



RHODES UNIVERSITY
Grahamstown • 6140 • South Africa

Leave Policy for Support Staff Posts

Responsible Committee/Unit/Division/Faculty	HR division
Responsible Chairperson/Director/Manager	Director of HR
Date	September 2011
Review Cycle (e.g. every 2/5/7 years etc)	5 years
Last Reviewed	January 2018



1. Policy Particulars

Approval by Relevant Committee Structure:	Staffing Committee - 19 August 2014 Equity and Institutional Culture Committee Financial and General Purposes
Date of last Approval by Council:	08 September 2011
Date of latest Approval by Council	18 September 2014
Original Commencement Date:	01 January 2012
Revised Commencement Date:	01 January 2015
Revision History:	After 2 years (1 January 2014) and at least every 5 years thereafter.
Review Date:	January 2018
Policy Level:	All permanent support staff, their HoDs/managers and all long term contract staff funded by Rhodes University
Responsibility Person/Division/Committee accountable:	Heads of Departments/Divisions (HoDs) and Managers: ensuring adherence to and implementation of the policy by staff HR Division to review the policy, train managers and staff and ensure fairness and consistency
Implementation & Monitoring:	Implementation: HoDs and managers Monitoring: HR Director/ relevant staff of the HR Division
Review and Revision:	HR Division → Staffing Committee → Equity and Institutional → Finance and General Purposes Committee → Council
Reporting Structure:	Director of Human Resources → Vice Chancellor → Council

2. Policy Declaration

In its vision and mission statement, Rhodes University makes a commitment to attract and retain staff of the highest calibre. The University also undertakes to reject all forms of unfair discrimination, and seeks to provide an employment partnership of choice.

This policy outlines all leave provisions for Support Staff at Rhodes University and makes provision for the management and regulation thereof. The policy does not prejudice any staff member in terms of their current conditions of service, and it represents a collective agreement which is the result of extensive consultation with both NEHAWU and NTEU. Because leave is an important staff benefit which comes at a significant cost to the institution, it is important that it is appropriately and efficiently managed.

The ethos of this policy is that of a partnership between HR, line managers and staff in terms of ensuring that leave policy is applied consistently and fairly to all staff within the University. It is understood that Heads of Departments/Divisions/Sections/Units, managers and supervisors (hereafter referred to as managers for the purpose of this policy) need to assume the major responsibility in the implementation of this policy. HR will endeavour to work closely with line managers and staff to ensure that the content and application of the policy is understood by all staff and that in applying the leave policy, line managers and staff commit to do so in a manner that is collaborative, supportive and fair.

3. Policy Objectives

The policy aims to ensure:

- a) transparency as regards the qualifying criteria under which staff are eligible and may apply for leave and as regards the management of leave;
- b) fair and equitable treatment of staff across the Institution as regards the allocation and management of leave;
- c) adherence to at least the minimum requirements of the Basic Conditions of Employment Act;
- d) the appropriate and efficient management of leave by managers;
- e) the positioning of leave as a key benefit in the recruitment and attraction of staff to Rhodes University.

4. Applicability

This policy applies to: -

- a) All permanent support staff positions
- b) Long-term contract positions that are funded by Rhodes University.
- c) Support staff in Institutes, Centres and Units of Rhodes University, subject to budget constraints and to particular operational requirements.
- d) Contract staff in specific circumstances, as outlined in this policy.

The leave conditions afforded to temporary support staff are contained within the Policy for the Employment of Temporary Staff.

5. Definitions

- a) *Abuse of sick leave*: deliberate efforts by a staff member not to adhere to the policy for the purposes of personal gain, e.g. taking sick leave when one is not ill, submitting false sick leave certificates etc.
- b) *Additional leave*: discretionary leave for family reasons, such as the illness of a child, spouse/life partner, and death of a spouse, life partner, parent, adoptive parent, grandparent, child, adoptive child, grandchild or sibling as defined in the BCEA. In addition to this the Institution may allow staff to make use of this leave allotment for other reasons, such as religious holidays.

