

# LEAVE POLICY AND PROCEDURE | 2008



University of Fort Hare  
Together in Excellence

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## 1. INTENT AND PURPOSE

The purpose of this policy is to regulate all forms of leave as a benefit to employees as well as to outline procedures to be followed for granting and taking of such leave. Policy provisions apply to all permanent, contract and temporary University of Fort Hare employees.

## 2. DEFINITIONS

**Academic Employees:** Means employees of the University recognised by Council and Senate as Academics with the main purpose of teaching and research at the University.

**Annual leave cycle:** Means the leave cycle from January to December.

**Annual leave:** Annual leave is a period of time intended to provide the opportunity for a period of rest and recreation.

**Casual Employees:** Means employees paid per day or per week with a daily/weekly employment contract and working less than 4 months per annum

**Contract Employee:** Means employees employed on a contract with a specific starting and termination date.

**Employee:** Means a person in the employment of Fort Hare University on a permanent, contract or temporary basis and is entitled by virtue of his/her employment contract or law to leave benefits.

**Examination leave:** Means a period of time used by an employee for the purpose of writing a specified and approved examination towards an academic qualification.

**Family Responsibility Leave:** Means a period of leave used by an employee with regards to illness of a child, birth of a child or the death of an employee's spouse/ life partner, parent, adoptive parent, grandparent, adopted child, grand child or sibling.

**Maternity Leave:** Means a period of time used by a female employee for the birth of a child.

**Non-Academic Employees:** Means employees not recognized as Academic employees with the main function to provide a support function to the University and / or its employees and services.

**Paid Public Holidays:** Means the days as stipulated in the Public Holidays Act.

**Paternity Leave:** Means a period of time used by a male employee for the birth of a child.

**Permanent Employees:** Means employees employed with no specific date of termination except on retirement.

**Pro Rata Leave:** Means leave entitlements for employees employed during a year until the start of the next full annual leave cycle.

**Sick Leave:** Means any period or periods used by an employee as a result of ill health / indisposition.

**Sabbatical leave:** Means a period used by Academic members of staff for the purpose of furthering their academic and professional competency free from normal on-campus teaching.

**Sick leave Cycle:** Means the period of 36 consecutive months due to an employee for sick / indisposition according to the University cycle.

## 3. ANNUAL LEAVE

Employees must take leave within the leave cycle and no later than six months after the end of the annual leave cycle. Leave not taken during this period will lapse. Employees must take leave at any time convenient to the department and the University.

### 3.1. Entitlement

- 3.1.1 All employees are entitled to 2.5 days per month which is equal to 30 days per annual leave cycle.
- 3.1.2 All employees that join the University during the course of the year will be entitled to pro-rata leave from the date of appointment.
- 3.1.3 During the first year of service, employees will only be entitled to accrued leave and shall not take leave before completing three (3) consecutive months in service.

### **3.2 Application procedure for annual leave**

- 3.2.1 Application for annual leave must be made at least 14 working days in advance to allow planning for employee's absence (it is recommended that annual leave for all staff in the departments / divisions is scheduled in advance);
- 3.2.2 It will remain the responsibility of the employee to ensure that leave applied for has been approved before proceeding on such leave.
- 3.2.3 In the event of an emergency that is not covered by family responsibility leave an employee may apply for annual leave on short notice, which must not exceed 5 working days.
- 3.2.4 An employee applying for leave must ensure that the immediate supervisor has approved his/her leave before commencement of leave.
- 3.2.5 The person authorising leave shall be responsible for ensuring that leave application forms are submitted to the Human Resources Division within 3 days from the date of approval to ensure maintenance of accurate leave records.

### **3.3 Terminations**

- 3.3.1 Any period of notice to resign should not run concurrently with annual leave.
- 3.3.2 Where an employee has taken more leave days than accrued, he/she will have to repay the excess on termination.
- 3.3.3 On termination an employee will be entitled to be paid in lieu of his/her accrued annual leave.

### **3.4. Forfeiture of overdue leave**

- 3.4.1 Current annual leave is deemed to be forfeited if not taken by 30 June following the expiry of the annual leave cycle.

## 4. SICK LEAVE

### 4.1 Entitlement for Non-academic Employees

4.1.1 Non-academic Employees are entitled to the following sick leave credit in a three year cycle:

- 120 days on full pay
- 120 days on half pay
- No pay thereafter

4.1.2 Contract employees will be entitled to a pro-rata portion of the sick leave cycle as stated in provision 4.1.1 above.

4.1.3 All employees on a contract less than one year will be entitled to the sick leave days as stipulated in the Basic Conditions of Employment Act, Act 75 of 199, section 22 (3-4) as amended from time to time.

