

 UNIVERSITY of the WESTERN CAPE	UNIVERSITY OF THE WESTERN CAPE		
	HR POLICY DOCUMENT ACADEMIC LEAVE POLICY FOR FACULTY OF DENTISTRY AND WHO ORAL HEALTH COLLABORATING CENTRE	Previous Reference Number	Council R88/7 & R93
		Implementation Date	1 January 2012
		Revision / Approval Number	C2011/04, C2018/6/12
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1. INTRODUCTION

- 1.1 The Faculty of Dentistry at UWC is involved in the management and administration of hospitals for the Provincial Administration of the Western Cape (PGWC) and the leave policies need to take cognisance of this responsibility.
- 1.2 The UWC remuneration policy for dentistry staff is aligned to the PGWC remuneration policy and approximately half of total staff remuneration costs are recovered by the university from PGWC.
- 1.3 Due to the PGWC relationships and clinical obligations, it is necessary to consider the PGWC leave and overtime policies and practices in the determination of a leave policy for the UWC Dentistry faculty.
- 1.4 As a result of the points outlined above, the Faculty of Dentistry leave policy needs to differ in certain respects from the leave policy for academic staff in other UWC faculties.
- 1.5 Due to the above, the faculty board made a recommendation that the current leave policy is aligned to the PGWC leave policy to have simplify the administration of leave for both sectors.

2. DEFINITION OF TERMS

Unless the context otherwise indicates:

- “PGWC”** Provincial Administration of the Western Cape
- “Academic employees”** refers to those employed by the Dentistry Faculty at the university primarily to teach or to do research.
- “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.

"Line manager"	refers to an employee of the University to whom another employee of the University has to report to and to whom he/she is accountable.
"Medical practitioner"	refers to a person registered as such in terms of the provisions of an Act of Parliament and includes a so registered dentist or a so registered traditional healer.
"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.
"Sick leave cycle"	refers a period of three (3) years from a specific date determined by UWC.
"Day"	means <u>working days</u> and does not include weekends and any public holidays.

3. CORE PURPOSE OF POLICY

The purpose of the Academic leave policy is to regulate leave processes and benefits and to manage leave effectively and efficiently.

4. DENTISTRY LEAVE ALLOCATION

Unless otherwise indicated in the written contract of employment, an academic employee of the Faculty of Dentistry at the University of the Western Cape 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:

4.1 Research leave (replacing Accumulative leave)

Council may grant research leave to permanent and temporary full-time academic employees for such studies or research as Council may approve from time to time.

Research leave is not granted as a right, but as a privilege and has as its main objective to enable academic employees to improve their qualifications, to carry out research and /or to publish their research finding.

Unless Council otherwise decides, an employee applying for research leave must normally have completed a period of at least six (6) years of continuous employment at the University from the date of his/her appointment as an employee before he/she may be granted two (2) continuous academic semesters research leave; provided that any conditions, e.g. with respect to replacement, budget, research programme, etc., laid down by Council from time to time have been met.

Employees intending to improve his/her formal qualifications relevant to their field of expertise, lecturing and/or research, may after a period of three (3) years of continuous employment at the University from the date of his/her appointment as an employee; be granted one (1) semester research leave; provided that any conditions, e.g. with respect to replacement, budget, research programme, etc., laid down by Council from time to time have been met.

Thus, Research leave with full pay up to a maximum of twelve (12) months, and thereafter upon application and approval of an application for a *further* period of research leave, such further research leave *without pay* for a period not exceeding twelve (12) months, may be granted at the discretion of Council.

If a *research* period of three (3) continuous years is required at a recognised higher education or research institution abroad, Council in its sole discretion may grant research leave for such period with or without pay and on such conditions it may deem fit.

Recess periods falling within a period of research leave and are preceded and succeeded by research leave *without pay*, shall be regarded as leave without pay. Normal Senate Research committee processes (as current) will apply.

4.2 Accumulative Leave

Accumulative leave for the academic staff at the Faculty of Dentistry will be replaced by Research leave. Current accumulative leave credits will be banked as at 31 December 2011 to be paid out at retirement in the following manner.

4.3 Pay out of Accumulated Leave at Retirement

When an employee reaches retirement age and he/she decides to retire and Management has granted the required approval, the University will, unless indicated otherwise by law, pay out to such employee their accumulative leave days. The maximum number of accumulative leave days to be paid out is the following:

- a) Academic employees appointed **before 1 January 1999**: a maximum of 365 days.
- b) Academic employees appointed **after 1 January 1999**: a maximum of 90 days.

4.4 Vacation Leave

Employees who have **more than 10 years** service qualifies for 26 working days per annum

Employees who have **less than 10 years** service qualifies for 22 working days per annum

4.5 Sick Leave

Employees qualify for 36 working days for a three year cycle.