- c) *Annual leave cycle*: the period of 12 months from January to December. Annual leave for new staff is *pro rata* in their first year of employment, thereafter the January to December annual leave cycle applies.
- d) *Approved Courses*: courses that are approved by the Institution and supported as part of the staff member's individual development plan. Courses that are of personal benefit to the staff member only will not be considered approved courses.
- e) *BCEA*: the Basic Conditions of Employment Act, 75 of 1997 and any subsequent amendments.
- f) *Compressed working week*: an alternative work arrangement that may require or permit an employee to work up to 12 hours day, inclusive of the meal intervals required in Section 14 or the Basic Conditions of Employment Act, 75 of 1997, without receiving overtime pay. An agreement/alternative work arrangement may not require or permit an employee to work more than 45 ordinary hours per any week, more than 10 hours of overtime in any week and on more than 5 days in any week.
- g) *Contractual leave*: leave provided by Rhodes University over and above statutory leave.
- h) *Institution*: the University, as the employer. This policy specifies cases where management or HR is tasked with specific functions or decision-making powers.
- i) *IOD*: injury on duty.
- j) *Leave allocation*: the amount of leave for which a staff member qualifies. This excludes other types of leave such parental leave, sick leave, long leave, study leave
- k) *Leave in lieu of working hours*: contractual leave that may be traded in by the staff member in exchange for working less than a 40 hour week.
- l) *LILO*: leave that is in lieu of over-time. This time off is granted on the same terms as the BCEA or any University protocol governing over-time. LILO does not refer to last in, last out, a term that is used in retrenchments.
- m) *Long Leave*: the additional leave days that the Institution provided for some staff grades prior to July 2009.
- n) *Long-term*: any contract longer than 3 months.
- o) *Managers, Line-Managers and Supervisors*: any member of staff who is authorised to grant leave to staff within the parameters of this policy. For the purposes of this policy this includes Heads of Departments/Divisions/Institutes/Units/Sections.
- p) *Medical certificate*: a valid certificate signed by a registered medical practitioner or any other person who is authorised to diagnose and treat patients and who is registered with a professional Council as established by an Act of Parliament, such as The Health Professional Council of South Africa (see Rule 15.1 of the Ethical and Professional Rules of the Medical and Dental Professions Board of the Health Professions Council of South Africa - <http://www.labourguide.co.za/medical-certificates>).
- q) *Parental leave*: leave taken on the birth or adoption of a child, only after staff have been employed for the period of time stipulated in the Parental Leave Policy.
- r) *Permanent staff*: all full time and part time staff, excluding staff on fixed term contracts as per the definitions outlined in the Labour Relations Act 6 of 1995
- s) *Sick leave*: leave taken by staff who are unable to report to work because of illness or injury.

- t) *Special sick leave*: sick leave that may be granted in special circumstances where sick leave has been exhausted before the 3 year cycle has been completed (at which time more sick leave would accrue).
- u) *Spouse/Life-Partner*: a person or persons with whom the staff has a committed relationship akin to a marriage, based on objective criteria of mutual dependency and a shared and common household, irrespective of the gender of either party.
- v) *Standby allowance*: this is an allowance where a staff member is asked to be on call for duties and/or essential services related to their normal post. The allowance is paid because of the inconvenience of being on call and therefore not being able to leave town.
- w) *Statutory leave*: 15 working days leave, to which a staff member is entitled in terms of the BCEA.
- x) *Study leave*: leave that staff may take if they are studying approved course(s) as per the Institutions' Training and Development policies.
- y) *Termination*: the ending of the employment relationship due to reasons such as resignation, retirement, death or dismissal.
- z) *Working days*: the days normally worked in a week, excluding weekends, public holidays, etc.

6. Policy Implementation

6.1 Principles Governing Policy Implementation:

6.1.1 Ethical and legal approach:

The granting of leave and leave allocations within the University are governed by the statutory requirements outlined in the BCEA and the contractual obligations laid down in the Institution's Conditions of Service. The policy should be read and interpreted as such.

6.1.2 Shared responsibility:

The granting and management of leave is a partnership between HR, management and staff. The basis of this partnership is the assumption that management and staff will respect the rules and provisions of the different leave types and that requests for leave will be made in good time, in an open, honest and transparent manner. It also assumes that the Institution will conduct itself as an ethical employer, vigilant in adhering to legal requirements.

6.1.3 The timing of leave:

In terms of the BCEA all staff are required to take the statutory minimum annual leave and this will be facilitated by the Institution to ensure that such leave is taken timeously. In some circumstances, it may be necessary for the Institution to insist that staff take their statutory leave within the requirements of the BCEA. Leave applications will be considered sympathetically, but the approval of leave is dependent on the operational requirements of the Institution. Leave should be taken during periods that are convenient to the Institution and the specific department/division/unit. The Institution will require staff to take annual leave during the annual shut down period at the end of

the year unless other arrangements have specifically been put in place. In terms of this policy, staff who are in 'arrears' with regard to their annual leave (i.e. they do not have a leave balance) may have annual leave granted to them in advance. Such applications must be motivated for by the line manager and, provided there are no concerns, shall also be approved by HR. Where there are concerns, these will be raised with the line manager with a final decision being taken by the Director: HR or designate.

