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PROVINCIAL ADMINISTRATION WESTERN CAPE
Education Department
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CIRCULAR 0098/99

TO:

ALL CHIEF DIRECTORS, DIRECTORS, AREA AND CIRCUIT MANAGERS, SUBJECT ADVISERS AND HEADS OF ALL EDUCATIONAL INSTITUTIONS

POLICY WITH REGARD TO EDUCATORS' LEAVE OF ABSENCE

1. Because of the confusion which exists with regard to the granting of leave, the WCED has deemed it necessary to issue a Guide to Leave Conditions which sets out the Department's policy in this regard.
2. Heads of all educational institutions are requested to bring the contents of the Guide to Leave Conditions to the attention of all staff members (educators) so as to ensure that future applications for leave comply with the requirements as set out in the guide.
3. Your co-operation will be appreciated.

for. 
HEAD: EDUCATION

DATE: 1999-09-07

MELD ASSEBLIEF VERWYSINGSNOMMERS IN ALLE KORRESPONDENSIE. / PLEASE QUOTE REFERENCE NUMBERS IN ALL CORRESPONDENCE.

WESTERN CAPE EDUCATION DEPARTMENT

LEAVE POLICY MANUAL

I.R.O.

EDUCATORS

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1. INTRODUCTION

The purpose of the leave manual is to create uniformity with regard to leave prescriptions and to provide a document which clarifies leave benefits for educators. It also contains the basic guidelines for applying the regulations promulgated under the Educators Employment Act 1998, (Act 76 of 1998).

The manual is as comprehensive as deemed necessary, but must not be seen as something which excludes the use of the Acts and regulations. Annexures A and B contain the leave dispensation of educators at schools and those attached to offices, respectively. The Acts and Regulations must still be consulted if further particulars are required. Officials at Head Office are also available at any time for consultation with regard to matters where uncertainty exists.

2. CLASSIFICATION OF LEAVE OF ABSENCE

2.1 Absence from duty to be recorded as leave will be classified under the following categories:

- Vacation leave;
- sick leave;
- special sick leave;
- special leave for study purposes;
- special leave for military training;
- special leave for examination purposes;
- special leave for quarantine purposes;
- special leave to participate in sporting and cultural events;
- special leave for urgent private affairs;
- special leave for confinement;
- special leave for continuity of services; and
- special leave for extraordinary circumstances.

2.2 Absence from duty not to be recorded as leave

2.2.1 An educator shall be deemed not to be absent from duty if he or she

- (a) must appear as a witness
 - (i) in any court;
 - (ii) in misconduct proceedings or in a misconduct investigation in terms of any law;
 - (iii) at inquest proceedings;
 - (iv) at rent board proceedings, except when such an educator is the person who, in respect of such appearance, submitted a written complaint;
 - (v) before a commission or committee appointed by the State or before any committee or institution instituted by or in terms of any Act;
- (b) appears as a defendant or co-defendant in civil proceedings arising from his or her official duties and in which the State or any statutory body or institution has a direct interest;
- (c) is taken into custody or must appear in any court on a criminal charge and the offence he or she is charged with is withdrawn or if he or she is acquitted of such offence on the merit of the case;
- (d) with the approval of the Department
 - (i) attends an instruction course or a lecture or has undertaken undergraduate or post-graduate studies;
 - (ii) attends an instruction course that is presented by a department as defined by the Public Service Act, 1994;
 - (iii) does practical work or does practice teaching to comply with the requirements for a formal qualification offered by a recognised tertiary or post-secondary educational institution; or
 - (iv) in the interest of the WCED or the organised teaching profession participates in any other activity or performs any other function.

All applications for the above-mentioned leave must be supported by substantial documentary proof. Failure to submit substantial documentary proof will result in the implementation of vacation leave.

ANNEXURE A

LEAVE DISPENSATION

IN RESPECT OF

EDUCATORS ATTACHED

TO SCHOOLS

1. GENERAL PROVISIONS
(EDUCATORS ATTACHED TO SCHOOLS)

1. GENERAL PROVISIONS

- 1.1 Leave of absence may be granted after due consideration of the needs of the employer or the state educational institution concerned.
- 1.2 Educators who do not report for duty for whatever reason, should inform the head of the institution before 08:15 on the same day of their intended absence. Failure to adhere to this requirement can result in the granting of leave without salary for the period in question.
- 1.3 The prescribed application for leave **must** be completed when an educator makes use of any type of leave.
 - 1.3.1 In the case of vacation or special leave, the prescribed leave form must be submitted to the head of the institution timeously in accordance with the prescriptions as laid down in paragraphs 2 and 4 below. Where required, the application must be accompanied by reasons or documents in support of the application.
 - 1.3.2 In the case of sick leave, the educator must submit the completed leave form to the head of the institution immediately after the leave has elapsed. When leave of absence lasted for a period exceeding four (4) days, the application must be accompanied by a medical certificate. In the case of sick leave for a period longer than one month, care should be taken that the principal receives the leave application as soon as possible in order to make alternative arrangements.
 - 1.3.3 Upon receipt of the completed leave form, the principal recommends the leave and submits the said forms to the circuit manager. If the principal does not recommend the leave, the procedure as set out in paragraph 5 must be followed. **NB: It is the responsibility of the principal, not the educator who applies for leave, to submit the completed leave form (via the circuit managers) to the Department.**
- 1.4 It must, however, be emphasized that the granting of leave of absence is subject to the approval of the Department. Except in the case of sudden illness or other unavoidable circumstances, **an educator shall not leave or stay away from his or her work unless he or she has applied in writing for leave and has been informed in writing that his or her application has been approved**. Failure to adhere to this requirement can result in the implementation of **leave without salary** for the period in question.
- 1.5 The Department may with good cause and at any time withdraw leave already granted.
- 1.6 When the services of an educator are terminated, for whatever reason, all his or her leave credit shall lapse and such an educator cannot claim payment of the cash value of leave standing to his or her credit provided that the payment of a leave gratuity shall not be precluded if an educator qualifies in terms of paragraph 6 below.

- 1.7 An educator who is appointed on a part-time basis, does not qualify for leave and receives no remuneration for his or her absence from duty for vacation or other purposes.
- 1.8 If an educator is absent on leave (vacation, sick or special leave) up to and including the last working day of a school quarter and proceeds on leave as from the first working day of the next school quarter, the intervening **school holiday** shall not be deemed to be leave.
- 1.9 Where such a school holiday is preceded and succeeded by sick or vacation leave without pay, it shall be recorded as sick or vacation leave without pay, as the case may be.
- 1.10 If an educator is absent on sick or vacation leave with half salary prior to a school holiday and this is followed by sick or vacation leave with half salary, the payment requirements will be the same for the school holiday as for the preceding leave.
- 1.11 The payment of an allowance for acting in a higher post or performing duties in a hostel which are not included in the salary of an educator, may be suspended during periods of leave.

2. VACATION LEAVE

2. VACATION LEAVE

2.1 Vacation leave accrual

- (i) Leave credit for educators amounts to **12 days per annum**;
- (ii) An educator who is employed at a school and who is required by the Head of Education to perform a duty during any period of a school holiday, shall be credited with half the number of days on which he or she was expected to perform such duty, provided that such leave credit shall not exceed 24 days in any calendar year; and
- (iii) such an educator may within 90 days of the performance of such a duty, apply for the additional leave credit to be converted into a non-pensionable cash payment in accordance with the formula $A \times B / 365$, in which case "A" represents the number of additional days of leave credit and "B" represents the basic annual salary plus any pensionable allowance of the educator at the time of the performance of such a duty during a school holiday.

2.2 Recognition of previous service for leave purposes

- 2.2.1 Where the service of an educator terminates and he or she is re-appointed after a break in service, his or her service prior to such an appointment shall not be taken into account for leave purposes. The leave credit of such an educator may be restored to a maximum of 184 days if he or she later returns to teaching.

No vacation leave from the restored leave credit shall be granted within two years after such an appointment.

- 2.2.2 An educator who is appointed without a break in service, and who prior to such appointment was employed by any education department in the RSA or any department as defined by the Public Service Act, 1994 or by a school or body having a state-administered pension or provident fund, shall retain the leave which he or she has to his or her credit on the last day of service with the previous employer, calculated at a maximum of 36 days per annum. In the case where an educator's previous service was in a non-teaching post, the maximum leave credit of 36 days per annum will be granted.
- 2.2.3 A person who has, immediately prior to such an appointment, held a post at a state educational institution, technikon or university shall retain the leave credit which he or she held on his or her last day at such an institution.

2.3 **Granting of vacation leave**

- 2.3.1 Vacation leave may be granted to an educator, if such an educator has the necessary leave to his or her credit for the period concerned.
- 2.3.2 An application for vacation leave by an educator must be received by the Department at least 90 days before the date on which the vacation leave commences.
- 2.3.3 Vacation leave may be granted for a maximum of 180 days, or two consecutive school terms (whichever is the greater) and a minimum of 10 consecutive school days. In exceptional cases, the Department may approve other periods.
- 2.3.4 A period of vacation leave with full pay may be converted into vacation leave with half pay on the basis of two days with half pay for each day with full pay.
- 2.3.5 The Department may at any time, for good reason, require an educator to use part or all of the vacation leave credit he or she has available. The maximum period of leave prescribed shall not be exceeded.
- 2.3.6 Any period of leave shall commence on the first day on which the educator is absent from duty and shall terminate on the last school day immediately preceding the day on which such an educator resumes duty.
- 2.3.7 A public holiday or weekend which falls within a period of leave or a school holiday which falls within a period of leave granted without pay shall be deemed to form part of such leave and shall be reckoned as such. Where a public holiday, weekend or school holiday falls between two different types of leave, and such leave forms a continuous period, any such day or days shall not be reckoned as leave.
- 2.3.8 An educator who wants to resume duty before a period of leave granted to him or her has expired, shall not do so before having obtained prior approval from the Department. Educators shall not be paid for services rendered until approval has been granted.
- 2.3.9 If an educator is granted more leave with full or half pay than that for which he or she qualifies at that stage and should the educator utilise such leave, the leave granted in excess may be deducted from leave which subsequently accrues to him or her. In the event of the educator retiring from the service before sufficient leave credit has accrued, that portion granted in excess shall be regarded as an overpayment.

- 2.3.10 If an educator gives notice of his or her resignation, any vacation leave with pay already granted shall be withdrawn and will be treated as vacation leave without pay. This applies only to absences during the last 30 days of an educator's service.
- 2.3.11 The period of service of an educator may not be extended in order to enable him or her to utilise leave which could have been granted to him or her.
- 2.3.12 An educator who is guilty of abusing alcoholic liquor or drugs, may be granted available vacation leave with pay with a view to rehabilitation and further useful utilisation of his or her services. On completion of treatment, a medical certificate and a complete report by the relevant medical practitioner or institution must be submitted to the Department. The report must give an indication of the latter's co-operation and progress during treatment as well as a prognosis of the case.
- 2.3.13 If an educator, as contemplated in paragraph 2.3.12, does not have sufficient vacation leave to his or her credit to cover the periods of his or her absence with a view to his or her rehabilitation, vacation leave with full pay may, with due consideration of the merits and prognosis of the case, be granted for the full period of absence.
- 2.3.14 The overgranting of vacation leave which has thus occurred shall be deducted from the future vacation leave accrual.
- 2.3.15 If such an educator resigns or his or her services are terminated before sufficient vacation leave credit has accrued, that portion of the overgrant shall be regarded as an overpayment of salary.
- 2.3.16 If the medical practitioner or institution confirms in a report that the educator is rehabilitated after a period of twelve (12) months, the Department may approve that the vacation leave utilised for purposes of treatment up to a maximum of 12 days, again be placed to his or her credit, **on condition that such a concession is granted once only**. If such a certificate or report cannot be obtained from the above-mentioned parties, the Department may use its own discretion to decide on the basis of substantiated evidence of rehabilitation submitted, for example, by the relevant person's supervisor, minister of religion, medical practitioner or social worker, whether such an educator can be regarded as rehabilitated.

3. SICK LEAVE

3. SICK LEAVE

3.1 Sick leave accrual

- (i) Sick leave in first cycle of 3 years with

full pay 90 days

half pay 90 days

- (ii) Sick leave in subsequent leave cycles (for 3 years each) –

The number of days applicable in the first cycle, plus an increase of three days for each subsequent leave cycle to a maximum 120 days.

3. Granting of sick leave

- 3.2.1 An application by an educator for sick leave for a continuous period of more than four days shall be supported by a certificate from a registered medical practitioner or a registered dentist;
- 3.2.2 The Department may require that such medical certificate be submitted in support of any application for sick leave for a period of four days or less if it is of the opinion that circumstances warrant the submission of such a certificate;
- 3.2.3 If the Department is satisfied that an educator's absence for a continuous period not exceeding 14 days during any calendar year (and for which a medical certificate is not submitted) is due to a *bona fide* illness and if it is further satisfied that there are sufficient reasons for not submitting a medical certificate, the Department may at its own discretion, grant exemption from the requirement to submit a medical certificate;
- 3.2.4 Sick leave for four days or less for which a medical certificate is not submitted may not exceed a total of 10 days during any calendar year. Any further absence for which a medical certificate is not submitted shall be covered by granting special leave for urgent private affairs.
- 3.2.5 Sick leave shall not be granted to an educator for any illness, indisposition or injury owing to misconduct or negligence of the educator or his or her failure to take reasonable precautions; or neurasthenia, insomnia, or other similar ill-defined disease or condition of ill health, unless the employer is satisfied that such an educator is not in a fit state of health to perform his or her duties.

- 3.2.6 Where sick leave is granted to an educator, the date on which such leave is deemed to have commenced and the date on which it is deemed to have ended shall be the dates determined by the Department, with due consideration for the medical requirements of the case and the interests of the employer or the relevant state institution.
- 3.2.7 An educator may, on application in writing, be granted vacation leave standing to his or her credit in lieu of sick leave with half pay or sick leave without pay.
- 3.2.8 Such application shall be submitted not later than three calendar months after he or she has resumed duty.
- 3.2.9 The Department shall be satisfied that the educator concerned is not at that stage permanently unfit for resumption of normal duties.
- 3.2.10 Once the vacation leave referred to has been granted to an educator and he or she has received payment in respect thereof, such leave may not be converted into sick leave with half pay or without pay.
- 3.2.11 If an educator to whom vacation leave has been granted takes ill while on vacation leave, that portion of the leave referred to in respect for which he or she submits a certificate from a registered medical practitioner or a registered dentist and which complies with the requirements may be converted into sick leave, if he or she has sick leave to his or her credit. Applications for sick leave must be made in writing no later than 30 days after the expiry of such a period of vacation leave.
- 3.2.12 Vacation leave without pay may not be converted into sick leave.
- 3.2.13 Notwithstanding the submission of a certificate, the Department may, on the grounds of further medical advice, refuse to grant leave with pay for any absence from duty to which the certificate relates. Such absence shall be deemed to be special leave for urgent private affairs.
- 3.2.14 Whenever the Department has reason to suspect that the state of health of an educator is such that he or she is unfit to perform his or her duties as an educator in a satisfactory manner, the Department may on a particular date call upon him or her to be examined at the expense of the State. Whenever the Department is satisfied that an educator is, owing to ill-health (including any mental or physical disability), unable to perform his or her duties as an educator satisfactorily, it may order such an educator to take sick leave for a specific period.