(Additional leave may be granted for extended period to be approved by Senior Executive committee)

4.6 Special Leave

Special leave with full pay may be granted to an employee:

- 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; and
- e) If, as a permanent academic employee, he/she attends any class of instruction or course for lectures or any expert congress, conference or symposium approved by Management.

Special leave granted may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

Special leave may be granted for a period not exceeding two (2) months per academic year to academic employees for visits to universities abroad with which this University have established formal exchange linkages.

Management may grant special leave subject to such conditions as it may determine from time to time.

All applications for special leave must be submitted via the web leave system and the necessary documentation, must be submitted, normally least three weeks before an applicant is due to go on special leave, to the Dean or Line Manager for approval whereby the Dean or Line Manager will forward the documents to the Human Resources Office.

The Department of Human Resources will submit monthly reports to the Executive Committee of Senate for its information with respect to academic employees on special leave, stating the relevant particulars (name, department, period, nature of conference, etc.).

4.7 Parental Leave

I. Maternity leave

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

Employees qualify for four (4) months maternity leave at full pay.

Applications for maternity leave should be made at least four (4) weeks in advance and should be accompanied by a certificate from a registered medical practitioner detailing the expected date of confinement.

II. 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.

III. 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 4.7 (ii).

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 (ii).

4.8 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.

4.9 Family Responsibility Leave

Granting of Family Responsibility leave

Employees shall be granted **a maximum of 5 days** family responsibility leave per annual leave cycle for utilisation should:

- a) The employee's spouse or life partner **give birth** to a child, or
 - b) The employee's **dependant** child, spouse or life partner **is ill**.
- (If an employee must take his/her dependent child to a social worker/psychologist – this can be seen as family responsibility leave – if sufficient proof is submitted)

NOTE 1: A life partner is someone who lives with the employee and shares his/her life with the employee. This includes the so-called common law wife or husband and the employee's same sex partner.

NOTE 2: A **dependant** child is defined as:

- A child under 18 years of age **or**
- A child permanently incapacitated by reason or physical or mental infirmity and unable to maintain himself/herself

NOTE 3: Instances that are NOT classified as a dependant child for family responsibility leave purposes

- An employee who fosters a child
- An employee who takes on the responsibility for his/her sibling as the parents have passed away
- Children who are not legally adopted

Employees shall be granted **a maximum of 5 days** leave per annual leave cycle for utilisation if:

- a) The employee's child, spouse or life partner dies, or

b) The employee's immediate family member dies

NOTE 4: Immediate family member is the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling (brother or sister).

The total number of family responsibility leave days taken (for illness as well as death) shall not exceed 5 days in an annual leave cycle.

NOTE 5: Please note that the employee on applying for family responsibility leave must submit reasonable proof of the event for example a certificate for attending a clinic will be acceptable proof of attendance.

Family responsibility leave not utilised at the end of a year shall lapse.

Annual leave cannot be converted to family responsibility leave even if proof is submitted, for example an employee's child becomes ill while the employee is on annual leave and his/her child has to be taken to hospital. (Annual leave can only be converted to sick leave subject to the provision of a medical certificate.)

NOTE 6: Family responsibility leave must be managed responsibly and the qualifying criteria must be adhered to by Head of Department's at all times.

Family Responsibility NOT applicable

Examples of episodes where Family Responsibility leave is not granted are:

- a) The employee's parent, adoptive parent, grandparent, grandchild or sibling **is ill**.
- b) An employee has an appointment with his/her child's school principal or must attend a function relating to the child's school or church activities.
- c) A crèche is not open and the parent stays at home to take care of the child.
- d) When an employee has already utilised 3 days family responsibility leave for a sick child and an application is submitted later in the year for family responsibility leave due to his/her spouse being ill.
- e) Special leave for 3 days may not be granted to an employee to accompany his biological brother for initiation purposes.
- f) When an employee's under-age (under 18 years old) daughter gives birth.

6. RELEVANT STATUTE AND COMPLIANCE

This is an internal process guided by the Basic Conditions of Employment Act. All UWC employees should comply with the Policy because non-compliance will have a direct impact on the performance of staff at UWC.

Statutory Compliance includes compliance with:

- 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; and
- UIF Act.

Leave is managed via the online HR leave system.

7. REVISION CYCLE AND MAINTENANCE

- Date of last review: This policy was last reviewed in 1993 (Refer Council documents R88/7 & R93)
- Title and details of the reviewer: Reviewed and approved by Council (Refer Council documents C2011/04)
- Date of last review: Amendments reviewed and approved by Council in December 2018 (refer C2018/5/12).