Specific responsibilities are detailed below.

6.1.4 The role of HR in the granting and managing of leave is to:

- a) Ensure that the leave rules and provisions are clear and transparent and communicated effectively;
- b) Ensure that there is consistency in the application of the leave policies by managers and supervisors;
- c) Provide support and guidance to management and staff where necessary regarding the rules and provisions for leave;
- d) Consult with the manager and staff if there are any queries or concerns;
- e) Respect the right of managers and supervisors to approve leave within the framework of this policy and related protocols. However, where there are concerns related to consistent application of this policy and its rules and/or where there is evidence of the staff member being prejudiced, HR will ensure that the relevant levels of authority resolve these issues. In certain instances, HR will have final decision-making responsibilities. It is acknowledged that this responsibility needs to be exercised cautiously and with due concern for the line manager's authority and operational needs and the staff member's rights and responsibilities;
- f) Consider leave as part of the overall proposition made to staff when offering them an employment partnership of choice with the Institution;
- g) Ensure adherence to the relevant labour legislation and case precedents as per the Labour Court rulings and keep abreast of any changes in this regard;
- h) Ensure the provision of an information and management system that is able to accurately and timeously record leave and provide up to date leave management reports when necessary.
- i) Provide an appropriate infrastructure for the management of leave including the recording of leave and costing of leave;
- j) Raise any concerns regarding leave and any patterns among staff with regard to leave that may be important institutionally and departmentally from an operational and staff point of view.

6.1.5 The Manager/Supervisor is required to:

- a) Ensure that they and their staff have a basic understanding of the Institution's various leave policies;
- b) Ensure that they are consistent and fair to all staff in the application and implementation of the various leave policies

- c) Ensure that there is adherence to the policy and processes approved, including dealing with any abuse of leave by staff through the usual disciplinary processes of the Institution and any non-compliance by supervisors or managers reporting to him/her;
- d) Bring to the HR Division's attention any concerns that they may have regarding the leave policies, the approval of and management of leave or the abuse of leave;
- e) To assist staff with the management of their leave so that leave forfeited is kept to a minimum and plans are in place well in advance to ensure that staff make use of their leave optimally and effectively;
- f) Ensure that all leave applications are attended to within 3 working days of the request for leave having being submitted to them by the staff member;
- g) In partnership with HR and within the framework of the Disciplinary Code for Staff, to discipline staff who violate the leave policies of the Institution.

6.1.6 The staff are required to:

- a) Ensure that they have a basic understanding of the Institution's various leave policies and acknowledge that violation of these policies could lead to disciplinary action in terms of the Staff Disciplinary Code;
- b) Ensure that they apply for leave timeously and accurately and in accordance with the policies;
- c) Bring to the HR Division's attention any concerns that they may have regarding the leave policies, the approval of and management of leave and any concerns they may have in terms of the consistency and fairness with which the leave policies are applied and implemented;
- d) Engage in a responsible and ethical manner as regards their application for and taking of leave.
- e) Take responsibility to effectively managing their leave so that they minimise the amount of leave forfeited.

6.1.7 The Union's role is to:

- a) Participate in the development and approval of the leave policies of the Institution;
- b) Ensure that officials of the Union have at least a basic understanding of the policy and processes;
- c) Encourage members of the Union to adhere to the policy and processes approved; and
- d) Bring to the HR Division's attention any concerns that their constituency may have.

6.2 Leave Applications and Administration of Leave

All leave must be applied for as soon as is reasonably possible, generally not less than a working week unless there are exceptional circumstances. Leave applied for must be approved in writing by the staff's manager/supervisor and confirmed by HR before a staff member can take the leave. In the event of problems, these must be raised promptly with the manager concerned in an attempt to find resolution. In instances where there has been a delay in a staff member's leave being approved, (for example the 1st Approver is not available and the 2nd Approver hasn't approved their leave) staff can email their HR Generalist to request assistance with the approval of their leave. Where there are concerns related to consistent application of this policy and its rules and/or where there is evidence of the staff member being prejudiced, HR will raise this with the manager's/supervisor to ensure adherence to the policy, taking this as far as the Vice-Chancellor if necessary. In circumstances where there is a legal risk to the

institution due to non-compliance, HR will have final decision-making responsibilities, including the power to approve/decline the leave applied for.