- 3.2.15 Sick leave shall accrue to an educator on the first day of a cycle and with effect from that day the full provision for the relative cycle may be granted to him or her.
- 3.2.16 Unused sick leave shall lapse at the end of the cycle and shall not be carried forward to the next cycle.
- 3.2.17 An educator may be granted additional sick leave not exceeding 90 days with full pay and 90 days with half pay if the maximum amount of sick leave provided for in these regulations is granted to a teacher subsequent to the completion of nine years' continuous service and during every period of nine years thereafter. The additional sick leave with full salary shall follow immediately upon the normal sick leave with full salary. If an educator utilises only a portion of the additional sick leave and the sick leave cycle lapses, the remaining portion of the additional sick leave may not be carried forward to the next cycle.
- 3.2.18 An educator who has utilized all his or her sick leave in a sick leave cycle may be granted further sick leave without pay during the relevant sick leave cycle for any period which the Department may determine.

3.3 **Special sick leave**

- 3.3.1 An educator who is absent from duty owing to an injury sustained in an accident arising out of and in the course of the execution of his or her duties as educator or owing to a disease contracted in the course of the execution of and as a result of his or her duties as educator, may be granted special sick leave with full pay for the period he or she is incapacitated for official duties or, if the case falls within the scope of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), as amended, special sick leave may be granted with full pay equal to the difference between full pay and the compensation payable to him or her under the said Act.
- 3.3.2 Special sick leave shall not be granted if the injury or illness is attributable to misconduct or negligence on the part of the educator or to his or her failure to take reasonable precautions.
- 3.3.3 Such leave shall not affect ordinary sick leave, which may be granted in any cycle.

4. SPECIAL LEAVE

4. SPECIAL LEAVE

4.1 Special leave for study purposes

4.1.1 Special leave may be granted to an educator for the purpose of improving his or her qualifications by taking a course of study approved for this purpose by the Department on the basis

- (i) that for each day of vacation leave with full salary granted for study purposes an additional day of special leave may be granted.
- (ii) that on the educator's written request, two days of special leave with half salary for each day of vacation leave with half salary may be granted.

4.1.2 If special leave for study purposes is granted to an educator, the Department may call for periodic progress reports in respect of the educator's studies and such an educator shall enter into an agreement with the employer, in terms of which he or she undertakes to serve the WCED immediately after completion of the period of special leave for study purposes for a period equal to at least the period for which special leave for study purposes with full pay has been granted to him or her, or for a service period equal to half the period for which special leave for study purposes at half pay has been granted.

4.1.3 Special leave for study purposes shall not be deducted from the leave credit of the educator.

4.1.4 Kindly note that the policy laid down must be read in conjunction with the principles of the circular in respect of study leave for the specific year. For 1999 it is Circular 105/98, dated 25 November 1998, which is applicable.

4.2 Special leave for military training

4.2.1 Special leave for military training may be granted to an educator with full pay when such educator is required, in terms of the Defence Act, 1957 or any regulation published thereunder, or in terms of the Police Act, 1958, or any regulation published thereunder, to undergo continuous or uninterrupted or interrupted training or to do service.

4.2.2 In the case where an educator does his or her continuous compulsory national service, his or her salary will be reduced by an amount determined by his or her employer from time to time, with due consideration to the circumstances of the educator.

4.2.3 Special leave for military training may include any period actually and necessarily required for travelling.

4.2.4 Documentary proof must be submitted when applying for this type of leave.

4.2.5 This type of leave shall not be deducted from the leave credit of the educator.

4.3 Special leave for examination purposes

4.3.1 Special leave with full pay may be granted to an educator for each day on which he or she sits for an examination approved by the Department. One day's special leave with full pay may be granted additionally in respect of each day on which the educator sits for such an examination in order that he or she may prepare for the examination.

4.3.2 Over and above the special leave for examination purposes referred to in paragraph 4.3.1, the Department may, once only, grant continuous special leave for examination purposes for a maximum period of 16 school days to an educator who has to sit for an examination in final-year subjects towards the completion of a first degree or diploma. **NB: This paragraph is only applicable if an educator sits for an examination in a final-year subject.**

4.3.3 Special leave for examination purposes may include any period actually and necessarily required for travelling in connection with such an examination.

4.3.4 Special leave with full pay may be granted to an educator once only in respect of a re-examination.

4.3.5 Special leave for examination purposes shall not to be deducted from the leave credit of an educator.

4.4 Special leave for quarantine purposes

4.4.1 If an educator is absent from duty as a result of segregation or isolation on medical instructions, the granting of special leave for quarantine purposes is subject to the submission of a certificate by a registered medical practitioner indicating the period and cause of segregation or isolation.

4.4.2 Special leave for quarantine purposes shall not be deducted from the leave credit of the educator.

4.5 Special leave for participating in sport and cultural events

Special leave with full pay for participating in sports and cultural events may be granted with the approval of the Department, without such leave being deducted from the leave credit of an educator, when an educator

- 4.5.1 is selected by an amateur sports body or a cultural institution recognised by the Department for the purpose of
- (i) competing in, coaching or managing a sport or cultural event beyond the borders of the Republic; or
 - (ii) representing the country, province or region at an international, national, provincial or regional sports or cultural event within the Republic; or
 - (iii) accompanying a group or an individual from outside the country who are/is visiting the Republic, as a representative of such a sports body or cultural institution; or
 - (iv) attending international conferences or meetings of international sports bodies or cultural institutions.
- 4.5.2 acts as a referee, official, adjudicator or course leader at a sports or cultural event on an international level within or outside the Republic; or
- 4.5.3 as an individual, is selected or invited to participate, or on his or her own initiative participates, in a sports or cultural event at an international or national level within or outside the Republic.

Applications for such leave must be accompanied by relevant documentation. If relevant documentation is not submitted, leave for urgent private affairs will be granted.

4.6 Special leave for urgent private affairs

- 4.6.1 With the approval of the Department, an educator may be granted special leave for urgent private affairs.
- 4.6.2 Special leave for urgent private affairs shall be with full pay if the educator has the necessary vacation leave to his or her credit. It shall be deducted from the educator's leave credit or shall be without pay if the educator no longer has any vacation leave to his or her credit.

4.7 Special leave for confinement

- 4.7.1 Special leave for confinement may be granted to a female educator who has completed at least 12 months of uninterrupted satisfactory service. This includes uninterrupted service at other government departments as well as temporary and permanent service.
- 4.7.2 A female educator may be granted special leave for confinement for a period normally extending from 30 days before the expected date of confinement to 90 days after birth. Shorter or longer periods may be approved on application, depending on the circumstances. If an educator requires a shorter period, an application must be submitted in writing and the Department must be exempted from any liability.

- 4.7.3 Application to take this leave must be made at least 90 days before the expected date of confinement.
- 4.7.4 A maximum of 84 days special leave with full pay may be granted for confinement or adoption for which documentary proof must be furnished.
- 4.7.5 Special leave for confinement purposes is limited to two confinements or adoptions per educator.
- 4.7.6 An educator who has vacation leave to his or her credit may request in writing that she be granted that vacation leave on full or half pay in lieu of part or all of her unpaid accouchement leave.
- 4.7.7 Special leave may be taken before or after the confinement, but it shall continue immediately after the confinement.
- 4.7.8 Special leave for confinement may not be converted into any other type of leave after it has commenced.
- 4.7.9 Sick leave for absence from duty owing to a miscarriage, a still birth or the termination of a pregnancy on medical advice may be granted before a period of special leave would have commenced. (Refer to paragraph 5 of the manual). If it occurs after the commencement of such special leave, this period is not taken into consideration for the purposes of the restriction contained in paragraph 4.7.5.
- 4.7.10 If a female educator does not qualify for special leave for confinement purposes, her absence for purposes of her confinement must be covered by the granting of her available vacation leave with full pay and thereafter vacation leave without pay.
- 4.7.11 Sick leave may be granted in accordance with paragraph 4.7.10 if a period of vacation leave without pay has not been implemented for this purpose.
- 4.7.12 Special leave for confinement purposes shall not be deducted from the leave credit of an educator.

4.8 Special leave for continuity of service

- 4.8.1 Special leave without pay for a maximum of 120 days may be granted to an educator who was previously employed in a temporary capacity as educator by the same or another employer for the purpose of retaining the continuity of the educator's service.

- 4.8.2 The special leave shall commence on the day immediately following the date on which such educator last received salary from his or her previous employer and shall expire on the day preceding the date of assumption of duty with the present employer in terms of such appointment.
- 4.8.3 The limitation of 120 days referred to in paragraph 6.8.1 shall not apply in cases where the period concerned extends from the day immediately following the last day of a school term to the day immediately preceding the first day of the school term after a full school term has elapsed.
- 4.8.4 No applications must be submitted with effect from 1 January 1999. The Department will automatically grant the leave. If an educator becomes aware that continuity leave was not granted, then he or she must bring it to the attention of the Department via the official channel of communication.

4.9 Special leave in extraordinary circumstances

- 4.9.1 Subject to the provisions of section 10(1) and (2) of the Educators Employment Act, 1998, (Act no. 76 of 1998), unauthorised absence by an educator, notwithstanding any disciplinary measures which may be taken against him or her, shall be regarded as special leave in extraordinary circumstances and such leave shall be without pay unless the Department in a specific case determines otherwise.
- 4.9.2 If, in the opinion of the Department, circumstances justify it, special leave in extraordinary circumstances for any purpose or for any period he or she may determine, may be granted. Such leave shall be without pay unless the Department determines otherwise.
- 4.9.3 Special leave in extraordinary circumstances shall not be deducted from the leave credit of the educator.

5. UNAUTHORISED ABSENCE FROM DUTY

5. UNAUTHORIZED ABSENCE FROM DUTY

- 5.1 Unauthorized absence from duty by an educator is regarded as vacation leave without salary.
- 5.2 An educator who is absent without leave for more than 14 days and who has accepted other work, is regarded as being relieved from duty owing to misconduct with effect from the day following the last day on which he or she rendered service. The head of the institution must make sure that the case is submitted to the Department within 10 days of the lapsing of the above-mentioned period.
- 5.3 The following procedure must be followed where an educator is absent without leave:
 - 5.3.1 the *audi alteram partem* rule must be applied in writing by the head of the institution and the educator must have the opportunity to put his or her side of the matter in writing.
 - 5.3.2 The educator's reasons for his or her absence together with the principal's recommendation to allocate leave without pay must be submitted to the circuit manager.
 - 5.3.3 The circuit manager must investigate the matter and submit his or her recommendation with all relevant documentation to Head Office.
 - 5.3.4 The matter must be considered by Head Office and the educator must be informed in writing of the outcome.

6. LEAVE GRATUITIES

6. LEAVE GRATUITIES

6.1 A leave gratuity shall be payable to an educator

6.1.1 who retires on pension;

6.1.2 who is dismissed owing to continuous ill-health;

6.1.3 who is dismissed owing to the abolition of his or her post;

6.1.4 whose dismissal will enhance efficiency and economy;

6.1.5 who dies, in which case the gratuity is payable to his or her next of kin.

6.2 If he or she has been appointed on a contract basis, the leave gratuity is paid out in accordance with provisions of the contract;

6.3 A leave gratuity up to a maximum of 184 days shall be payable to

6.3.1 an educator appointed in a temporary capacity in terms of section 4(3) of the Act, after having completed at least five years of uninterrupted satisfactory service, unless special leave for the sake of continuity of service may be granted.

6.3.2 an educator appointed in a permanent capacity at his or her written request, if such an educator has the option of retiring on pension before attaining the compulsory retirement age and does not retire before attaining such age.

6.4 Any leave credit which remains after a leave gratuity is paid shall be retained by the educator.

6.5 If an educator has applied for the payment of a leave gratuity and it has been paid out, he or she shall not be allowed to refund such a gratuity and apply again for one at a later stage.

ANNEXURE B

LEAVE DISPENSATION

IN RESPECT OF

EDUCATORS ATTACHED

TO OFFICES

1. GENERAL PROVISIONS
(EDUCATORS ATTACHED TO OFFICES)

1. GENERAL PROVISIONS

- 1.1 Leave of absence may be granted after due consideration of the needs of the employer or the state educational institution concerned.
- 1.2 Educators who do not report for duty for whatever reason, should inform the head of the office before 08:15 on the same day of their intended absence. Failure to adhere to this requirement can result in the granting of leave without salary for the period in question.
- 1.3 The prescribed application for leave **must** be completed when an educator makes use of any type of leave.
 - 1.3.1 In the case of vacation or special leave, the prescribed leave form must be submitted to the head of the office timeously in accordance with the prescriptions as laid down in paragraphs 2 and 4 below. Where required, the application must be accompanied by reasons or documents in support of the application.
 - 1.3.2 In case of sick leave, the educator must submit the completed leave form to the head of the office immediately after the leave has elapsed. When leave of absence lasted for a period exceeding four (4) days, the application must be accompanied by a medical certificate. In the case of sick leave for a period longer than one month, care should be taken that the head of the office receives the leave application as soon as possible in order to make alternative arrangements.
 - 1.3.3 Upon receipt of the completed leave form, the head of the office recommends the leave and submits the said forms to the Department. If the head of the office does not recommend the leave, the procedure as set out in paragraph 5 must be followed. **NB: It is the responsibility of the head of the office, not the educator who applies for leave, to submit the completed leave form to the Department (via the official channels).**
- 1.4 It must, however, be emphasized that the granting of leave of absence is subject to the approval of the Department. Except in the case of sudden illness or other unavoidable circumstances, **an educator shall not leave or stay away from his or her work unless he or she has applied in writing for leave and has been informed in writing that his or her application has been approved**. Failure to adhere to this requirement can result in the implementation of **leave without salary** for the period in question.
- 1.5 The Department may with good cause and at any time withdraw leave already granted.
- 1.6 When the services of an educator are terminated, for whatever reason, all his or her leave credit shall lapse and such an educator cannot claim payment of the cash value of leave standing to his or her credit, provided that the payment of a leave gratuity shall not be precluded if an educator qualifies in terms of paragraph 6 below.

- 1.7 An educator who is appointed on a part-time basis, does not qualify for leave and receives no remuneration for his or her absence from duty for vacation or other purposes.

2. VACATION LEAVE

2. VACATION LEAVE

2.1 Vacation leave accrual

2.1.1 The leave credit of an educator employed at an office shall increase as expounded below:

If appointed before 1 July 1966 38 days per annum

If appointed on or after 1 July 1966

- up to 10 years of completed services 30 days per annum
- after 10 years of completed service 36 days per annum

2.1.2 An educator for whom inspecting or subject advisory services is part of his or her duties 26 days per annum.

2.1.3 If the educator (named in paragraph 2.1.2) performs duty during periods of non-accumulative leave during school holidays, a further one day of accumulative vacation leave shall be granted to him or her for every two days he or she performs such a duty to a maximum of 12 days per annum; and

2.1.4 An educator contemplated in paragraph 2.1.2 who in any specific year ending on 31 December –

- (i) has a period of service of at least one year may be granted 24 days non-accumulative leave during school holidays that year; and
- (ii) where such an educator has a period of less than one year of service, the number of days of non-accumulative leave during school holidays that may be granted in that year shall be determined on the basis of one day of non-accumulative leave for every 15 full days on duty.

2.2 Recognition of previous service for leave purposes

2.2.1 Where the service of an educator terminates and he or she is re-appointed after a break in service, his or her service prior to such an appointment shall not be taken into account for leave purposes. The leave credit of such an educator may be restored to a maximum of 184 days if he or she later returns to teaching.

2.2.2 An educator who is appointed without a break in service, and who prior to such appointment was employed by any education department in the RSA or any department as defined by the Public Service Act, 1994 or by a school or body having a state-administered pension or provident fund, shall retain the leave which he or she has to his or her credit on the last day of service with the previous employer, calculated at a maximum of 36 days per annum. In the case where an educator's previous service was in a non-teaching post, the maximum leave credit of 36 days per annum will be granted.