### 4.2 Entitlement for Academic Employees

4.2.1 Academic employees are entitled to the following sick leave credit in a three year cycle:

- 90 days on full pay
- 90 days on half pay
- No pay thereafter

4.2.2 Contract employees will be entitled to a pro-rata portion of the sick leave cycle as stated in provision 4.2.1 above.

4.2.3 All employees on a contract less than one year will be entitled to the days as stipulated in the Basic Conditions of Employment Act, Act 75 of 199, section 22 (3-4) as amended from time to time.

### 4.3 Application procedure for sick leave

4.3.1 Employees who are absent from work due to illness must inform the immediate supervisor before 10h00 of the same date of the reason for absence and anticipated duration;

4.3.2 Sick leave application forms must be submitted to the immediate supervisor immediately upon return to work.

- 4.3.3 A medical certificate from a registered practitioner must be submitted where the period of illness.
- a) Is longer than two consecutive days,
  - b) Falls on a Monday, Friday or any day preceding or following immediately after a public holiday,
  - c) Is more than two occasions during an eight week period.
- 4.3.4 If no such certificate is attached such leave would be treated as absent without leave.
- 4.3.5 The employer reserves the right at all times to request an employee to produce the necessary certificate(s) for any period of absence. It is the responsibility of the Head of Department to forward all sick leave documents to Human Resources Division.

### **5. INJURY ON DUTY**

In an event where an employee is injured on duty, the leave of absence will be regulated in terms of COIDA (Compensation for Injury and Disease Act)

### **6. MATERNITY LEAVE**

#### **6.1 Entitlement**

- 6.1.1 Employees will be entitled to four (4) consecutive months paid maternity leave from date of employment on a three (3) year cycle.
- 6.1.2 A further two (2) consecutive month's unpaid maternity leave may be taken on application.
- 6.1.3 New employees will be entitled to unpaid maternity leave during the first year of service.
- 6.1.4 Maternity leave of four (4) months will be granted commencing four weeks before the date of confinement or earlier for health and safety reasons;
- 6.1.5 Security of employment shall be protected during the period of maternity leave;

- 6.1.6 An employee may not return to work for eight (8) weeks after confinement, unless her doctor certifies that she is fit to commence her normal duties after a period of six (6) weeks after birth. The employee must advise the immediate supervisor on the expected date of return;
- 6.1.7 An employee who has a miscarriage during the third trimester (7-9 months) of pregnancy or bears a stillborn child is entitled to maternity leave for six (6) weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or stillbirth or not.
- 6.1.8 A further period of two (2) months unpaid leave may be granted, where requested by the employee;
- 6.1.9 During the period of maternity leave normal sick and annual leave benefits continue to accrue;

### 6.2 Application procedure for maternity leave

- 6.2.1 Maternity leave should be applied for at least two months in advance to allow planning for employee's absence;
- 6.2.2 During the period of paid maternity leave, employees will continue to contribute to Provident / Pension/ Retirement Fund, Group Life Assurance and/or Medical Aid;
- 6.2.3 During the period of unpaid maternity leave, the University shall pay both employer & employee contributions to Provident / Pension / Retirement Fund, Group Life and/or Medical Aid (if applicable). The amount shall be recovered from her salary over three (3) months when she has resumed duties;
- 6.2.4 Upon her return to work the employee must submit proof of birth to the Human Resources Division through the immediate supervisor, to ensure that eight weeks have elapsed since the birth date.
- 6.2.5 No employee may work for six weeks after birth of her child unless a medical practitioner or midwife certifies that she is fit to do so.

6.2.6 Failure to return to work on due date without prior notification of reason for delayed return, may be regarded as misconduct and dealt with in terms of the disciplinary procedure.

6.2.7 Should an employee fall pregnant again during that three (3) year cycle, payment for the period would be handled according to the Unemployment Insurance Act, Act 30 of 1996 as amended from time to time.

## **7. PATERNITY LEAVE**

### **7.1 Entitlement**

7.1.1 Employees are entitled to 10 consecutive days paternity leave in a three-year cycle.

### **7.2 Application procedure for paternity leave**

7.2.1 Paternity leave should be applied for at least one week in advance after the birth of the child to allow planning for an employee's absence.

7.2.2 Paternity leave may be taken within three (3) months after birth of the child.

7.2.3 On application, an employee must submit proof of birth to the Human Resources Division through the immediate supervisor to confirm birth of a child.

## **8. FAMILY RESPONSIBILITY LEAVE**

### **8.1 Entitlement**

8.1.1 All employees will be entitled to three (3) days family responsibility leave per annum after having been employed by the University for more than four (4) months.