6.3 Types of Leave and Related Provisions

6.3.1 Annual Leave (including shut-down leave over December/January)

Annual leave is made up of statutory leave and contractual leave. All staff are entitled to 30 working days annual leave per annum. This leave accrues at 2, 5 working days per completed month of service. The annual leave is made up of 15 working days as per the BCEA and is statutory leave and an additional 15 working days leave which is contractual. Included in this leave is the annual shutdown which consists of between 8 to 9 working days on average per annum.

6.3.1.1 Transfer of accumulated leave for permanent staff members and other staff moving into a permanent position:

- a) Where a permanent staff member moves from one post to another within the Institution, all leave accrued by the staff member will be retained.
- b) Where temporary staff members moves into a permanent post, the annual leave accrued by staff on the temporary contract will not be paid out before the commencement of the permanent contract. Rather this leave will be retained by the individual.
- c) Where a staff member moves from a post which is outside funded to a Council funded post, that staff member may retain their leave provided that the outside funded entity pays the Institution for the value of this leave. In these instances, the general provisions for annual leave apply. The staff member can also elect to be paid out the leave provided that a minimum of 15 working days leave has been taken by the individual in the last year.
- d) Where a staff member moves from a Council funded post to an outside funded post in the institution, they may elect to retain their leave to the maximum indicated in 6.3.1.9 below or be paid out the leave to a maximum), provided that the individual has taken at least 15 working days leave in the last year.

General Provisions for Annual Leave:

6.3.1.2 Consistent with the requirements of the BCEA, the Institution does **not normally** require nor permit staff to take annual leave during any period of notice of termination of employment. **Exceptions to this are at the sole discretion of the employer.**

6.3.1.3 Annual leave must be applied for in advance. In cases of emergency, annual leave may be granted retrospectively as an alternative to unpaid leave. This is however at the sole discretion of the manager, after consultation with HR.

6.3.1.4 Should annual leave fall on a public holiday; this will not be deducted from the staff's annual leave balance. Where staff are required to work on a public holiday, this will be managed within the requirements of the BCEA, i.e. time off in lieu will usually apply unless there are other arrangements, for example in the catering and housekeeping environments.

6.3.1.5 Annual leave is granted subject to operational requirements. That said, the Institution, in terms of the BCEA is compelled to grant at least 15 working days consecutive annual leave to staff every year should they wish to take the leave in this way. Managers should seek to facilitate this in terms of the operations of the area.

- 6.3.1.6 There is joint responsibility between the staff member and the Institution when it comes to taking leave. Staff must take their leave and management must ensure that staff take their leave as required. The Institution strongly encourages staff to take their statutory leave in one block of 15 consecutive working days each year. Human Resources will seek to facilitate this on the basis that the taking of leave improves the overall wellness of staff and that the taking of statutory leave consecutively is also a good governance issue. Where staff do not see themselves taking the statutory leave consecutively, i.e. rather spreading the taking of their statutory leave over the year, this will be allowed provided that there are no wellness and governance concerns. Where staff wish to take consecutive statutory leave, operational requirements cannot be cited as a reason for this leave not being granted unless there are exceptional and unique operational circumstances. Where exceptional and unique operational circumstances prohibit the taking of any leave, leave must be taken no later than 6 months after the annual leave period.
- 6.3.1.7 The Institution requires **most of its** staff to take annual leave during the shut-down period in December and January and this is subject to the conditions pertaining to the annual shut-down.
- 6.3.1.8 Annual leave may not accrue from year to year and it is not permissible for staff to forfeit statutory leave (as per the BCEA). As a general rule statutory leave must be taken before contractual and/or long leave in order to ensure that the Institution does not run the risk of statutory leave being forfeited. Notwithstanding this provision, staff may motivate to have the order in which leave is deducted changed. Provided that there is no risk to the Institution in changing the order in which leave is deducted the staff member's request will be accommodated. Due to the need to ensure legal compliance, HR will make the final decision.
- 6.3.1.9 Leave that is not taken within 6 months of a leave cycle (prior to the cycle of termination) falls away and payment cannot follow (as per the BCEA). This means that the maximum amount of annual leave that a staff member can have due to them will be 45 working days. Annual leave above 45 working days at the end of an 18 month cycle shall be forfeited.
- 6.3.1.10 Upon termination of employment a maximum of 30 working days of annual leave will be paid out. This does not include long leave payments.