2.2.3 A person who has, immediately prior to such an appointment, held a post at a state educational institution, technikon or university shall retain the leave credit which he or she held on his or her last day at such an institution.

2.3 Granting of vacation leave

- 2.3.1 Vacation leave may be granted to an educator, if such an educator has the necessary leave to his or her credit for the period concerned.
- 2.3.2 A period of vacation leave with full pay may be converted into vacation leave with half pay on the basis of two days with half pay for each day with full pay.
- 2.3.3 The Department may at any time, for good reason, require an educator to use part or all of the vacation leave credit he or she has available.
- 2.3.4 Any period of leave shall commence on the first day on which the educator is absent from duty and shall terminate on the last school day immediately preceding the day on which such an educator resumes duty.
- 2.3.5 A public holiday or weekend which falls within a period of leave shall be deemed to form part of such leave and shall be reckoned as such. Where a public holiday or weekend falls between two different types of leave, and such leave forms a continuous period, any such day or days shall not be reckoned as leave.
- 2.3.6 An educator who wants to resume duty before a period of leave granted to him or her has expired, shall not do so before having obtained prior approval from the Department. Educators shall not be paid for services rendered until approval has been granted.
- 2.3.7 If an educator is granted more leave with full or half pay than that for which he or she qualifies at that stage and should the educator utilise such leave, the leave granted in excess may be deducted from leave which subsequently accrues to him or her. In the event of the educator retiring from the service before sufficient leave credit has accrued, that portion granted in excess shall be regarded as an overpayment.
- 2.3.8 An educator who is guilty of abusing alcoholic liquor or drugs, may be granted available vacation leave with pay with a view to rehabilitation and further useful utilisation of his or her services. On completion of treatment, a medical certificate and a complete report by the relevant medical practitioner or institution must be submitted to the Department. The report must give an indication of the latter's co-operation and progress during treatment as well as a prognosis of the case.
- 2.3.9 If an educator, as contemplated in paragraph 2.3.8 does not have sufficient vacation leave to his or her credit to cover the periods of his or her absence with a view to his or her rehabilitation, vacation leave with full pay may, with due consideration of the merits and prognosis of the case, be granted for the full period of absence.

- 2.3.10 The overgranting of vacation leave which has thus occurred shall be deducted from the future vacation leave accrual.
- 2.3.11 If such an educator resigns or his or her services are terminated before sufficient vacation leave credit has accrued, that portion of the overgrant shall be regarded as an overpayment of salary.
- 2.3.12 If the medical practitioner or institution confirms in a report that the educator is rehabilitated after a period of twelve (12) months, the Department may approve that the vacation leave utilised for purposes of treatment up to a maximum equivalent to his or her annual leave accrual, again be placed to his or her credit, **on condition that such a concession is granted once only**. If such a certificate or report cannot be obtained from the above-mentioned parties, the Department may use its own discretion to decide on the basis of substantiated evidence of rehabilitation submitted, for example, by the relevant person's supervisor, minister of religion, medical practitioner or social worker, whether such an educator can be regarded as rehabilitated.

3. SICK LEAVE

3. SICK LEAVE

3.1 Sick leave accrual

- (i) Sick leave in a cycle of 3 years with -

full pay	120 days
half pay	120 days
- (ii) Kindly note that the policy as laid down must be read in conjunction with the contents of Circular 20/97, dated 14 March 1997.

3.2 Granting of sick leave

- 3.2.1 An application by an educator for sick leave for a continuous period of more than four days shall be supported by a certificate from a registered medical practitioner or a registered dentist;
- 3.2.2 The Department may require that such medical certificate be submitted in support of any application for sick leave for a period of four days or less if it is of the opinion that circumstances warrant the submission of such a certificate;
- 3.2.3 If the Department is satisfied that an educator's absence for a continuous period not exceeding 14 days during any calendar year (and for which a medical certificate is not submitted) is due to a *bona fide* illness and if it is further satisfied that there are sufficient reasons for not submitting a medical certificate, the Department may at its own discretion, grant exemption from the requirement to submit a medical certificate;
- 3.2.4 Sick leave for four days or less for which a medical certificate is not submitted may not exceed a total of 10 days during any calendar year. Any further absence for which a medical certificate is not submitted shall be covered by granting special leave for urgent private affairs.
- 3.2.5 Sick leave shall not be granted to an educator for any illness, indisposition or injury owing to misconduct or negligence of the educator or his or her failure to take reasonable precautions; or neurasthenia, insomnia, or other similar ill-defined disease or condition of ill health, unless the employer is satisfied that such an educator is not in a fit state of health to perform his or her duties.

- 3.2.6 Where sick leave is granted to an educator, the date on which such leave is deemed to have commenced and the date on which it is deemed to have ended shall be the dates determined by the Department, with due consideration for the medical requirements of the case and the interests of the employer or the relevant state institution.
- 3.2.7 An educator may, on application in writing, be granted vacation leave standing to his or her credit in lieu of sick leave with half pay or sick leave without pay.
- 3.2.8 Such application shall be submitted not later than three calendar months after he or she has resumed duty.
- 3.2.9 The Department shall be satisfied that the educator concerned is not at that stage permanently unfit for resumption of normal duties.
- 3.2.10 Once the vacation leave referred to has been granted to an educator and he or she has received payment in respect thereof, such leave may not be converted into sick leave with half pay or without pay.
- 3.2.11 If an educator to whom vacation leave has been granted takes ill while on vacation leave, that portion of the leave referred to in respect for which he or she submits a certificate from a registered medical practitioner or a registered dentist and which complies with the requirements may be converted into sick leave, if he or she has sick leave to his or her credit. Applications for sick leave must be made in writing no later than 30 days after the expiry of such a period of vacation leave.
- 3.2.12 Vacation leave without pay may not be converted into sick leave.
- 3.2.13 Notwithstanding the submission of a certificate, the Department may, on the grounds of further medical advice, refuse to grant leave with pay for any absence from duty to which the certificate relates. Such absence shall be deemed to be special leave for urgent private affairs.
- 3.2.14 Whenever the Department has reason to suspect that the state of health of an educator is such that he or she is unfit to perform his or her duties as an educator in a satisfactory manner, the Department may on a particular date call upon him or her to be examined at the expense of the State. Whenever the Department is satisfied that an educator is, owing to ill-health (including any mental or physical disability), unable to perform his or her duties as an educator satisfactorily, it may order such an educator to take sick leave for a specific period.

- 3.2.15 Sick leave shall accrue to an educator on the first day of a cycle and with effect from that day the full provision for the relative cycle may be granted to him or her. Unused sick leave shall lapse at the end of the cycle and shall not be carried forward to the next cycle.
- 3.2.16 An educator may be granted sick leave on account of his or her illness for 120 days on full pay and 120 days on half pay for every cycle in which such an educator has done duty. The educator may also be granted sick leave without pay for any further period which the Department may determine.
- 3.2.17 An educator who has completed at least 10 years of uninterrupted service and who, owing to long-standing ill health has used all the sick leave with full pay which could be granted to him or her, may be granted additional sick leave with full pay equal to his or her basic sick leave provision with full pay on the following conditions.
- (i) The additional sick leave with full pay may be granted for the entire remaining period of service of the educator, and not per cycle.
 - (ii) If the educator does not use all the additional sick leave with full pay within a cycle, the balance thereof shall remain to the credit of the educator for use in the next or ensuing cycles.
 - (iii) The additional sick leave with full pay shall be granted to the educator as soon as sick leave with full pay which was available during a cycle has been used and before any ordinary sick leave with half pay is granted to him or her.

3.3 **Special sick leave**

- 3.3.1 An educator who is absent from duty owing to an injury sustained in an accident arising out of and in the course of the execution of his or her duties as educator or owing to a disease contracted in the course of the execution of and as a result of his or her duties as educator, may be granted special sick leave with full pay for the period he or she is incapacitated for official duties or, if the case falls within the scope of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), as amended, special sick leave may be granted with full pay equal to the difference between full pay and the compensation payable to him or her under the said Act.
- 3.3.2 Special sick leave shall not be granted if the injury or illness is attributable to misconduct or negligence on the part of the educator or to his or her failure to take reasonable precautions.
- 3.3.3 Such leave shall not affect ordinary sick leave, which may be granted in any cycle.

4. SPECIAL LEAVE

4. SPECIAL LEAVE

4.1 Special leave for study purposes

4.1.1 Special leave may be granted to an educator for the purpose of improving his or her qualifications by taking a course of study approved for this purpose by the Department on the basis

- (i) that for each day of vacation leave with full salary granted for study purposes an additional day of special leave may be granted.
- (ii) that on the educator's written request, two days of special leave with half salary for each day of vacation leave with half salary may be granted.

4.1.2 If special leave for study purposes is granted to an educator, the Department may call for periodic progress reports in respect of the educator's studies and such an educator shall enter into an agreement with the employer, in terms of which he or she undertakes to serve the WCED immediately after completion of the period of special leave for study purposes for a period equal to at least the period for which special leave for study purposes with full pay has been granted to him or her, or for a service period equal to half the period for which special leave for study purposes at half pay has been granted.

4.1.3 Special leave for study purposes shall not be deducted from the leave credit of the educator.

4.1.4 Kindly note that the policy laid down must be read in conjunction with the principles of the circular in respect of study leave for the specific year. For 1999 it is Circular 105/98, dated 25 November 1998, which is applicable.

4.2 Special leave for military training

4.2.1 Special leave for military training may be granted to an educator with full pay when such educator is required, in terms of the Defence Act, 1957 or any regulation published thereunder, or in terms of the Police Act, 1958, or any regulation published thereunder, to undergo continuous or uninterrupted or interrupted training or to do service.

4.2.2 In the case where an educator does his or her continuous compulsory national service, his or her salary will be reduced by an amount determined by his or her employer from time to time, with due consideration to the circumstances of the educator.

4.2.3 Special leave for military training may include any period actually and necessarily required for travelling.

4.2.4 Documentary proof must be submitted when applying for this type of leave.

4.2.5 This type of leave shall not be deducted from the leave credit of the educator.

4.3 Special leave for examination purposes

4.3.1 Special leave with full pay may be granted to an educator for each day on which he or she sits for an examination approved by the Department. One day's special leave with full pay may be granted additionally in respect of each day on which the educator sits for such an examination in order that he or she may prepare for the examination;

4.3.2 Over and above the special leave for examination purposes referred to in paragraph 4.3.1, the Department may, once only, grant continuous special leave for examination purposes for a maximum period of 16 working days to an educator who has to sit for an examination in final-year subjects towards the completion of a first degree or diploma. (N.B. This paragraph is only applicable if an educator sits for an examination in a final-year subject.)

4.3.3 Special leave for examination purposes may include any period actually and necessarily required for travelling in connection with such an examination.

4.3.4 Special leave with full pay may be granted to an educator once only in respect of a re-examination.

4.3.5 Special leave for examination purposes shall not be deducted from the leave credit of an educator.

4.4 Special leave for quarantine purposes

4.4.1 If an educator is absent from duty as a result of segregation or isolation on medical instructions, the granting of special leave for quarantine purposes is subject to the submission of a certificate by a registered medical practitioner indicating the period and cause of segregation or isolation.

4.4.2 Special leave for quarantine purposes shall not be deducted from the leave credit of the educator.

4.5 Special leave for participating in sport and cultural events

Special leave with full pay for participating in sports and cultural events may be granted with the approval of the Department, without such leave being deducted from the leave credit of an educator, when an educator

- 4.5.1 is selected by an amateur sports body or a cultural institution recognised by the Department for the purpose of
- (i) competing in, coaching or managing a sport or cultural event beyond the borders of the Republic; or
 - (ii) representing the country, province or region at an international, national, provincial or regional sports or cultural event within the Republic; or
 - (iii) accompanying a group or an individual from outside the country who are/is visiting the Republic, as a representative of such a sports body or cultural institution; or
 - (iv) attending international conferences or meetings of international sports bodies or cultural institutions; or
- 4.5.2 acts as a referee, official, adjudicator or course leader at a sports or cultural event on an international level within or outside the Republic; or
- 4.5.3 as an individual, is selected or invited to participate, or on his or her own initiative participates, in a sports or cultural event at an international or national level within or outside the Republic.

Applications for such leave must be accompanied by relevant documentation. If relevant documentation is not submitted, leave for urgent private affairs will be granted.

4.6 Special leave for urgent private affairs

- 4.6.1 With the approval of the Department, an educator may be granted special leave for urgent private affairs.
- 4.6.2 Special leave for urgent private affairs shall be with full pay if the educator has the necessary vacation leave to his or her credit. It shall be deducted from the educator's leave credit or shall be without pay if the educator no longer has any vacation leave to his or her credit.

4.7 Special leave for confinement

- 4.7.1 Special leave for confinement may be granted to a female educator who has completed at least 12 months of uninterrupted satisfactory service. This includes uninterrupted service at other government departments as well as temporary and permanent service.
- 4.7.2 A female educator may be granted special leave for confinement for a period normally extending from 30 days before the expected date of confinement to 90 days after birth. Shorter or longer periods may be approved on application, depending on the circumstances. If an educator requires a shorter period, an application must be submitted in writing and the Department must be exempted from any liability.

- 4.7.3 Application to take this leave must be made at least 90 days before the expected date of confinement.
- 4.7.4 A maximum of 84 days special leave with full pay may be granted for confinement or adoption for which documentary proof must be furnished.
- 4.7.5 Special leave for confinement purposes is limited to two confinements or adoptions per educator.
- 4.7.6 An educator who has vacation leave to his or her credit may request in writing that she be granted that vacation leave on full or half pay in lieu of part or all of her unpaid accouchement leave.
- 4.7.7 Special leave may be taken before or after the confinement, but it shall continue immediately after the confinement.
- 4.7.8 Special leave for confinement may not be converted into any other type of leave after it has commenced.
- 4.7.9 Sick leave for absence from duty owing to a miscarriage, a still birth or the termination of a pregnancy on medical advice may be granted before a period of special leave would have commenced. (Refer to paragraph 5 of the manual). If it occurs after the commencement of such special leave, this period is not taken into consideration for the purposes of the restriction contained in paragraph 4.7.5.
- 4.7.10 If a female educator does not qualify for special leave for confinement purposes, her absence for purposes of her confinement must be covered by the granting of her available vacation leave with full pay and thereafter vacation leave without pay.
- 4.7.11 Sick leave may be granted in accordance with paragraph 4.7.10 if a period of vacation leave without pay has not been implemented for this purpose.
- 4.7.12 Special leave for confinement purposes shall not be deducted from the leave credit of an educator.
- 4.8 Special leave for continuity of service**
- 4.8.1 Special leave without pay for a maximum of 120 days may be granted to an educator who was previously employed in a temporary capacity as educator by the same or another employer for the purpose of retaining the continuity of the educator's service.

- 4.8.2 The special leave shall commence on the day immediately following the date on which such educator last received salary from his or her previous employer and shall expire on the day preceding the date of assumption of duty with the present employer in terms of such appointment.

4.9 Special leave in extraordinary circumstances

- 4.9.1 Subject to the provisions of section 10(1) and (2) of the Educators Employment Act, 1998, (Act no. 76 of 1998), unauthorised absence by an educator, notwithstanding any disciplinary measures which may be taken against him or her, shall be regarded as special leave in extraordinary circumstances and such leave shall be without pay unless the Department in a specific case determines otherwise.
- 4.9.2 If, in the opinion of the Department, circumstances justify it, special leave in extraordinary circumstances for any purpose or for any period he or she may determine, may be granted. Such leave shall be without pay unless the Department determines otherwise.
- 4.9.3 Special leave in extraordinary circumstances shall not be deducted from the leave credit of the educator.