8.1.2 The Employee is entitled to take family responsibility leave-

- a) When an employee's child is sick
- b) When an employee's child is born



- c) In the event of the death of employee spouse or life partner, employee parent, adoptive parent, grandparents, child, adopted child, grandchild or sibling.

8.1.3 An employee shall submit reasonable proof of an event as stipulated under provision 8.1.2 above.

8.1.4 An employee's unused family responsibility leave lapses at the end of annual leave cycle in which it accrues.

### 8.2 Application Procedure for family responsibility leave

8.2.1 The Employee must inform the immediate supervisor not later than 10h00 in the event of a serious sickness to a family member as defined.

8.2.2 Request for family responsibility leave should always be treated in a sensitive and humanistic manner.

8.2.3 Upon return to work, application leave form with documentation must be submitted to immediate supervisor who must forward it to Human Resources Division.

## 9. SPECIAL LEAVE

On condition that acceptable documentary proof is submitted to substantiate the specific application, special leave may be considered in the following instances:

1. To participate in recognised sport activities at provincial or national level
2. To appear as a State witness
3. To relocate or transfer to a new location

### 9.1 Special leave for sport activities

9.1.1 Special paid leave may be granted upon submission of substantiated proof where an employee has been selected to represent his/her province or the Republic of South Africa

- as a member of a sports team recognised by the National Sports Congress;
  - as a manager or coach of such a team; or
  - as a referee,
- 9.1.2 A maximum of 10 working days per annum for international participation.  
A maximum of 05 working days per annum for provincial competitions
- 9.1.3 In the case where extended special leave is required, normal annual leave must be taken. If an employee has no annual leave to his/her credit, management may consider unpaid leave for a maximum period of 14 working days.
- 9.1.4 Leave granted in terms of the above sub-regulation may include any period actually and necessarily occupied in travelling for the purposes for which the leave is granted.
- 9.1.5 The normal procedure for leave applications must be followed. Notwithstanding the above, this type of leave is subject to approval by the immediate supervisor.

### **9.2 Special leave as a State witness**

Where an employee has been summonsed to appear as a State witness in a court case, special leave may be considered. The application for leave must be accompanied by a copy of the official summons / subpoena.

### **9.3 Special leave for relocation**

Where an employee has been transferred by the University, he/she may be granted one (1) working day as paid special leave to attend to the relocation of his/her personal effects. A written proof of transfer shall be required.

## **10. EXAMINATION LEAVE**

- 10.1 Examination leave with full pay on the basis of one day examination leave for every day prior to and on the day which the employee has to sit for an examination may be granted, provided that in the opinion of the immediate supervisor:-

10.1.1 It has the object to better equip the employee concerned for a career in the university; and

10.1.2 It is in a field of study which is in full or in part in the interest of the university.

10.2 In all the above cases, an examination roster/time-table must be submitted to the immediate supervisor at least 2 weeks prior to writing of first paper, or 1 month if the period of absence will be more than 2 weeks, unless there are factors beyond the staff member's control, for example, late issue of timetable by the institution.

10.3 Where the day of the examination immediately follows a weekend (i.e., falls on a Monday) or a paid public holiday, only the day of the examination will be granted.

### **11. UNPAID LEAVE**

Leave without pay may be granted on good cause, only to those employees who have used all their full annual leave entitlement provided the following have been done.

11.1 A full and proper motivation is submitted by the employee in writing to the immediate supervisor;

11.2 A written recommendation by the immediate supervisor confirming that such leave will not disrupt the normal operational requirements of the department/ section/ faculty

11.3 In all cases of unpaid leave, provision must be made for deductions from the employee's salary to maintain contributions to Provident / Pension / Retirement, Group Life and Medical Aid funds.

### **12. STUDY LEAVE**

Refer to Study Leave Policy for non-academic employees and Research / Sabbatical Leave Policy for academic employees.

### **13. PAYMENT IN LIEU OF LEAVE DUE**

Employees will not be entitled to payment in lieu of leave except upon termination of employment.

## 14. GENERAL LEAVE RULES

The following is applicable to all University of Fort Hare employees:

- 14.1 None of the statutory Paid Public Holidays will be regarded as a working day for the purpose of annual leave calculation;
- 14.2 Absence from work without approval and / or valid reason shall be regarded as misconduct and dealt with in terms of the disciplinary procedure;
- 14.3 Leave calculation commences from the date of employment. New employees commencing service during a calendar year will be entitled to leave on a pro rata basis for the completed months of service;
- 14.4 In the event of leave being granted, and taken by the employee, in excess of the amount to which the employee is entitled; such over-grant of leave shall be deducted from any leave which may later accrue to that employee. If the employee leaves the service of the University before sufficient leave has been accrued to cover such over-grant, an amount equivalent to the value of outstanding excess leave will be deducted from monies due to the employee at the time.