOYER FOR CONSIDERATION

Where annual leave balance is in excess of the minimum annual leave requirements of the BCEA, such leave may be granted as sick leave.

Employees with long service records, who have accumulative leave to be paid out at retirement, may be allowed to utilize such leave at the sole discretion of the employer.

Where feasible, unpaid leave could be spread over a longer period taking into consideration the personal circumstances of the employee.

For short periods, employees may raise a loan against such deductions and pay it off over a period.

The University may also grant additional paid sick leave within the sick leave cycle in cases of merit.

All of the above is for consideration and the sole discretion of the employer and cannot be claimed as a right. In circumstances where the above is not feasible, unpaid sick leave will apply if approved.

INQUIRY: Notwithstanding the above, the University may at any stage hold an inquiry into the capacity of the employee to continue in the service of the University.