

HR POLICY DOCUMENT

ADMINISTRATIVE & SUPPORT LEAVE POLICY

**Policy Owner: Human Resources Consultant
Karlene Mercuur
Human Resources**

Process Owner: To be identified

Current Status This policy is an integration of practices and the last approved Administrative & Support Leave Policy to have one document to Govern Administrative & Support Leave Policy

Review date of Policy: 2006

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1. Introduction

The Administrative & 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 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.

“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 & support leave Policy is to regulate leave processes and benefits and to manage leave effectively and efficiently.

4. Rules

All administrative & support employees of UWC are subject to the policy, which is compliant with the law.

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

Annual vacation leave:

Twenty-five (25) working days per year, which include the compulsory end-of-year closure period (effective from 1 February 2004).

Accumulative leave:

Ten (10) working days per annum, for study purposes only.

Sick leave during each 3 year sick leave cycle:

With effect from 01 January 2004, fifty-two (52) working days on full pay.

With effect from 01 January 2007, forty-eight (48) working days on full pay.

• Other leave categories:

- Special Leave
- Maternity Leave
- Paternity Leave
- Occasional Leave
- Family Responsibility Leave
- Unpaid Leave
- Study Leave
- Special sick leave

GENERAL LEAVE PROVISIONS

Annual Vacation Leave

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

This leave is by definition annual vacation and must be applied for in the year that it is accrued (that is 1 February until 31 January). Leave not applied for before the end of January 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 (31 January) up till 31 July. 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 employee in cash or in kind whilst he/she 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 over grant may be deducted from vacation leave that subsequently accrues to him/her, provided that Senior Management is satisfied that such over grant 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 over grant 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.

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, he/she shall be granted sick leave only if he/she submits a medical certificate which clearly:

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

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 similar body established by an Act of Parliament.

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

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, on his/her written application, be granted any vacation leave he/she 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 he/she has resumed his/her duties. Response must be given to 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 he/she has left his/her duties to proceed on leave, that portion of accumulative or annual leave during which he/she was indisposed, may be converted into sick leave if:

- Employee submits a medical certificate that complies with the requirements prescribed above; and
- 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 he/she is incapacitated for his/her normal duties, or, if the matter falls within the scope of the Compensation for Occupational Injuries and Diseases Act (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.

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.

MATERNITY LEAVE

Full-time permanent employees qualify for maternity leave, provided that only those employees who have been in the 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 confinement 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 three (3) months maternity leave of which at least one (1) month must be before the expected date of confinement.

An employee will be compensated as follows:

- The University will pay 100% of salary for the first four (4) months and 50% for the last two (2) months during the maternity leave period for employees earning more than the maximum amount prescribed by the Department of Labour's regulations.
- Employees earning less than the maximum amount prescribed by the Department of Labour's Regulations will be paid four (4) months at 32% of salary and two (2) months at 50% of salary. On submission of proof of benefit payment by the Department of Labour, the University will pay the

difference between the Department of Labour and the remaining 68% salary on the employee returning to UWC.

- If less than six (6) months maternity leave is taken, the benefit will be adjusted accordingly, with the understanding that the first four (4) months will always be 100% of salary.

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.

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 confinement, 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.

An employee who becomes a mother of an adopted child younger than twelve (12) months will be entitled to the same benefits as other employees who become natural mothers, provided that in the case of maternity benefits the employee is not entitled to maternity leave in respect of the period before adoption.

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.

PATERNITY LEAVE

An employee who becomes the father of a newly born child or an adopted child of under twelve (12) months of age may, on application, be granted paternity leave on full pay for a maximum period of five (5) working days within thirty (30) calendar days of the birth or adoption of the child. (for revision at next review date)

FAMILY RESPONSIBILITY LEAVE

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

- 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. Before granting an employee family responsibility leave reasonable proof may be required of the event for which the leave is required.

ACCUMULATIVE LEAVE (FOR STUDY PURPOSES)

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 he writes an exam (refer to study leave policy)

“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.

