

LEAVE DISPENSATION FOR EDUCATION WORKERS



PRESENTATION TO SADTU MEMBERS

LANGEBERG BRANCH

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OVERVIEW

- ▶ BACKGROUND
- ▶ LEAVE TYPES
- ▶ MANAGEMENT OF LEAVE
- ▶ CONCLUSION





BACKGROUND

- The WCED in consultation with the Employee Parties of the ELRC has developed Leave Policy Measures in terms of Resolution 7 of 2000 of the Public Service Co-ordinating Bargaining Council (PSCBC) and Resolution 7 of 2001 of the Education Labour Relations Council
 - ▶ (ELRC) Personnel Administrative measures(Employment of Educators Act)
 - ▶ Collective agreements(1 of 2012 and 2 of 2015
 - ▶ Policy



LEAVE TYPES

- VACATION / ANNUAL (EDUCATORS AND PS STAFF)
- SICK LEAVE & PILIR
- FAMILY RESPONSIBILITY LEAVE AND URGENT PRIVATE MATTERS
- MATERNITY LEAVE
- ADOPTION LEAVE
- STUDY
- EXAMINATIONS
- LEAVE FOR PARTICIPATING IN SPORTS, CULTURAL AND OTHER EVENTS
- UNPAID LEAVE
- LEAVE FOR OFFICE BEARERS OR SHOP STEWARDS OF RECOGNISED EMPLOYEE ORGANISATIONS
- 8-WEEK RULE
- MANAGEMENT OF LEAVE



VACATION / ANNUAL LEAVE

Institution-based educators are deemed to be on Annual Leave during school closure periods.
“ School holidays”

(Educators do not accrue any leave, their Capped Leave remain to their credit)



Educators not considered as being on leave for!

- ▶ Appearing as a witness in any court
- ▶ Appears as a witness in disciplinary proceedings
- ▶ Before a commission, committee appointed by the state

Leave accrued before 1 July 2000: Will be paid out in the event of

- ▶ Death
- ▶ Retirement (including early retirement)
- ▶ Medical boarding

Office-based educators and Public service staff Annual leave



Head Office and District office staff

- Qualifies for 26 or 30 days depending on years of service
- 26 days for less than 10 years service
- 30 days for more than 10 years service
- 10 days must be taken between January and December
- Rest must be taken before June the next year
- Leave not taken within the 18 month period, will be forfeited
- WCED do not payout unused annual leave

School based staff

- Qualifies for 27 days annual leave per cycle
- 22 days must be taken during school holidays
- 5 days during operational time
- Leave forms must be submitted for annual leave taken during school holidays

SICK LEAVE



Educators/Public Service personnel are entitled to 36 working days per three year cycle. (Current cycle 2013-2015)

- ▶ For three or more days a medical certificate must be submitted
- ▶ Where there is a pattern of absence, medical certificate may be required even for less than three days

Principals/Managers/Supervisors to take responsibility for the management of their personnel's/ educators sick leave

Must keep record of leave utilized



PILIR (POLICY AND PROCEDURE FOR INCAPACITY LEAVE AND ILL-HEALTH RETIREMENT)

- ▶ After exceeding 36 days sick leave entitlement
- ▶ Apply for Temp Incapacity Leave/Ill-health Retirement on prescribed forms
- ▶ Annexure A (1-29 days) STIL
- ▶ Annexure B (30 days and more) LTIL
- ▶ Annexure E (Ill-health Retirement)
- ▶ Not an entitlement but granted at employers discretion
- ▶ Application must be made within five days of taking the leave
- ▶ A detailed medical report must be given by the attending specialist
- ▶ EMPLOYER must give outcome 30 days as from receipt of application



PILIR (TEMPORARY INCAPACITY LEAVE)

- Completed application refer to Health Risk Manager (ALEXANDER FORBES HEALTH)
- Health Risk Manager looks at the diagnosis, treatment and medication
- Recommendation to WCED either to approve or decline application
- WCED will inform applicant of outcome
- Declined-Applicant can utilise capped leave to cover unpaid leave



PILIR (TEMPORARY INCAPACITY LEAVE)

- Grievance or appeal- Employee or Union Rep
- must motivate why we should place a moratorium on the deduction -where TIL has been declined
- Employee or Union Rep must provide additional medical evidence when declaring a grievance or dispute
- Additional medical evidence will be submitted to ALEXANDER FORBES (Health Risk Manager) for evaluation
- Thereafter employee/Union Rep will be informed of the outcome either to uphold the initial decision or to recommend the TIL with pay.
- Inform employee/union rep in writing of the outcome



FAMILY RESPONSIBILITY LEAVE/ LEAVE FOR URGENT PRIVATE AFFAIRS

- ▶ A public servant/educator shall be granted 5 working days with full pay per annual cycle if:

His/her spouse or life partner gives birth to a child.