5. UNAUTHORISED ABSENCE FROM DUTY

5. UNAUTHORIZED ABSENCE FROM DUTY

- 5.1 Unauthorized absence from duty by an educator is regarded as vacation leave without salary.
- 5.2 An educator who is absent without leave for more than 14 days and who has accepted other work, is regarded as being relieved from duty owing to misconduct with effect from the day following the last day on which he or she rendered service. The head of the office must make sure that the case is submitted to the Department within 10 days of the lapsing of the above-mentioned period.
- 5.3 The following procedure must be followed where an educator is absent without leave:
 - 5.3.1 the *audi alteram partem* rule must be applied in writing by the head of the office and the educator must have the opportunity to put his or her side of the matter in writing.
 - 5.3.2 The educator's reasons for his or her absence together with the head of the office's recommendation to allocate leave without pay as well as all relevant documentation must be submitted to Head Office.
 - 5.3.3 The matter must be considered by Head Office and the educator must be informed in writing of the outcome.

6. LEAVE GRATUITIES

6. LEAVE GRATUITIES

6.1 A leave gratuity shall be payable to an educator

6.1.1 who retires on pension;

6.1.2 who is dismissed owing to continuous ill-health;

6.1.3 who is dismissed owing to the abolition of his or her post;

6.1.4 whose dismissal will enhance efficiency and economy;

6.1.5 who dies, in which case the gratuity is payable to his or her next of kin.

6.2 If he or she has been appointed on a contract basis, the leave gratuity is paid out in accordance with provisions of the contract;

6.3 A leave gratuity up to a maximum of 184 days shall be payable to

6.3.1 an educator appointed in a temporary capacity in terms of section 4(3) of the Act, after having completed at least five years of uninterrupted satisfactory service, unless special leave for the sake of continuity of service may be granted.

6.3.2 an educator appointed in a permanent capacity at his or her written request, if such an educator has the option of retiring on pension before attaining the compulsory retirement age and does not retire before attaining such age.

6.4 Any leave credit which remains after a leave gratuity is paid shall be retained by the educator.

6.5 If an educator has applied for the payment of a leave gratuity and it has been paid out, he or she shall not be allowed to refund such a gratuity and apply again for one at a later stage.

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PROVINCIAL ADMINISTRATION WESTERN CAPE
Education Department
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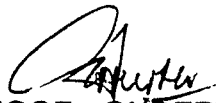
OMSENBRIEF 0098/99

AAN:

ALLE HOOFDIREKTEURE, DIREKTEURE, AREA- EN KRINGBESTUURDERS,
VAKADVISEURS EN HOOFDE VAN ALLE ONDERWYSINRIGTINGS

BELEID MET BETREKKING TOT AFWESIGHEIDSVERLOF : OPVOEDERS

1. As gevolg van die verwarring wat daar by die toestaan van verlof bestaan, het die WKOD dit gerade geag om 'n Verlofbeleidhandleiding wat die Departement se algemene beleid uiteensit, uit te reik.
2. Hoofde van onderwysinrigtings word versoek om hierdie verlofbeleid onder al die personeellede (opvoeders) se aandag te bring en te verseker dat toekomstige aansoeke om verlof voldoen aan die vereistes soos in die handleiding uiteengesit.
3. U samewerking word waardeer.

hms. 
HOOF: ONDERWYS
DATUM: 1999-09-07

MELD ASSEBLIEF VERWYSINGSNOMMERS IN ALLE KORRESPONDENSIE. / PLEASE QUOTE REFERENCE NUMBERS IN ALL CORRESPONDENCE.

WES-KAAP ONDERWYSDEPARTEMENT

VERLOFBELEIDHANDLEIDING

TEN OPSIGTE VAN

OPVOEDERS

INHOUDSOPGAWE

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1. INLEIDING

Die doel van die verlofhandleiding is om eenvormigheid te verkry met betrekking tot verlofvoorskrifte en om 'n dokument daar te stel wat opvoeders groter helderheid sal gee met betrekking tot hul verlofvoordele. Dit bevat ook die basiese riglyne vir die toepassing van die Regulasies uitgevaardig kragtens die Wet op Indiensneming van Opvoeders, 1998, Wet 76 van 1998.

Die handleiding is so omvattend as wat nodig geag word, maar dit moet nie gesien word as iets wat die gebruik van die wette en regulasies in alle opsigte uitskakel nie. Bylaes A en B vervat die verlofbedeling van opvoeders by skole en dié verbonde aan kantore, onderskeidelik. Waar verdere besonderhede verlang word, moet die betrokke Wet en Regulasies steeds nageslaan word. Amptenare by Hoofkantoor is ook te eniger tyd beskikbaar vir raadpleging in verband met aangeleenthede waaroor daar onsekerheid bestaan.

2. INDELING VAN AFWESIGHEIDSVERLOF

2.1 Afwesigheid van diens wat as verlof aangeteken word, word onder een of meer van die volgende hoofde ingedeel:

- vakansieverlof;
- siekteverlof;
- spesiale siekteverlof;
- spesiale verlof vir studiedoeleindes;
- spesiale verlof vir militêre opleiding;
- spesiale verlof vir eksamendoeleindes;
- spesiale verlof vir kwarantyn-doeleindes;
- spesiale verlof vir deelname aan sport- en kulturgeleenthede;
- spesiale verlof vir dringende private sake;
- spesiale verlof vir bevalling;
- spesiale verlof ter wille van dienskontinuiteit; en
- spesiale verlof vir buitengewone omstandighede.

2.2 Afwesigheid van diens wat nie as verlof aangeteken word nie

2.2.1 'n Opvoeder word geag aan diens te wees, indien hy of sy

- (a) as 'n getuie moet verskyn
 - (i) in enige hof;
 - (ii) by wangedragverrigtinge of in 'n wangedragondersoek ingevolge die een of ander wet;
 - (iii) by 'n geregtelike doodsondersoek;
 - (iv) by huurraadverrigtinge, behalwe as die betrokke opvoeder die persoon is wat met betrekking tot daardie verskyning 'n skriftelike klag ingedien het;
 - (v) voor 'n kommissie of komitee deur die Staat aangestel of voor enige komitee of instelling by of kragtens enige wet ingestel;
- (b) 'n verweerder of medeverweerder is in siviele verrigtinge wat uit sy of haar ampspligte voortspruit en waarby die Staat of enige statutêre liggaam of instelling 'n regstreekse belang het;
- (c) in hegtenis geneem word of in enige hof strafregtelik teregstaan en die ten laste gelegde misdryf teruggetrek word of indien hy of sy op daardie misdryf op die meriete van die saak vrygespreek word;
- (d) met die goedkeuring van die Departement
 - (i) 'n onderrigkursus of 'n lesing bywoon of voor- of nagraadse studie onderneem;
 - (ii) 'n onderrigkursus bywoon wat aangebied word deur 'n departement soos bedoel in die Staatsdienswet, 1994;
 - (iii) praktiese werk verrig of proefonderwys gee ten einde te voldoen aan die vereistes vir 'n formele kwalifikasie aangebied aan 'n erkende tersiêre of na-sekondêre onderwysinrigting; of
 - (iv) in belang van die Departement of die georganiseerde onderwysprofessie aan enige ander aktiwiteit deelneem of 'n werksaamheid verrig.

Alle aansoeke om voormelde verlof moet gerugsteun word deur stawende dokumentêre bewyse. Versuim om stawende dokumentasie in te dien, sal lei tot die implementering van vakansieverlof.

VERLOFBEDELING

TEN OPSIGTE VAN

OPVOEDERS VERBONDE

AAN

SKOLE

1. ALGEMENE MAATREëLS

(OPVOEDERS AAN SKOLE)

1. ALGEMENE MAATREëLS

- 1.1 Afwesigheidsverlof word toegestaan met behoorlike inagneming van die behoeftes van die werkgewer of die betrokke staatsonderwysinstelling.
- 1.2 Opvoeders wat, om watter rede ook al, nie vir diens kan aanmeld nie, moet die hoof van die inrigting voor 08:15 van die betrokke dag van sodanige afwesigheid in kennis stel. Versuim om hieraan te voldoen kan lei tot die toestaan van verlof sonder salaris.
- 1.3 Vir enige tipe verlof waarvoor 'n opvoeder aansoek wil doen, **moet** die voorgeskrewe verlofvorm voltooi word.
 - 1.3.1 In die geval van vakansie- en spesiale verlof moet die voltooide verlofvorm vroegtydig ingevolge die voorskrifte soos by paragraaf 2 en 4 hieronder genoem aan die hoof voorsien word en, indien van toepassing, moet die stawende dokumentêre bewyse/motivering aangeheg word.
 - 1.3.2 In die geval van siekteverlof moet die opvoeder die voltooide verlofvorm onmiddellik na verstryking van die afwesigheid aan die hoof voorlê. Indien die afwesigheid oor langer as vier dae strek, moet die stawende mediese sertifikaat aangeheg word. Waar die afwesigheid weens siekte oor 'n tydperk van langer as 'n maand strek, moet sorg gedra word dat die hoof die aansoek om verlof so spoedig doenlik in ontvangs neem, ten einde alternatiewe reëlins te kan tref.
 - 1.3.3 By ontvangs van die voltooide verlofvorm beveel die hoof die verlof aan, waarna dit aan die Kringbestuurder besorg word. Indien die hoof nie die verlof aanbeveel nie moet die prosedure soos uiteengesit in paragraaf 5 gevolg word. **LW: Dit is die prinsipaal se verantwoordelikheid, en nie die opvoeder wat om verlof aansoek doen nie, om die voltooide verlofvorm aan die Departement (via die Kringbestuurder) te besorg.**
- 1.4 Dit moet egter beklemtoon word dat die toestaan van afwesigheidsverlof onderworpe is aan die goedkeuring van die Departement. Behalwe in die geval van skielike siekte of ander onvermydelike omstandighede, **mag 'n opvoeder nie sy/haar werk verlaat of afwesig bly nie, tensy hy/sy skriftelik aansoek gedoen het om verlof en skriftelike goedkeuring ontvang het.** Versuim om aan hierdie vereiste te voldoen, kan lei tot die implementering van **verlof sonder salaris** vir die betrokke tydperk.
- 1.5 Die Departement kan met goeie rede te eniger tyd reeds toegestane verlof intrek.
- 1.6 Wanneer die diens van 'n opvoeder, om watter rede ook al, beëindig word, verval al sy of haar verlofkrediete en kan hy of sy nie eis dat die geldwaarde van ongebruikte verlof aan hom of haar uitbetaal word nie, met dien verstande dat die betaling van 'n verlofgratifikasie nie belet word indien 'n opvoeder ingevolge paragraaf 6 hieronder daarvoor kwalifiseer nie.

- 1.7 'n Opvoeder wat op 'n deeltydse grondslag aangestel is, is op geen verlof geregtig nie en ontvang geen besoldiging gedurende sy of haar afwesigheid van diens nie, hetsy vir vakansie of ander doeleindes.
- 1.8 Indien 'n opvoeder tot en met die laaste werksdag van 'n skoolkwartaal met verlof (vakansie-, siekte-, spesiale verlof) afwesig is en ook vanaf die eerste werksdag van die eersvolgende skoolkwartaal verlof neem, word die tussenkomende **skoolvakansie** nie as verlof beskou nie.
- 1.9 Waar sodanige skoolvakansie voorafgegaan en gevolg word deur siekte- of vakansieverlof sonder salaris, word sodanige skoolvakansie as siekte- of vakansieverlof sonder salaris aangeteken, soos die geval mag wees.
- 1.10 Indien 'n opvoeder se siekte- of vakansieverlof teen halwe salaris 'n skoolvakansie voorafgaan en gevolg word deur siekte- of vakansieverlof teen halwe salaris, is die besoldigingsvoorwaardes dieselfde vir die skoolvakansies as vir die verlof wat dit voorafgegaan het.
- 1.11 Die betaling van 'n toelae aan 'n opvoeder vir waarneming in 'n hoër pos of vir werkverrigting by 'n koshuis, wat nie by sy of haar besoldiging inbegrepe is nie, word tydens tydperke van verlof gestaak.

2. VAKANSIEVERLOF

2. VAKANSIEVERLOF

2.1 Aanwas van vakansieverlof

- (i) Verlofvoorsiening vir opvoeders is **12 dae per jaar**;
- (ii) 'n Opvoeder wat deur die Hoof van Onderwys aangesê is om gedurende enige tydperk van 'n skoolvakansie diens te doen, word bykomend tot die verlofkrediet gekrediteer met die helfte van die getal dae waarop van hom of haar verwag is om sodanige diens te doen, met dien verstande dat hoogstens 24 dae in 'n kalenderjaar so gekrediteer mag word; en
- (iii) so 'n opvoeder kan binne 90 dae na die verrigting van sodanige diens versoek dat die bykomende verlofkrediet omskep word in 'n nie-pensioendraende kontantbetaling in ooreenstemming met die formule $A \times B/365$, waar "A" die getal dae bykomende verlofkrediet verteenwoordig en "B" die basiese jaarlikse besoldiging plus enige pensioendraende toelae van die betrokke opvoeder ten tye van die verrigting van diens gedurende die skoolvakansie.

2.2 Erkenning van vorige diens vir verlofdoeleindes

- 2.2.1 Indien die diens van 'n opvoeder eindig en hy of sy na 'n diensonderbreking weer aangestel word, word sy of haar diens voor sodanige aanstelling nie vir verlofdoeleindes in aanmerking geneem nie. Sodanige verlofkrediet kan egter tot 'n maksimum van 184 dae herstel word indien die opvoeder later tot die onderwys terugkeer.

Met die herstel van verlofkrediet word geen vakansieverlof uit die herstelde verlofkrediet binne twee jaar na sodanige aanstelling toegestaan nie.

- 2.2.2 'n Opvoeder wat sonder onderbreking van diens aangestel word en wat voor die aanstelling in diens was van 'n onderwysdepartement in die RSA of enige departement soos bedoel in die Staatsdienswet, 1994 of by 'n skool of enige liggaam of instelling wat 'n pensioen- of voorsorgfonds het wat deur of vir die Staat geadministreer word, behou die verlofkrediet wat hy of sy op die laaste dag van sy of haar diens by sy of haar vorige werkgever gehad het, bereken teen 'n maksimum van 36 dae per jaar. In die geval waar die opvoeder se vorige diens in 'n nie-onderwyspos was, sal die maksimum verlofkrediet van 36 dae per jaar toegestaan word.
- 2.2.3 In die geval van 'n persoon wat onmiddellik voor die betrokke aanstelling 'n pos aan 'n staatsonderwysinstelling, teknikon of universiteit beklee het, behou so iemand die verlofkrediet wat hy of sy op die laaste dag van sy of haar diens by genoemde instelling, gehad het.