Accumulative leave may be taken to write an examination or test (depending on operational requirements) at a higher education institution or to write any other examination that the Management may approve from time to time. (Proof must be attached e.g. Exam roster).

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.

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 he/she 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.

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 no exceed the maximum amount of 250 working days. The rate of accumulative leave pay will be calculated at a rate of basic salary.

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 he/she 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 cost² 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.
- Should a staff member resign from the UWC before he/she 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

² 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.

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 he/she 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 he/she has enrolled for; or
- Such leave being granted to an employee will serve the strategic interests of the University.

Unpaid leave may be granted for a maximum continuous period of 132 working days at a time.

Should an employee to whom the maximum of 132 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 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) To write an examination at a higher education institution or to write any other examination that the Management may approve from time to time;
- b) If he/she is absent from duty as a result of segregation or isolation on medical instruction if he/she 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;
- c) If he/she is absent from duty as a result of his/her arrest or his/her appearance in court on a criminal charge and he/she is subsequently acquitted or the charge is withdrawn, for the period of detention and trial only;
- d) If he/she is subpoenaed to provide testimony in a court of law;
- e) Attendance of workshops, conferences, seminars or training

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 accept in the case of sick leave 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

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.

5. Relevant Legal Framework

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

- Basic Conditions of Employment Act (BCEA), Act 75 of 1997;
- Labour Relations Act (LRA), Act 66 of 1995;
- 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
- Occupational Health and Safety Act (OHSA), Act 85 of 1993.

6. Policy Procedures

6.1. Annual Leave

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

6.2. Accumulative Leave for study purposes

Applications for study leave must be submitted on a (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 eg. Sick certificate/certificate of confinement must be submitted to the HOD for submission to HR.

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 six (6) months 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.

6.7.1 Overall granting of leave

A written application must be submitted to the HOD and he/she 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 outcome. The staff member will then proceed with the application on the HR web leave system.

6.8. Unpaid leave

Application to be granted unpaid leave, together with all supporting documentation, must, in the case of a administrative & 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.

7. Identification and Measurement of Risk, Audit Requirements, other Controls and Cost where applicable

No	Description of risk	Direct or indirect risk	Severity of the risk 1=high risk 2=medium risk 3=low risk	Impact (on what and how)	Measurement	Control
001	Employees not taking leave when due	Indirect	2	Non-adherence to BCEA	Controlled by employee and HOD	Leave reports
002	Loss of productivity	Direct	1	Impact on the business units	Adherence to policy	Controlled by HOD
003	Employees on unpaid leave, do not pay their contributions to the relevant funds	Indirect	2	Contribution not made to funds	Managed by HOD and HR consultant	Monthly reports
004	Employees on maternity	Indirect	2	UWC has to	Controlled by	Reports



	leave do not come back to UWV			recover the financial benefits gained by the employee	HOD	

8. Revision Cycle and Maintenance

Date of last review

The policy was last review in 2004

Title and details of reviewer

Policy owner will be responsible for the policy review process.

Proof of approval

UWC Conditions of Service Manual, section D7

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

9. Feedback Loops

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

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Approved by Council
(C 2006/1 on17 March
2006)

- Absenteeism report

10. Future training in respect of policy

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

11. Technology requirements

Leave is managed by two systems, ITS and the HR web leave system.

12. Contacts

Policy Owner: Karlene Mercurur

Tel: (021) 959 2599

Fax: (021) 9592989/959 1451

13. Bibliography

- UWC's Conditions of Service Manual
- Recognition Agreement with NEHAWU
- Basic Conditions of Employment Act (BCEA), Act 75 of 1997;
- Labour Relations Act (LRA), Act 66 of 1995;
- 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
- Occupational Health and Safety Act (OHSA), Act 85 of 1993.

14. Annexures / Appendices



ADDITIONAL SICK
LEAVE



Study leave
application



Guidelines for study
leave