His / her child, adoptive child, spouse, life partner is sick.



FAMILY RESPONSIBILITY LEAVE / URGENT PRIVATE AFFAIRS

A Public servant/educator shall be granted a maximum of 5 working days with full pay per annual cycle if:

- The employee's child, adoptive child, spouse or life partner dies; or
- The employee's immediate family member dies (Biological mother, father, sister, brother)

(Documentary proof must accompany the leave application)



URGENT PRIVATE AFFAIRS

(applicable only to institution-based educators)

- ▶ An educator may be granted special leave with full pay to attend to urgent private affairs.
- ▶ Motivation for the leave must be provided
- ▶ Total number of leave days w.r.t Family Responsibility Leave and Leave for Urgent Private Affairs shall not exceed 14 days



Maternity leave

- Employees are entitled to 4 consecutive months maternity leave to commence:
- At least 4 weeks before the expected date of birth' or on a date certified by the attending medical practitioner as necessary for the employee's health or that of the unborn child
- For at least 6 weeks after the birth, no employee may commence with normal duty unless practitioner certifies that the employee is fit to do so.
- Maternity leave may be extended upon application by:
 - the granting of sick leave as a result of a medical complication
 - the granting of up to 184 calendar days unpaid leave; or
 - the granting of annual leave

PRE- NATAL LEAVE



Paragraph 15 of Res 1 of 2012, makes provision with effect from January 2013, that an eligible employee will be entitled to 8 working days pre- natal Leave per pregnancy



ADOPTION LEAVE

- ▶ An Employee who adopts a child younger than 2 years old, qualify for a maximum of 45 days leave.
- ▶ If both adoptive parents are employed in the Public Service, both qualify for this leave provided that the combined leave taken does not exceed 45 days.
- ▶ Documentary proof of adoption must accompany the leave form.
- ▶ Can be extended as per the conditions with maternity leave



STUDY LEAVE

- ▶ Special leave on a 50/50 basis
- ▶ Only two categories of educators qualify for study leave:
 - Principals who want to enhance their managerial skills (management course at a University or University of Technology)
 - Technically qualified educators without an educational qualification



SPECIAL LEAVE: EXAMINATIONS

- ▶ Two working days special leave are granted for examination purposes:

One day on which the examination is written, and one day for preparation for the examination

SPECIAL LEAVE FOR PARTICIPATING IN SPORTS, CULTURAL AND OTHER EVENTS



- Special leave with full pay for participating in sports and cultural events or for participating in or attending a relevant conference, meeting or other event approved for this purpose may be granted by the WCED without such leave being deducted from the educator's leave credit when an educator :

SPECIAL LEAVE FOR PARTICIPATING IN SPORTS, CULTURAL AND OTHER EVENTS



- 1.1. Is selected by a sports body or a cultural institution recognized by the WCED, to represent the country or province or to participate at any comparable level in an international, national, provincial or regional sports or cultural event within or outside the Republic.
- 1.2. Act as referee, official, adjudicator, course or group leader at a sports or cultural event on an international or national level within or outside the Republic.
- 1.3. As an individual, is selected or invited to participate in a sport or cultural event at international or national level within or outside the Republic.

SPECIAL LEAVE FOR PARTICIPATING IN SPORTS, CULTURAL AND OTHER EVENTS



2. Special leave granted i.t.o. the above will be for a period and on conditions as approved by the Head of Education.
3. Applications for above, must be accompanied by relevant supporting documentation, e.g. invitations, programmes, itinerary
4. Applications must be submitted well in advance to obtain the necessary approval from the Head of Education.



UNPAID LEAVE

- ▶ If an educator has utilized her/his annual/capped leave, the WCED may grant her/him

Unpaid leave up to a maximum of 184 consecutive days (calendar days)

- ▶ Absences due to arrest, imprisonment, or appearing in court due to a criminal charge that leads to a conviction are in this category

LEAVE FOR OFFICE BEARERS OR SHOP STEWARDS OF RECOGNISED EMPLOYEE ORGANISATIONS



- ▶ Resolution 1 of 2012, Paragraph 8 states:
Shop stewards of recognised employee organisations shall receive 15 days paid leave per cycle per annum for activities related to his or her union position.



8-WEEK RULE

- ▶ An employee who, in his/her 36 normal sick leave days (for 1 or 2 days), has been absent from work: on more than two occasions within a 8- week period, must submit a medical certificate
- ▶ 8th week shall be a calendar period and shall commence on first day of an employee's absence.
- ▶ If an employee submits a medical certificate for three days or more within the 8th week period, the 8th week rule will cease and a new 8th week rule will start immediately .



THE END

THANK YOU

QUESTIONS