2.3 Toestaan van vakansieverlof

- 2.3.1 Vakansieverlof mag aan 'n opvoeder toegestaan word, mits sodanige opvoeder oor die nodige verlofkrediet vir die betrokke tydperk beskik.
- 2.3.2 'n Aansoek om vakansieverlof moet die Departement minstens 90 dae voor die datum waarop die vakansieverlof 'n aanvang neem, bereik.
- 2.3.3 Vakansieverlof kan toegestaan word vir 'n maksimum van 180 dae of twee opeenvolgende kalenderkwartale (watter ook al die langste is) en 'n minimum van 10 aaneenlopende skooldae. Die Departement kan in uitsonderlike gevalle ander tydperke goedkeur.
- 2.3.4 'n Tydperk van vakansieverlof met volle besoldiging kan omskep word in vakansieverlof met halwe besoldiging op die grondslag van twee dae met halwe besoldiging vir elke dag met volle besoldiging.
- 2.3.5 Die Departement kan met grondige redes te eniger tyd vereis dat 'n opvoeder 'n gedeelte van of al die vakansieverlof neem wat tot sy of haar krediet staan. Die maksimum tydperk van verlof voorgeskryf, mag nie oorskry word nie.
- 2.3.6 Enige tydperk van verlof neem 'n aanvang op die eerste dag waarop die opvoeder van diens afwesig is en eindig op die laaste skooldag onmiddellik voor die dag waarop sodanige opvoeder diens moet hervat.
- 2.3.7 'n Openbare vakansiedag of naweek wat binne 'n tydperk van verlof val of 'n skoolvakansie wat binne 'n tydperk van verlof sonder besoldiging val, word geag deel van die tydperk van verlof te wees en word as sodanig gereken. Waar 'n openbare vakansiedag of naweek of skoolvakansie tussen twee verskillende soorte verlof val en sodanige verlof 'n aaneenlopende tydperk beloop, sal enige sodanige dag of dae nie as verlof gereken word nie.
- 2.3.8 'n Opvoeder wat diens wil hervat voor die verstryking van 'n tydperk van verlof wat aan hom of haar toegestaan is, mag dit nie sonder die vooraf verkreeë goedkeuring van die Departement doen nie. Opvoeders sal nie vergoed word vir diens gelewer voor die verkryging van sodanige goedkeuring nie.
- 2.3.9 Indien 'n opvoeder meer verlof met volle of halwe besoldiging toegestaan word as waarop hy/sy op daardie stadium geregtig is, en sodanige verlof benut is, kan die oortoeckenning afgetrek word van verlofkrediet wat hom of haar later toeval. As die opvoeder uit diens tree voordat hy/sy voldoende verlofkrediet opgebou het, sal die gedeelte van die oortoeckenning as 'n oorbetaling beskou word.

- 2.3.10 Indien 'n opvoeder kennis van bedanking gee, word vakansieverlof met besoldiging wat reeds toegestaan is, ingetrek en word afwesighede van diens geag vakansieverlof sonder besoldiging te wees. Dit is van toepassing slegs ten opsigte van afwesighede gedurende die laaste 30 dae van 'n opvoeder se diens.
- 2.3.11 'n Opvoeder se diens tydperk mag nie verleng word ten einde hom of haar in staat te stel om verlof te gebruik wat aan hom of haar toegestaan sou kon word nie.
- 2.3.12 Aan 'n opvoeder wat skuldig is aan die misbruik van alkoholiese drank of dwelmmiddels, kan beskikbare vakansieverlof met besoldiging toegestaan word met die oog op rehabilitasie en die verdere nuttige gebruik van sy of haar dienste. By voltooiing van behandeling, moet 'n mediese sertifikaat en 'n volledige verslag van die betrokke geneesheer of inrigting aan die Departement voorgelê word. Die verslag moet 'n aanduiding van die betrokke se samewerking en vordering tydens die behandeling asook 'n prognose van die geval gee.
- 2.3.13 Indien 'n opvoeder in paragraaf 4.3.12 bedoel, nie voldoende vakansieverlof tot sy of haar krediet het ter dekking van die tydperke van sy of haar afwesigheid met die oog op rehabilitasie nie, kan vakansieverlof met volle betaling, met behoorlike inagneming van die meriete en prognose van die geval, vir die volle tydperk van afwesigheid toegestaan word.
- 2.3.14 Die oortoekenning van vakansieverlof wat aldus plaasgevind het word afgetrek van die vakansieverlofkrediet wat hom of haar later toeval.
- 2.3.15 Indien so 'n opvoeder bedank of sy of haar dienste beëindig word voordat voldoende vakansieverlofkrediet opgebou is, sal die gedeelte van die oortoekenning beskou word as 'n oorbetaling.
- 2.3.16 Indien die betrokke geneesheer of inrigting na 12 maande in 'n verslag bevestig dat so 'n opvoeder gerehabiliteer is, kan die Departement goedkeuring verleen dat die vakansieverlof wat vir behandelingsdoeleindes gebruik is, tot hoogstens 12 dae, weer tot sy of haar krediet gestel word, **op voorwaarde dat so 'n toegewing slegs een keer gedoen word.** Indien so 'n sertifikaat of verslag nie van bovermelde partye verkry kan word nie, kan die Departement na goeë dinge op grond van stawende bewys van rehabilitasie wat deur byvoorbeeld die betrokke se toesighouer, predikant, geneesheer of maatskaplike werker voorgelê word, besluit of sodanige opvoeder as gerehabiliteer geag kan word.

3. SIEKTEVERLOF

3. SIEKTEVERLOF

3.1 Aanwas van siekteverlof

- (i) Siekteverlof ten opsigte van eerste siklus van 3 jaar met

volle betaling 90 dae
 halwe betaling 90 dae

- (ii) Siekteverlof in daaropvolgende verlofsiklus (van drie jaar elk) –

Die getal dae wat in die eerste siklus van toepassing is, plus 'n vermeerdering van drie dae ten opsigte van elke daaropvolgende verlofsiklus tot 'n maksimum van 120 dae.

3.2 Toestaan van siekteverlof

- 3.2.1 'n Aansoek om siekteverlof vir 'n aaneenlopende tydperk van meer as vier dae moet gesteun word deur 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts.
- 3.2.2 Die Departement kan egter eis dat 'n mediese sertifikaat voorgelê word ter ondersteuning van enige aansoek om siekteverlof indien geoordeel word dat omstandighede die voorlegging van so 'n sertifikaat regverdig.
- 3.2.3 Indien die Departement oortuig is dat 'n opvoeder se afwesigheid vir 'n aaneenlopende tydperk van hoogstens 14 dae gedurende enige kalenderjaar (en waarvoor 'n mediese sertifikaat nie ingedien is nie) toe te skryf is aan 'n *bona fide* siekte en indien hy of sy voorts oortuig is dat daar genoegsame redes bestaan waarom 'n mediese sertifikaat nie ingedien is nie, kan die Departement, na goeddunke, vrystelling van die indiening van 'n mediese sertifikaat verleen.
- 3.2.4 Siekteverlof wat vir vier dae en minder toegestaan word en waarvoor 'n mediese sertifikaat nie ingedien is nie, mag nie 'n totaal van 10 dae gedurende enige kalenderjaar oorskry nie. Enige verdere afwesigheid waarvoor 'n mediese sertifikaat nie ingedien is nie, word gedek deur die toestaan van spesiale verlof vir dringende privaat sake.
- 3.2.5 Siekteverlof word nie toegestaan vir enige siekte, ongesteldheid of besering wat toe te skryf is aan wangedrag, nalatigheid of versuim om redelike voorsorg te tref, of weens neurastenie, slaaploosheid of 'n dergelike minder goed omskrewen siekte of ongesteldheid nie, tensy die werkgewer oortuig is dat sodanige opvoeder se gesondheidstoestand hom of haar ongeskik maak vir sy of haar werk.

- 3.2.6 Waar siekteverlof aan 'n opvoeder toegestaan word, is die datum waarop die verlof geag word te begin en die datum waarop dit geag word te geëindig het, die datums soos bepaal deur die Departement, met inagneming van die geneeskundige vereistes van die geval en die belang van die werkgewer en die betrokke staatsinstelling.
- 3.2.7 Aan 'n opvoeder kan, indien hy of sy skriftelik daarom aansoek doen, vakansieverlof wat hy of sy tot sy of haar krediet het, toegestaan word in plaas van siekteverlof met halwe salaris of siekteverlof sonder salaris.
- 3.2.8 Sodanige aansoek moet nie later nie as drie kalendermaande nadat hy of sy diens hervat het, ingedien word.
- 3.2.9 Die Departement moet daarvan oortuig wees dat die betrokke opvoeder op die betrokke tydstip nie permanent ongeskik is om sy pligte as opvoeder te hervat nie.
- 3.2.10 As bedoelde vakansieverlof aan 'n opvoeder toegestaan is en hy of sy salaris ten opsigte daarvan ontvang het, mag sodanige verlof nie weer in siekteverlof met halwe salaris of sonder salaris omgesit word nie.
- 3.2.11 Indien 'n opvoeder aan wie vakansieverlof toegestaan is, siek word terwyl hy of sy met sodanige vakansieverlof is, kan die betrokke deel van die vakansieverlof in siekteverlof omgesit word mits hy of sy siekteverlof tot sy of haar krediet het en indien hy of sy 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts indien. Aansoek om siekteverlof moet skriftelik gedoen word binne 30 dae na die verstryking van sodanige tydperk van vakansieverlof.
- 3.2.12 Vakansieverlof sonder salaris mag nie in siekteverlof omgesit word nie.
- 3.2.13 Ondanks die indiening van 'n mediese sertifikaat, kan die Departement op grond van verdere mediese advies weier om siekteverlof met besoldiging aan 'n opvoeder toe te staan ten opsigte van enige afwesigheid waarop die sertifikaat betrekking het. Sodanige afwesigheid word beskou as spesiale verlof vir dringende private sake.
- 3.2.14 Wanneer die Departement rede het om te vermoed dat die gesondheidstoestand van 'n opvoeder sodanig is dat dit hom of haar ongeskik maak om sy of haar pligte as opvoeder op bevredigende wyse uit te voer, kan die Departement daardie opvoeder op 'n bepaalde datum aansê om op Staatskoste ondersoek te word. Wanneer die Departement oortuig is dat die betrokke opvoeder weens swak gesondheid (met inbegrip van enige geestelike of liggaamlike gebrek) nie in staat is om sy of haar pligte as opvoeder op bevredigende wyse uit te voer nie, kan hy die opvoeder aansê om vir 'n bepaalde tydperk siekteverlof te neem.

- 3.2.15 Siekteverlof val 'n opvoeder toe op die eerste dag van 'n siklus en met ingang van daardie dag kan die volle voorsiening vir die betrokke verlofsiklus aan hom of haar toegestaan word.
- 3.2.16 Ongebruikte siekteverlof verval aan die einde van 'n siklus en kan nie na die volgende siklus oorgedra word nie.
- 3.2.17 Addisionele siekteverlof kan vir hoogstens 90 dae met volle salaris en 90 dae met halwe salaris toegestaan word aan 'n opvoeder na voltooiing van nege jaar ononderbroke diens en gedurende elke tydperk van nege jaar daarna. Die addisionele siekteverlof met volle besoldiging volg onmiddellik op die gewone siekteverlof met volle besoldiging. Indien 'n opvoeder slegs 'n gedeelte van die addisionele siekteverlof benut en die siekteverlofsiklus verstryk, kan die oorblywende gedeelte van die addisionele verlof nie na die volgende siklus oorgedra word nie.
- 3.2.18 Aan 'n opvoeder wat in 'n siklus al sy of haar siekteverlof geneem het, kan verdere siekteverlof sonder salaris in die betrokke siklus toegestaan word vir sodanige verdere tydperk as wat die Departement bepaal.

3.3 **Spesiale siekteverlof**

- 3.3.1 Aan 'n opvoeder wat van diens afwesig is weens 'n besering opgedoen in 'n ongeluk voortvloeiend uit, en in die loop van die uitvoering van sy of haar pligte as opvoeder of weens 'n siekte wat in die loop van en as gevolg van die uitvoering van sy of haar pligte as opvoeder opgedoen is, kan spesiale siekteverlof met volle salaris toegestaan word vir die tydperk wat hy of sy nie geskik is om sy of haar amptelike pligte uit te voer nie. Indien die geval binne die bestek van die Wet op Vergoeding vir Beroepsbesering en Siektes, 1993 (Wet 130 van 1993), soos gewysig, val, kan spesiale siekteverlof met salaris gelykstaande aan die verskil tussen volle salaris en die vergoeding wat kragtens genoemde Wet aan hom of haar betaalbaar is, toegestaan word.
- 3.3.2 Spesiale siekteverlof word nie toegestaan as die besering of siekte toe te skryf is aan wangedrag, nalatigheid of versuim van die kant van die opvoeder om redelike voorsorg te tref nie.
- 3.3.3 Genoemde verlof raak nie gewone siekteverlof wat gedurende enige siklus toegestaan kan word nie.

4. SPESIALE VERLOF

4. SPESIALE VERLOF

4.1 Spesiale verlof vir studiedoeleindes

4.1.1 Spesiale verlof kan aan 'n opvoeder toegestaan word om sy of haar kwalifikasies te verbeter deur 'n studiekursus wat deur die Departement vir hierdie doel goedgekeur is op die basis dat

- (i) vir elke dag vakansieverlof met volle besoldiging wat 'n opvoeder vir studie gebruik, 'n addisionele dag spesiale verlof vir studiedoeleindes toegestaan word.
- (ii) indien die opvoeder dit skriftelik versoek, 2 dae spesiale verlof met halwe besoldiging vir elke dag vakansieverlof met halwe besoldiging toegestaan word.

4.1.2 Indien spesiale verlof vir studiedoeleindes aan 'n opvoeder toegestaan word, kan die Departement periodiek vorderingsverslae oor die opvoeder se studie vereis en die betrokke opvoeder moet 'n ooreenkoms aangaan waarby onderneem word om die WKOD onmiddellik na verstryking van die tydperk van spesiale verlof vir studiedoeleindes te dien vir 'n tydperk gelykstaande aan minstens die tydperk waarvoor spesiale verlof vir studiedoeleindes met volle besoldiging aan hom of haar toegestaan is, of vir 'n dienstydsperk gelykstaande aan die helfte van die tydperk waarvoor spesiale verlof vir studiedoeleindes met halwe besoldiging toegestaan is.

4.1.3 Spesiale verlof vir studiedoeleindes word nie teen die opvoeder se verlofkrediet verreken nie.

4.1.4 Geliewe daarop te let dat die beleid neergelê saamgelees moet word met die bepalings van die omsendbrief wat betrekking het op studieverlof vir die betrokke jaar. Vir 1999 is Omsendbrief 105/98, gedateer 25 November 1998, van toepassing.

4.2 Spesiale verlof vir militêre opleiding

4.2.1 Spesiale verlof vir militêre opleiding kan met volle besoldiging aan 'n opvoeder toegestaan word wanneer sodanige opvoeder ingevolge die Verdedigingswet, 1957, of enige regulasie daarkragtens uitgevaardig, of ingevolge die Polisie wet, 1958, of enige regulasie daarkragtens uitgevaardig, aaneenlopende of ononderbroke of onderbroke opleiding moet ondergaan, of diens moet verrig.

4.2.2 In die geval waar 'n opvoeder sy of haar aanvanklike ononderbroke verpligte nasionale diensplig verrig, word sy of haar besoldiging verminder met die bedrag wat van tyd tot tyd deur die departementshoof, met inagneming van afsonderlike opvoeders se omstandighede, bepaal word.

4.2.3 Spesiale verlof vir militêre opleiding kan enige tydperk insluit wat werklik en noodsaaklikerwys vir reisdoeleindes nodig is.

4.2.4 Aansoeke om voormelde tipe verlof moet vergesel wees van stawende dokumentasie.

4.2.5 Hierdie tipe verlof word nie teen die opvoeder se verlof verreken nie.

4.3 Spesiale verlof vir eksamendoeleindes

4.3.1 Spesiale verlof met volle salaris kan aan 'n opvoeder toegestaan word vir elke dag waarop hy of sy 'n eksamen wat deur die Departement vir dié doel erken is, aflê. Een addisionele dag spesiale verlof met volle salaris kan toegestaan word vir elke dag waarop sodanige eksamen afgelê word, ten einde hom of haar in staat te stel om vir die eksamen voor te berei.

4.3.2 Die Departement kan bo en behalwe die spesiale verlof vir eksamendoeleindes in paragraaf 6.3.1 bedoel, eenmalig aan 'n opvoeder wat 'n eksamen in finalejaarvakke ter voltooiing van 'n eerste graad of diploma moet aflê, aaneenlopende spesiale verlof vir eksamendoeleindes vir 'n maksimum tydperk van 16 skooldae toestaan. (LW: Hierdie paragraaf is slegs van toepassing waar 'n opvoeder 'n eksamen in 'n finalejaarvak aflê).

4.3.3 Spesiale verlof vir eksamendoeleindes kan enige tydperk insluit wat werklik en noodsaaklikerwys vereis word om in verband met die eksamen te reis.

4.3.4 Spesiale verlof met volle salaris kan eenmalig toegestaan word aan 'n opvoeder wat 'n hereksamen moet aflê.

4.3.5 Spesiale verlof vir eksamendoeleindes word nie teen die opvoeder se verlofkrediet verreken nie.

4.4 Spesiale verlof vir kwarantyn-doeleindes

4.4.1 Wanneer 'n opvoeder van diens afwesig is as gevolg van afsondering of isolasie kragtens geneeskundige instruksies, is die toestaan van spesiale verlof vir kwarantyn-doeleindes onderworpe aan die indiening van 'n sertifikaat van 'n geregistreerde geneesheer waarin die tydperk en oorsaak van afsondering of isolasie aangedui word.

4.4.2 Spesiale verlof vir kwarantyn-doeleindes word nie teen die opvoeder se verlofkrediet verreken nie.

4.5 Spesiale verlof vir deelname aan sport- en kulturgeleenthede

Met die goedkeuring van die Departement, kan spesiale verlof vir deelname aan sport- en kulturgeleenthede met volle besoldiging, sonder dat die verlof teen 'n opvoeder se verlofkrediet verreken word, toegestaan word wanneer die opvoeder

4.5.1 deur 'n amateursportliggaam of 'n kultuurliggaam deur die Departement vir hierdie doel erken, gekies word om

- (i) as deelnemer, afrigter of bestuurder aan 'n sport- of kultuurgeleentheid buite die grense van die Republiek mee te doen; of
- (ii) die land, provinsie of streek by 'n internasionale, nasionale, provinsiale of streeksport- of streekkultuurgeleentheid binne die Republiek te verteenwoordig; of
- (iii) 'n groep of 'n individu uit die buiteland wat die Republiek besoek, as verteenwoordiger van daardie sportliggaam of kultuurliggaam te vergesel; of
- (iv) internasionale konferensies of vergaderings van internasionale sportliggame of kultuurliggame by te woon.

4.5.2 as skeidsregter, beampte, beoordelaar of kursusleier by 'n sport- of kultuurgeleentheid op internasionale vlak binne of buite die Republiek optree; of

4.5.3 as individu gekies of uitgenooi is om deel te neem, of op eie inisiatief deelneem, aan 'n sport- of kultuurgeleentheid op internasionale of nasionale vlak binne of buite die Republiek.

Aansoeke om voormelde verlof moet vergesel wees van stawende dokumentasie. Waar stawende dokumentasie ontbreek, sal verlof vir dringende privaat sake toegestaan word.

4.6 Spesiale verlof vir dringende privaat sake

4.6.1 Met die goedkeuring van die Departement kan aan 'n opvoeder spesiale verlof vir dringende privaat sake toegestaan word.

4.6.2 Spesiale verlof vir dringende privaat sake gaan gepaard met volle besoldiging indien die opvoeder oor die nodige vakansieverlofkrediet beskik, en word teen genoemde opvoeder se verlofkrediet verreken, of is sonder besoldiging indien die opvoeder nie meer oor enige vakansieverlofkrediet beskik nie.

4.7 Spesiale verlof vir bevallingsdoeleindes

4.7.1 Spesiale verlof vir bevallingsdoeleindes mag toegestaan word aan 'n vroulike opvoeder wat oor ten minste 12 maande ononderbroke bevredigende diens beskik. Hierdie diens sluit ook ononderbroke diens by ander staatsdepartemente en tydelike en permanente diens in.

4.7.2 'n Vroulike opvoeder mag spesiale verlof vir bevallingsdoeleindes toegestaan word vir 'n periode wat 'n aanvang neem 30 dae voor die verwagte datum van bevalling tot 90 dae na die geboorte. Korter of langer tydperke kan goedgekeur word na aanleiding van die omstandighede. Waar 'n opvoeder 'n korter tydperk verlang, moet skriftelik daarom aansoek gedoen word en die WKOD moet gevrywaar word teen enige aanspreeklikheid.

- 4.7.3 Aansoeke om bevallingsverlof moet ten minste 90 dae voor die verwagte datum van bevalling ingedien word.
- 4.7.4 'n Maksimum van 84 dae spesiale verlof met volle besoldiging kan toegestaan word vir bevalling of die aanneming van 'n kind. Dokumentêre bewys moet voorgelê word.
- 4.7.5 Spesiale verlof vir bevallingsdoeleindes word beperk tot 2 bevallings of aannemings per opvoeder.
- 4.7.6 'n Opvoeder wat vakansieverlof tot sy of haar krediet het, mag skriftelik aansoek doen dat sodanige vakansieverlof teen vol- of halvesalaris aangewend word vir 'n gedeelte van of vir al haar onbetaalde verlof vir bevallingsdoeleindes.
- 4.7.7 Spesiale verlof kan voor of na die bevalling geneem word, maar moet aaneenlopend met die bevalling wees.
- 4.7.8 Spesiale verlof vir bevalling mag nie omskep word in enige ander soort verlof sodra dit 'n aanvang geneem het nie.
- 4.7.9 Siekteverlof kan toegestaan word in die geval van afwesigheid weens 'n miskraam, 'n doodgeboorte of beëindiging van swangerskap op mediese advies, indien sodanige spesiale verlof nog nie 'n aanvang geneem het nie. (Verwys na paragraaf 5 van die handleiding). Sou dit na die aanvang van sodanige spesiale verlof gebeur, word hierdie tydperk nie in berekening gebring vir die beperkings soos bedoel in paragraaf 6.7.4 nie.
- 4.7.10 Indien 'n vroulike opvoeder nie kwalifiseer vir spesiale verlof vir bevallingsdoeleindes nie, moet haar bevalling gedek word met haar beskikbare vakansieverlofkrediet en daarna met vakansieverlof sonder besoldiging.
- 4.7.11 Siekteverlof kan wel in die gemelde gevalle toegestaan word, indien 'n tydperk van vakansieverlof sonder salaris nie alreeds vir die doel toegestaan is nie.
- 4.7.12 Spesiale verlof vir bevallingsdoeleindes word nie teen 'n opvoeder se verlofkrediet verreken nie.

4.8 Spesiale verlof ter wille van dienskontinuiteit

- 4.8.1 Aan 'n opvoeder wat voorheen by dieselfde of 'n ander werkgewer as opvoeder in 'n tydelike hoedanigheid in diens was, kan spesiale verlof sonder besoldiging vir 'n tydperk van hoogstens 120 dae toegestaan word met die doel om die kontinuiteit van sodanige opvoeder se diens te behou.

- 4.8.2 Dié spesiale verlof neem 'n aanvang op die eerste dag na die datum waarop die laaste besoldiging van die vorige werkgewer ontvang is en verstryk op die dag voor die datum van diensaanvaarding by die huidige werkgewer.
- 4.8.3 Die beperking van 120 dae in paragraaf 6.8.1 bedoel, is nie van toepassing nie waar die betrokke tydperk strek van die dag onmiddellik na die laaste dag van 'n skooltermyn tot die dag onmiddellik voor die eerste dag van die skooltermyn nadat een volle skooltermyn verloop het.
- 4.8.4 Geen aansoeke moet met ingang van 1 Januarie 1999 ingedien word nie. Die Departement sal dié verlof outomaties toestaan. Indien 'n opvoeder daarvan bewus word dat kontinuïteitsverlof nie toegestaan is nie, moet hy/sy dit deur middel van die amptelike kommunikasie kanale onder die Departement se aandag bring.

4.9 Spesiale verlof in buitengewone omstandighede

- 4.9.1 Behoudens die bepalings van artikel 10(1) en (2) van die Wet op Indiensneming van Opvoeders, 1998 (Wet no. 76 van 1998), word ongemagtigde afwesigheid van 'n opvoeder ondanks enige dissiplinêre stappe wat teen hom of haar gedoen mag word, geag spesiale verlof in buitengewone omstandighede te wees. Sodanige verlof is sonder besoldiging, tensy die Departement in 'n spesifieke geval anders bepaal.
- 4.9.2 Indien die Departement van oordeel is dat omstandighede dit regverdig, kan spesiale verlof in buitengewone omstandighede ~~toegestaan~~ word vir enige doel en vir enige tydperk. Sodanige verlof is sonder besoldiging, tensy die Departement anders bepaal.
- 4.9.3 Spesiale verlof in buitengewone omstandighede word nie teen die opvoeder se verlofkrediet verreken nie.

5. ONGEMAGTIGDE AFWESIGHEID VAN DIENS

5. ONGEMAGTIGDE AFWESIGHEID VAN DIENS

- 5.1 Ongemagtigde afwesigheid van 'n opvoeder word geag vakansieverlof sonder salaris te wees.
- 5.2 'n Opvoeder wat langer as 14 dae sonder verlof van diens afwesig is of ander werk aanvaar het, word geag weens wangedrag ontslaan te wees met ingang van die dag wat onmiddellik volg op die laaste dag waarop hy of sy diens verrig het. Die prinsipaal moet sorg dra dat so 'n geval volledig en binne 10 dae na die verstryking van gemelde tydperk aan die Departement voorgelê word.
- 5.3 Die volgende prosedure moet gevolg word waar 'n opvoeder ongemagtig van diens afwesig is:
 - 5.3.1 Die *audi alteram partem* reël moet skriftelik deur die hoof van die inrigting toegepas word en die opvoeder moet die geleentheid gegun word om sy of haar kant van die saak op skrif te stel.
 - 5.3.2 Die opvoeder se redes vir sy of haar afwesigheid, tesame met die prinsipaal se aanbeveling vir die toestaan van verlof sonder salaris, moet aan die kringbestuurder voorsien word.
 - 5.3.3 Die kringbestuurder moet die aangeleentheid ondersoek en sy of haar aanbeveling tesame met die tersaaklike dokumente aan Hoofkantoor voorsien.
 - 5.3.4 Die aangeleentheid word deur Hoofkantoor oorweeg en die opvoeder word skriftelik van die uitslag in kennis gestel.

6. VERLOFGRATIFIKASIES

6. VERLOFGRATIFIKASIES

6.1 'n Verlofgratifikasie is aan 'n opvoeder betaalbaar

6.1.1 wat met pensioen aftree;

6.1.2 wat weens voortdurende swak gesondheid ontslaan word;

6.1.3 wat weens die afskaffing van sy of haar pos ontslaan word;

6.1.4 wie se ontslag doeltreffendheid of besuiniging sal bevorder;

6.1.5 wat te sterwe kom, in welke geval die gratifikasie aan sy of haar naasbestaandes betaal word.

6.2 Indien hy of sy op 'n kontrakbasis aangestel is, word die verlofgratifikasie uitbetaal ooreenkomstig die bepalings van die kontrak.

6.3 'n Verlofgratifikasie tot 'n maksimum van 184 dae is betaalbaar aan

6.3.1 'n opvoeder aangestel in 'n tydelike hoedanigheid kragtens artikel 7(2) van die Wet op Indiensneming van Opvoeders, 1998, na voltooiing van minstens vyf jaar ononderbroke bevredigende diens, tensy spesiale verlof ter wille van dienskontinuiteit toegestaan kan word;

6.3.2 'n permanente opvoeder wat op sy of haar skriftelike versoek aftree, indien sodanige opvoeder die keuse het om voor bereiking van die verpligte aftree-ouderdom met pensioen af te tree en nie voor bereiking van sodanige ouderdom aftree nie.

6.4 Verlofkrediet wat oorbly nadat 'n verlofgratifikasie uitbetaal is, word deur die opvoeder behou.

6.5 Indien 'n opvoeder om die betaling van 'n verlofgratifikasie aansoek gedoen het en die betrokke gratifikasie aan hom of haar betaal is, word hy of sy nie toegelaat om sodanige gratifikasie terug te betaal en op 'n later tydstip weer daarom aansoek te doen nie.

VERLOFBEDELING

TEN OPSIGTE VAN

OPVOEDERS VERBONDE

AAN

KANTORE

1. ALGEMENE MAATREëLS

(OPVOEDERS AAN KANTORE)

1. ALGEMENE MAATREëLS

- 1.1 Afwesigheidsverlof word toegestaan met behoorlike inagneming van die behoeftes van die werkgewer of die betrokke staatsonderwysinstelling.
- 1.2 Opvoeders wat, om watter rede ook al, nie vir diens kan aanmeld nie, moet die kantoorhoof voor 08:15 van die betrokke dag van sodanige afwesigheid in kennis stel. Versuim om hieraan te voldoen kan lei tot die toestaan van verlof sonder salaris.
- 1.3 Vir enige tipe verlof waarvoor 'n opvoeder aansoek wil doen, **moet** die voorgeskrewe verlofvorm voltooi word.
 - 1.3.1 In die geval van vakansie- en spesiale verlof moet die voltooide verlofvorm vroegtydig ingevolge die voorskrifte soos by paragraaf 2 en 4 hieronder genoem aan die kantoorhoof voorsien word en, indien van toepassing, moet die stawende dokumentêre bewyse/motivering aangeheg word.
 - 1.3.2 In die geval van siekteverlof moet die opvoeder die voltooide verlofvorm onmiddellik na verstryking van die afwesigheid aan die kantoorhoof voorlê. Indien die afwesigheid oor langer as vier dae strek, moet die stawende mediese sertifikaat aangeheg word. Waar die afwesigheid weens siekte oor 'n tydperk van langer as 'n maand strek, moet sorg gedra word dat die kantoorhoof die aansoek om verlof so spoedig doenlik ontvang sodat alternatiewe reëlins getref kan word.
 - 1.3.3 By ontvangs van die voltooide verlofvorm beveel die kantoorhoof die verlof aan en lê dit aan die Departement voor. Indien die kantoorhoof nie die verlof aanbeveel nie, moet die prosedure soos uiteengesit in paragraaf 5 gevolg word. **LW: Dit is die kantoorhoof se verantwoordelikheid, en nie die opvoeder wat om verlof aansoek doen nie, om die voltooide verlofvorm aan die Departement (via die amptelike kanale) te besorg.**
- 1.4 Dit moet egter beklemtoon word dat die toestaan van afwesigheidsverlof onderworpe is aan die goedkeuring van die Departement. Behalwe in die geval van skielike siekte of ander onvermydelike omstandighede, **mag 'n opvoeder nie sy/haar werk verlaat of afwesig bly nie tensy hy/sy skriftelik aansoek gedoen het om verlof en skriftelik goedkeuring ontvang het.** Versuim om aan hierdie vereiste te voldoen, kan lei tot die implementering van **verlof sonder salaris** vir die betrokke tydperk.
- 1.5 Die Departement kan met goeie rede te eniger tyd reeds toegestane verlof intrek.
- 1.6 Wanneer die diens van 'n opvoeder om watter rede ook al beëindig word, verval al sy of haar verlofkrediete en kan hy of sy nie eis dat die geldwaarde van ongebruikte verlof aan hom of haar uitbetaal word nie, met dien verstande dat die betaling van 'n verlofgratifikasie nie belet word indien 'n opvoeder ingevolge paragraaf 6 hieronder daarvoor kwalifiseer nie.

- 1.7 'n Opvoeder wat op 'n deeltydse grondslag aangestel is, is op geen verlot
geregtig nie en ontvang geen besoldiging gedurende sy of haar afwesigheid
van diens nie, hetsy vir vakansie of ander doeleindes.

2. VAKANSIEVERLOF

2. VAKANSIEVERLOF

2.1 Aanwas van vakansieverlof

- 2.1.1 Die verlofkrediet van 'n opvoeder wat by 'n kantoor in diens is, vermeerder soos hieronder bepaal:

Indien voor 1 Julie 1966 aangestel 38 dae per jaar

indien op of na 1 Julie 1966 aangestel –

- tot en met 10 jaar voltooide diens 30 dae per jaar
- na 10 jaar voltooide diens 36 dae per jaar

- 2.1.2 'n Opvoeder wat inspekterende of vakadviserende dienste as deel van sy of haar pligte het 26 dae per jaar

- 2.1.3 Indien die opvoeder (in paragraaf 2.1.2 genoem) gedurende tydperke van nie-oplopende verlof tydens skoolvakansies diens verrig, word 'n verdere een dag oplopende vakansieverlof tot sy of haar krediet geplaas vir elke twee dae wat hy of sy aldus diens verrig tot 'n maksimum van 12 dae per jaar; en

- 2.1.4 Indien 'n opvoeder in paragraaf 2.1.2 bedoel, wat in 'n bepaalde jaar eindigende op 31 Desember –

- (i) 'n dienстыdperk van ten minstens een jaar het, kan 24 dae nie-oplopende verlof tydens skoolvakansies in daardie jaar aan hom of haar toegestaan word; en
- (ii) 'n korter dienстыdperk as een jaar het, moet die getal dae nie-oplopende verlof wat gedurende skoolvakansies in daardie jaar toegestaan kan word, bepaal word op die grondslag van een dag nie-oplopende verlof vir elke 15 volle dae diens.

2.2 Erkenning van vorige diens vir verlofdoeleindes

- 2.2.1 Indien die diens van 'n opvoeder eindig en hy of sy na 'n diensonderbreking weer aangestel word, word sy of haar diens voor sodanige aanstelling nie vir verlofdoeleindes in aanmerking geneem nie. Sodanige verlofkrediet kan egter tot 'n maksimum van 184 dae herstel word indien 'n opvoeder later tot die onderwys terugkeer.

- 2.2.2 'n Opvoeder wat sonder onderbreking van diens aangestel word en wat voor die aanstelling in diens was van 'n onderwysdepartement in die RSA of enige departement soos bedoel in die Staatsdienswet, 1994, of by 'n skool of enige liggaam of instelling wat 'n pensioen- of voorsorgfonds het wat deur of vir die Staat geadministreer word, behou die verlofkrediet wat hy of sy op die laaste dag van sy of haar diens by sy of haar vorige werkgewer gehad het, bereken teen 'n maksimum van 36 dae per jaar. In die geval waar die opvoeder se vorige diens in 'n nie-onderwyspos was, sal die maksimum van 36 dae per jaar verlofkrediet toegestaan word.

- 2.2.3 In die geval van 'n persoon wat onmiddellik voor die betrokke aanstelling 'n pos aan 'n staatsonderwysinstelling, teknikon of universiteit beklee het, behou so iemand die verlofkrediet wat hy of sy op die laaste dag van sy of haar diens by genoemde instelling gehad het.

2.3 Toestaan van vakansieverlof

- 2.3.1 Vakansieverlof mag aan 'n opvoeder toegestaan word, mits sodanige opvoeder oor die nodige verlofkrediet vir die betrokke tydperk beskik.
- 2.3.2 'n Tydperk vakansieverlof met volle besoldiging kan omskep word in vakansieverlof met halwe besoldiging op die grondslag van twee dae met halwe besoldiging vir elke dag met volle besoldiging.
- 2.3.3 Die Departement kan met grondige redes te eniger tyd vereis dat 'n opvoeder 'n gedeelte van of al die vakansieverlof neem wat tot sy of haar krediet staan.
- 2.3.4 Enige tydperk van verlof neem 'n aanvang op die eerste dag waarop die opvoeder van diens afwesig is en eindig op die laaste werkdag onmiddellik voor die dag waarop sodanige opvoeder diens moet hervat.
- 2.3.5 'n Openbare vakansiedag of naweek wat binne 'n tydperk van verlof val, word geag deel van die tydperk van verlof te wees en word as sodanig gereken. Waar 'n openbare vakansiedag of naweek tussen twee verskillende soorte verlof val en sodanige verlof 'n aaneenlopende tydperk uitmaak, moet sodanige dag of dae nie as verlof gereken word nie.
- 2.3.6 'n Opvoeder wat diens wil hervat voor die verstryking van 'n tydperk van verlof wat aan hom of haar toegestaan is, mag dit nie sonder die vooraf verkreeë goedkeuring van die Departement doen nie. Opvoeders sal nie vergoed word vir diens gelewer voor die verkryging van sodanige goedkeuring nie.
- 2.3.7 Indien aan 'n opvoeder meer verlof met volle of halwe besoldiging toegestaan word as waarop hy of sy geregtig is, en sodanige verlof benut is, kan die oortoekeening afgetrek word van verlofkrediet wat hom of haar later toeval. As die opvoeder uit die diens tree voordat hy of sy voldoende verlofkrediet opgebou het, sal die gedeelte van die oortoekeening as 'n oorbetaling beskou word.
- 2.3.8 Aan 'n opvoeder wat skuldig is aan die misbruik van alkoholiese drank of dwelmmiddels, kan beskikbare vakansieverlof met besoldiging toegestaan word met die oog op rehabilitasie en die verdere nuttige gebruik van sy of haar dienste. By voltooiing van behandeling moet 'n mediese sertifikaat en 'n volledige verslag van die betrokke geneesheer of inrigting aan die Departement voorgelê word. Die verslag moet 'n aanduiding van die betrokke se samewerking en vordering tydens die behandeling asook 'n prognose van die geval bevat.

- 2.3.9 Indien 'n opvoeder in paragraaf 2.3.8 bedoel, nie voldoende vakansieverlof tot sy of haar krediet het ter dekking van die tydperke van sy of haar afwesigheid met die oog op rehabilitasie nie, kan vakansieverlof met volle betaling, met behoorlike inagneming van die meriete en prognose van die geval, vir die volle tydperk van afwesigheid toegestaan word.
- 2.3.10 Die oortoekenning van vakansieverlof wat aldus plaasgevind het, word afgetrek van die vakansieverlofkrediet wat hom of haar later toeval.
- 2.3.11 Indien sodanige opvoeder bedank of sy of haar dienste beëindig word voordat voldoende vakansieverlofkrediet opgebou is, sal die gedeelte van die oortoekenning beskou word as 'n oorbetaling.
- 2.3.12 Indien die betrokke geneesheer of inrigting in 'n verslag na 12 maande bevestig dat sodanige opvoeder geag word gerehabiliteer te wees, kan die Departement goedkeur dat die vakansieverlof wat vir behandelingsdoeleindes gebruik is, tot hoogstens gelykstaande met sy of haar jaarlikse verlofaanwas weer tot sy of haar krediet geplaas word, **op voorwaarde dat so 'n toewysing slegs een keer gedoen word**. Indien so 'n sertifikaat of verslag nie van bobedoelde partye verkry kan word nie, kan die Departement na goeddunke op grond van stawende bewys van rehabilitasie wat deur byvoorbeeld die betrokke se toesighouer, predikant, geneesheer of maatskaplike werker voorgelê word, besluit of sodanige opvoeder as gerehabiliteer geag kan word.

3. SIEKTEVERLOF

3. SIEKTEVERLOF

3.1 Aanwas van siekteverlof

- (i) Siekteverlof in 'n siklus van 3 jaar met –

volle betaling	120 dae
halwe betaling	120 dae

- (ii) Geliewe daarop te let dat die beleid neergelê, saamgelees moet word met die bepalings van Omsendbrief 20/97, gedateer 14 Maart 1997.

3.2 Toestaan van siekteverlof

- 3.2.1 'n Aansoek om siekteverlof vir 'n aaneenlopende tydperk van meer as vier dae moet gesteun word deur 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts.

- 3.2.2 Die Departement kan egter eis dat 'n mediese sertifikaat voorgelê word ter ondersteuning van enige aansoek om siekteverlof indien geoordeel word dat omstandighede die voorlegging van so 'n sertifikaat regverdig.

- 3.2.3 Indien die Departement oortuig is dat 'n opvoeder se afwesigheid vir 'n aaneenlopende tydperk van hoogstens 14 dae gedurende enige kalenderjaar (en waarvoor 'n mediese sertifikaat nie ingedien is nie) toe te skryf is aan 'n *bona fide* siekte en indien hy of sy voorts oortuig is dat daar genoegsame redes bestaan waarom 'n mediese sertifikaat nie ingedien is nie, kan die Departement, na goeddunke, vrystelling van die indiening van 'n mediese sertifikaat verleen.

- 3.2.4 Siekteverlof wat vir vier dae en minder toegestaan word en waarvoor 'n mediese sertifikaat nie ingedien is nie, mag nie 'n totaal van 10 dae gedurende enige kalenderjaar oorskry nie. Enige verdere afwesigheid waarvoor 'n mediese sertifikaat nie ingedien is nie, word gedek deur die toestaan van spesiale verlof vir dringende privaat sake.

- 3.2.5 Siekteverlof word nie toegestaan vir enige siekte, ongesteldheid of besering wat toe te skryf is aan wangedrag, nalatigheid of versuim om redelike voorsorg te tref, of weens neurastenie, slaaploosheid of 'n dergelike minder goed omskrewe siekte of ongesteldheid nie, tensy die werkgewer oortuig is dat sodanige opvoeder se gesondheidstoestand hom of haar ongeskik maak vir sy of haar werk.

- 3.2.6 Waar siekteverlof aan 'n opvoeder toegestaan word, is die datum waarop die verlof geag word te begin en die datum waarop dit geag word te geëindig het, die datums soos bepaal deur die Departement met inagneming van die geneeskundige vereistes van die geval en die belang van die werkgewer en die betrokke staatsinstelling.
- 3.2.7 Aan 'n opvoeder kan, indien hy skriftelik daarom aansoek doen, vakansieverlof wat hy of sy tot sy of haar krediet het, toegestaan word in plaas van siekteverlof met halwe salaris of siekteverlof sonder salaris.
- 3.2.8 Sodanige aansoek moet nie later nie as drie kalendermaande nadat hy of sy diens hervat het, ingedien word.
- 3.2.9 Die Departement moet daarvan oortuig wees dat die betrokke opvoeder op die betrokke tydstip nie permanent ongeskik is om sy pligte as opvoeder te hervat nie.
- 3.2.10 As bedoelde vakansieverlof aan 'n opvoeder toegestaan is en hy of sy salaris ten opsigte daarvan ontvang het, mag sodanige verlof nie weer in siekteverlof met halwe salaris of sonder salaris omgesit word nie.
- 3.2.11 Indien 'n opvoeder aan wie vakansieverlof toegestaan is, siek word terwyl hy of sy met sodanige vakansieverlof is, kan die betrokke deel van die vakansieverlof in siekteverlof omgesit word mits hy of sy siekteverlof tot sy of haar krediet het en indien hy of sy 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts indien. Aansoek om siekteverlof moet skriftelik gedoen word binne 30 dae na die verstryking van sodanige tydperk van vakansieverlof.
- 3.2.12 Vakansieverlof sonder salaris mag nie in siekteverlof omgesit word nie.
- 3.2.13 Ondanks die indiening van 'n mediese sertifikaat, kan die Departement op grond van verdere mediese advies weier om siekteverlof met besoldiging aan 'n opvoeder toe te staan ten opsigte van enige afwesigheid waarop die sertifikaat betrekking het. Sodanige afwesigheid word beskou as spesiale verlof vir dringende private sake.
- 3.2.14 Wanneer die Departement rede het om te vermoed dat die gesondheids-toestand van 'n opvoeder sodanig is dat dit hom of haar ongeskik maak om sy of haar pligte as opvoeder op bevredigende wyse uit te voer, kan die Departement daardie opvoeder op 'n bepaalde datum aansê om op Staatskoste ondersoek te word. Wanneer die Departement oortuig is dat die betrokke opvoeder weens swak gesondheid (met inbegrip van enige geestelike of liggaamlike gebrek) nie in staat is om sy of haar pligte as opvoeder op bevredigende wyse uit te voer nie, kan hy die opvoeder aansê om vir 'n bepaalde tydperk siekteverlof te neem.

- 3.2.15 Siekteverlof val 'n opvoeder toe op die eerste dag van 'n siklus en met ingang van daardie dag kan die volle voorsiening vir die betrokke verlofsiklus aan hom of haar toegestaan word. Ongebruikte siekteverlof vir 'n bepaalde siklus verval aan die einde van 'n siklus en kan nie na die volgende siklus oorgedra word nie.
- 3.2.16 Verlof vir 120 dae met volle besoldiging en 120 dae met halwe besoldiging kan aan 'n opvoeder weens sy of haar siekte toegestaan word vir elke siklus waarin sodanige opvoeder diens gedoen het, en aan sodanige opvoeder kan siekteverlof sonder besoldiging toegestaan word vir sodanige verdere tydperk as wat die Departement bepaal.
- 3.2.17 'n Opvoeder wat minstens 10 jaar ononderbroke diens voltooi het en al die siekteverlof met volle besoldiging wat aan hom of haar toegestaan kan word, opgebruik het, kan addisionele siekteverlof met volle besoldiging gelyk aan sy of haar basiese siekteverlof-voorsiening met volle besoldiging toegestaan word op die volgende voorwaardes:
- (i) Die addisionele siekteverlof met volle besoldiging kan toegestaan word vir die opvoeder se hele oorblywende dienstermyn, en nie per siklus nie.
 - (ii) Indien die opvoeder nie al die addisionele siekteverlof met volle besoldiging binne 'n siklus opgebruik nie, bly die balans daarvan tot die opvoeder se krediet vir gebruik in die volgende of daaropvolgende siklusse.
 - (iii) Die addisionele siekteverlof met volle besoldiging word aan die opvoeder toegestaan sodra siekteverlof met volle besoldiging wat in 'n siklus beskikbaar was, opgebruik is en voordat enige gewone siekteverlof met halwe besoldiging toegestaan word.

3.3 **Spesiale siekteverlof**

- 3.3.1 Aan 'n opvoeder wat van diens afwesig is weens 'n besering opgedoen in 'n ongeluk voortvloeiend uit, en in die loop van die uitvoering van sy of haar pligte as opvoeder of weens 'n siekte wat in die loop van en as gevolg van die uitvoering van sy of haar pligte as opvoeder opgedoen is, kan spesiale siekteverlof met volle salaris toegestaan word vir die tydperk wat hy of sy nie geskik is om sy of haar amptelike pligte uit te voer nie. Indien die geval binne die bestek van die Wet op Vergoeding vir Beroepsbesering en Siektes, 1993 (Wet 130 van 1993), soos gewysig, val, kan spesiale siekteverlof met salaris gelykstaande aan die verskil tussen volle salaris en die vergoeding wat kragtens genoemde Wet aan hom of haar betaalbaar is, toegestaan word.
- 3.3.2 Spesiale siekteverlof word nie toegestaan as die besering of siekte toe te skryf is aan wangedrag, nalatigheid of versuim van die kant van die opvoeder om redelike voorsorg te tref nie.
- 3.3.3 Genoemde verlof raak nie gewone siekteverlof wat gedurende enige siklus toegestaan kan word nie.

4. SPESIALE VERLOF

4. SPESIALE VERLOF

4.1 Spesiale verlof vir studiedoeleindes

- 4.1.1 Spesiale verlof kan aan 'n opvoeder toegestaan word om sy of haar kwalifikasies te verbeter deur 'n studiekursus wat deur die Departement vir hierdie doel goedgekeur is op die basis dat
- (i) vir elke dag vakansieverlof met volle besoldiging wat 'n opvoeder vir studie gebruik, 'n addisionele dag spesiale verlof vir studiedoeleindes toegestaan word.
 - (ii) indien die opvoeder dit skriftelik versoek, 2 dae spesiale verlof met halwe besoldiging vir elke dag vakansieverlof met halwe besoldiging toegestaan word.
- 4.1.2 Indien spesiale verlof vir studiedoeleindes aan 'n opvoeder toegestaan word, kan die Departement periodiek vorderingsverslae oor die opvoeder se studie vereis en die betrokke opvoeder moet 'n ooreenkoms aangaan waarby onderneem word om die WKOD onmiddellik na verstryking van die tydperk van spesiale verlof vir studiedoeleindes te dien vir 'n tydperk gelykstaande aan minstens die tydperk waarvoor spesiale verlof vir studiedoeleindes met volle besoldiging aan hom of haar toegestaan is, of vir 'n dienstydsperk gelykstaande aan die helfte van die tydperk waarvoor spesiale verlof vir studiedoeleindes met halwe besoldiging toegestaan is.
- 4.1.3 Spesiale verlof vir studiedoeleindes word nie teen die opvoeder se verlofkrediet verreken nie.
- 4.1.4 Geliewe daarop te let dat die beleid neergelê saamgelees moet word met die bepalings van die omsendbrief wat betrekking het op studieverlof vir die betrokke jaar. Vir 1999 is Omsendbrief 105/98, gedateer 25 November 1998, van toepassing.

4.2 Spesiale verlof vir militêre opleiding

- 4.2.1 Spesiale verlof vir militêre opleiding kan met volle besoldiging aan 'n opvoeder toegestaan word wanneer sodanige opvoeder ingevolge die Verdedigingswet, 1957, of enige regulasie daarkragtens uitgevaardig, of ingevolge die Polisiewet, 1958, of enige regulasie daarkragtens uitgevaardig, aaneenlopende of ononderbroke of onderbroke opleiding moet ondergaan, of aldus diens moet verrig.
- 4.2.2 In die geval waar 'n opvoeder sy of haar aanvanklike ononderbroke verpligte nasionale diensplig verrig, word sy of haar besoldiging verminder met die bedrag wat van tyd tot tyd deur die departementshoof, met inagneming van afsonderlike opvoeders se omstandighede, bepaal word.
- 4.2.3 Spesiale verlof vir militêre opleiding kan enige tydperk insluit wat werklik en noodsaaklikerwys vir reisdoeleindes nodig is.

4.2.4 Aansoeke om voormelde verlof moet vergesel wees van stawende dokumentasie.

4.2.5 Hierdie tipe verlof word nie teen die opvoeder se verlof verreken nie.

4.3 Spesiale verlof vir eksamendoeleindes

4.3.1 Spesiale verlof met volle salaris kan aan 'n opvoeder toegestaan word vir elke dag waarop hy of sy 'n eksamen wat deur die Departement vir dié doel erken is aflê. Een addisionele dag spesiale verlof met volle salaris kan toegestaan word vir elke dag waarop sodanige eksamen werklik afgelê word, ten einde die opvoeder in staat te stel om vir die eksamen voor te berei;

4.3.2 Die Departement kan bo en behalwe die spesiale verlof vir eksamendoeleindes in paragraaf 4.3.1 bedoel, eenmalig aan 'n opvoeder wat 'n eksamen in finalejaarkvakke ter voltooiing van 'n eerste graad of diploma moet aflê, aaneenlopende spesiale verlof vir eksamendoeleindes vir 'n maksimum tydperk van 16 werksdae toestaan. (LW: Hierdie paragraaf is slegs van toepassing waar 'n opvoeder 'n eksamen in 'n finalejaarkvak aflê.)

4.3.3 Spesiale verlof vir eksamendoeleindes kan enige tydperk insluit wat werklik en noodsaaklikerwys vereis word om in verband met die eksamen te reis.

4.3.4 Spesiale verlof met volle salaris kan eenmalig toegestaan word aan 'n opvoeder wat 'n hereksamen moet aflê.

4.3.5 Spesiale verlof vir eksamendoeleindes word nie teen die opvoeder se verlofkrediet verreken nie.

4.4 Spesiale verlof vir kwarantyn-doeleindes

4.4.1 Wanneer 'n opvoeder van diens afwesig is as gevolg van afsondering of isolasie kragtens geneeskundige instruksies, is die toestaan van spesiale verlof vir kwarantyn-doeleindes onderworpe aan die indiening van 'n sertifikaat van 'n geregistreerde geneesheer waarin die tydperk en oorsaak van afsondering of isolasie aangedui word.

4.4.2 Spesiale verlof vir kwarantyn-doeleindes word nie teen die opvoeder se verlofkrediet verreken nie.

4.5 Spesiale verlof vir deelname aan sport- en kultuurgeleenthede

Met die goedkeuring van die Departement, kan spesiale verlof vir deelname aan sport- en kultuurgeleenthede met volle besoldiging, sonder dat die verlof teen 'n opvoeder se verlofkrediet verreken word, toegestaan word wanneer die opvoeder.

- 4.5.1 deur 'n amateursportliggaam of 'n kultuurliggaam deur die Departement vir hierdie doel erken, gekies word om
- (i) as deelnemer, afrigter of bestuurder aan 'n sport- of kultuurgeleentheid buite die grense van die Republiek mee te doen; of
 - (ii) die land, provinsie of streek by 'n internasionale, nasionale, provinsiale of streeksport- of streekkultuurgeleentheid binne die Republiek te verteenwoordig; of
 - (iii) 'n groep of 'n individu uit die buiteland wat die Republiek besoek, as verteenwoordiger van daardie sportliggaam of kultuurliggaam te vergesel; of
 - (iv) internasionale konferensies of vergaderings van internasionale sportliggame of kultuurliggame by te woon.
- 4.5.2 as skeidsregter, beampte, beoordelaar of kursusleier by 'n sport- of kultuurgeleentheid op internasionale vlak binne of buite die Republiek optree; of
- 4.5.3 as individu gekies of uitgenooi is om deel te neem, of op eie inisiatief deelneem, aan 'n sport- of kultuurgeleentheid op internasionale of nasionale vlak binne of buite die Republiek.

Aansoeke om voormelde verlof moet vergesel wees van stawende dokumentasie. Waar stawende dokumentasie ontbreek, sal verlof vir dringende privaat sake toegestaan word.

4.6 Spesiale verlof vir dringende privaat sake

- 4.6.1 Met die goedkeuring van die Departement kan aan 'n opvoeder spesiale verlof vir dringende privaat sake toegestaan word.
- 4.6.2 Spesiale verlof vir dringende privaat sake gaan gepaard met volle besoldiging indien die opvoeder oor die nodige vakansieverlofkrediet beskik, en word teen genoemde opvoeder se verlofkrediet verreken, of is sonder besoldiging indien die opvoeder nie meer oor enige vakansieverlofkrediet beskik nie.

4.7 Spesiale verlof vir bevallingsdoeleindes

- 4.7.1 Spesiale verlof vir bevallingsdoeleindes mag toegestaan word aan 'n vroulike opvoeder wat oor ten minste 12 maande ononderbroke bevredigende diens beskik. Hierdie diens sluit ook ononderbroke diens by ander staatsdepartemente en tydelike en permanente diens in.
- 4.7.2 'n Vroulike opvoeder mag spesiale verlof vir bevallingsdoeleindes toegestaan word vir 'n periode wat 'n aanvang neem 30 dae voor die verwagte datum van bevalling tot 90 dae na die geboorte. Korter of langer tydperke kan goedgekeur word na gelang van die omstandighede. Waar 'n opvoeder 'n korter tydperk verlang, moet skriftelik daarom aansoek gedoen word en die WKOD moet gevrywaar word teen enige aanspreeklikheid.

- 4.7.3 Aansoeke om bevallingsverlof moet ten minste 90 dae voor die verwagte datum van bevalling ingedien word.
- 4.7.4 'n Maksimum van 84 dae spesiale verlof met volle besoldiging kan toegestaan word vir bevalling of die aanneming van 'n kind. Dokumentêre bewys moet voorgelê word.
- 4.7.5 Spesiale verlof vir bevallingsdoeleindes word beperk tot 2 bevallings of aannemings per opvoeder.
- 4.7.6 'n Opvoeder wat vakansieverlof tot sy of haar krediet het, mag skriftelik aansoek doen dat sodanige vakansieverlof teen vol- of halvesalaris aangewend word vir 'n gedeelte van of vir al haar onbetaalde verlof vir bevallingsdoeleindes.
- 4.7.7 Die spesiale verlof kan voor of na die bevalling gebruik word, maar moet aaneenlopend met die bevalling wees.
- 4.7.8 Spesiale verlof vir bevalling mag nie omskep word in enige ander soort verlof sodra dit 'n aanvang geneem het nie.
- 4.7.9 Siekteverlof kan toegestaan word in die geval van afwesigheid weens 'n miskraam, 'n doodgeboorte of beëindiging van swangerskap op mediese advies, indien sodanige spesiale verlof nog nie 'n aanvang geneem het nie. (Verwys na paragraaf 5 van die handleiding). Sou dit na die aanvang van sodanige spesiale verlof gebeur, word hierdie tydperk nie in berekening gebring vir die beperkings soos bedoel in paragraaf 4.7.5 nie.
- 4.7.10 Indien 'n vroulike opvoeder nie kwalifiseer vir spesiale verlof vir bevallingsdoeleindes nie, moet haar bevalling gedek word met haar beskikbare vakansieverlofkrediet en daarna met vakansieverlof sonder besoldiging.
- 4.7.11 Siekteverlof kan wel in die gemelde gevalle toegestaan word, indien 'n tydperk van vakansieverlof sonder salaris nie alreeds vir die doel toegestaan is nie.
- 4.7.12 Spesiale verlof vir bevallingsdoeleindes word nie teen 'n opvoeder se verlofkrediet verreken nie.

4.8 Spesiale verlof ter wille van dienskontinuiteit

- 4.8.1 Aan 'n opvoeder wat voorheen by dieselfde of 'n ander werkgewer as opvoeder in 'n tydelike hoedanigheid indiens was, kan spesiale verlof sonder besoldiging vir 'n tydperk van hoogstens 120 dae toegestaan word met die doel om die kontinuiteit van sodanige opvoeder se diens te behou.

- 4.8.2 Dié spesiale verlof neem 'n aanvang op die eerste dag na die datum waarop die laaste besoldiging van die vorige werkgewer ontvang is en verstryk op die dag voor die datum van diensaanvaarding by die huidige werkgewer.

4.9 Spesiale verlof in buitengewone omstandighede

- 4.9.1 Behoudens die bepalings van artikel 10(1) en (2) van die Wet op Indiensneming van Opvoeders, 1998 (Wet no. 76 van 1998), word ongemagtigde afwesigheid van 'n opvoeder, ondanks enige dissiplinêre stappe wat teen hom of haar gedoen mag word, geag spesiale verlof in buitengewone omstandighede te wees. Sodanige verlof is sonder besoldiging, tensy die Departement in 'n spesifieke geval anders bepaal.
- 4.9.2 Indien die Departement van oordeel is dat omstandighede dit regverdig, kan spesiale verlof in buitengewone omstandighede toegestaan word vir enige doel en vir enige tydperk. Sodanige verlof is sonder besoldiging, tensy die Departement anders bepaal.
- 4.9.3 Spesiale verlof in buitengewone omstandighede word nie teen die opvoeder se verlofkrediet verreken nie.

5. ONGEMAGTIGDE AFWESIGHEID VAN DIENS

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- 5.1 Ongemagtigde afwesigheid van 'n opvoeder word geag vakansieverlof sonder salaris te wees.
- 5.2 'n Opvoeder wat langer as 14 dae sonder verlof van diens afwesig is of ander werk aanvaar het, word geag weens wangedrag ontslaan te wees met ingang van die dag wat onmiddellik volg op die laaste dag waarop hy of sy diens verrig het. Die kantoorhoof moet sorg dra dat so 'n geval volledig en binne 10 dae na die verstryking van gemelde tydperk aan die Departement voorgelê word.
- 5.3 Die volgende prosedure moet gevolg word waar 'n opvoeder ongemagtig van diens afwesig is:
 - 5.3.1 Die *audi alteram partem* reël moet skriftelik deur die kantoorhoof toegepas word en die opvoeder moet die geleentheid gegun word om sy of haar kant van die saak op skrif te stel.
 - 5.3.2 Die opvoeder se redes vir sy of haar afwesigheid, tesame met die kantoorhoof se aanbeveling vir die toestaan van verlof sonder salaris, tesame met tersaaklike dokumente moet aan Hoofkantoor voorsien word.
 - 5.3.3 Die aangeleentheid word deur Hoofkantoor oorweeg en die opvoeder word skriftelik van die uitslag in kennis gestel.

6. VERLOFGRATIFIKASIES

6. VERLOFGRATIFIKASIES

6.1 'n Verlofgratifikasie is aan 'n opvoeder betaalbaar

6.1.1 wat met pensioen aftree;

6.1.2 wat weens voortdurende swak gesondheid ontslaan word;

6.1.3 wat weens die afskaffing van sy of haar pos ontslaan word;

6.1.4 wie se ontslag doeltreffendheid of besuiniging sal bevorder;

6.1.5 wat te sterwe kom, in welke geval die gratifikasie aan sy of haar naasbestaandes betaal word.

6.2 Indien hy of sy op 'n kontrakbasis aangestel is, word die verlofgratifikasie uitbetaal ooreenkomstig die bepalinge van die kontrak.

6.3 'n Verlofgratifikasie tot 'n maksimum van 184 dae is betaalbaar aan

6.3.1 'n opvoeder aangestel in 'n tydelike hoedanigheid kragtens artikel 7(2) van die Wet op Indiensneming van Opvoeders, 1998, na voltooiing van minstens vyf jaar ononderbroke bevredigende diens, tensy spesiale verlof ter wille van dienskontinuiteit toegestaan kan word.

6.3.2 'n permanente opvoeder wat op sy of haar skriftelike versoek aftree, indien sodanige opvoeder die keuse het om voor bereiking van die verpligte aftree-ouderdom met pensioen af te tree en nie voor bereiking van sodanige ouderdom aftree nie.

6.4 Verlofkrediet wat oorbly nadat 'n verlofgratifikasie uitbetaal is, word deur die opvoeder behou.

6.5 Indien 'n opvoeder om die betaling van 'n verlofgratifikasie aansoek gedoen het en die betrokke gratifikasie aan hom of haar betaal is, word hy of sy nie toegelaat om sodanige gratifikasie terug te betaal en op 'n later tydstip weer daarom aansoek te doen nie.