6.3.2 Annual Shutdown Leave

With regard to the annual shutdown, the following will apply: -

- 6.3.2.1 The shutdown will be between 8 and 9 working days on average. The leave days for shutdown will be deducted from staff members annual leave allotment.
- 6.3.2.2 The shutdown will end as soon after New Year as possible, allowing for at least one day (which could be a weekend day) after New Year before returning to work.
- 6.3.2.3 The last day of work before shutdown will be a full day of work.
- 6.3.2.4 The Unions will be consulted **by no later than** the January of each year as regards the specific days of the shutdown period for that year. **Once the dates have been finalised staff will be notified of the dates in writing via Toplist.**

- 6.3.2.5 The areas of the University that are required to remain operational after and/or during shutdown will do so. Staff in posts impacted by this arrangement will have the appropriately calculated number of days (and not the full 8 or 9 days) taken from their annual leave. In the case where staff work during the whole shutdown period no leave will be deducted from their annual leave. For staff working on public holidays and/or weekends LILO will apply.
- 6.3.2.6 There are staff in certain posts who are contractually required to remain on standby during the shutdown period for essential services/tasks. Notwithstanding the contractual obligation, staff may only be on standby if they are on contractual leave and where possible; staff will be given a choice as to whether or not they wish to do standby. Further information with regards to the conditions for standby leave are in the guideline on the HR-website at <http://www.ru.ac.za/humanresources/supportstaff/remunerationandbenefits/allowances/>. Staff may only be on standby if they are on contractual leave.
- 6.3.2.7 Staff who have just joined the University and who have not accumulated sufficient annual leave will be given leave in advance. If the staff member then leaves the University before accumulating the leave given in advance, this will be deducted as unpaid leave upon resignation.
- 6.3.2.8 Staff may take additional annual leave over this period. In certain areas the bulk of annual leave is taken over the December/January period (such as catering and housekeeping) due to operational requirements.
- 6.3.2.9 In the case of staff on short term/temporary contracts that run into the New Year, i.e. from December into January, the shutdown leave will be taken from their annual allotment. In instances where staff are unlikely to accumulate this leave, it will be treated as unpaid leave.

6.3.3 Long Leave

These are historical leave days that the University has provided for some permanent support staff, grades 6 and above who were employed prior to 01 July 2009. Long leave accumulates on a monthly basis and is dependent on how much long leave the staff member has retained (i.e. 56 days, 26 days or a lesser number depending on whether long leave has been traded in or not).

The following conditions apply to those staff with long leave: -

- 6.3.3.3 From 1 January 2010, long-leave days earned thereafter have a remuneration value. This is as a result of staff being able to trade in long leave earned from 01 January 2010 and have the value thereof included in their remuneration. All long-leave earned before this is retained as leave days.
- 6.3.3.4 As from the day of implementation of this policy, long leave days may accrue in a two year cycle and must be taken within two years on a rolling cycle e.g. leave earned in 2012 must be taken by the end of 2013. Where leave is not taken, it will be paid out at no less than the rate at which it was earned. Only long leave in the current cycle and accrued from 1 January 2011 will be paid out upon resignation.
- 6.3.3.5 Staff who are entitled to long-leave and who move to new positions in the University may elect to retain some or all of their long-leave as described below. Where a staff member moves to a higher grade, they will not receive any

additional long leave. The additional historic long leave will be reflected in their remuneration.

- 6.3.3.6 Subject to 6.3.3.7 below, staff who currently enjoy the long leave benefit will be given the option of converting some or all of their long leave into their basic cash, usually when a market adjustment takes place or if they are transferring from one job to another within the Institution. Should a staff member choose to do so, they will retain any long leave accumulated to date. In the case of support staff on grades 10 and above, staff will be able to convert their long leave in units of 7 working days. In the case of support staff on grades 6 to 9, staff will be able to convert their long leave in units of 5 days, with the last conversion being for 6 days.
- 6.3.3.7 Staff who are retiring may elect to convert any long leave allocation to basic cash portion of their remuneration in the last year of employment prior to retirement on the following provisos:
- (i) That this takes place no later than 12 months before the date of retirement.
 - (ii) That long leave due from the next cycle will not be paid out upon retirement.
- 6.3.3.8 Long leave may be taken in conjunction with other types of leave, such as annual leave, parental leave etc. Long leave must be applied for in advance and taken in advance and not during a staff member's notice period.
- 6.3.3.9 Staff wishing to accumulate long leave from one cycle to the next in order to take a large block of leave may do so provided that this has been agreed to beforehand by the line manager and is consistent with this policy. Such an arrangement is subject to operational requirements and the timelines that are agreed to must be adhered to by the staff. If a staff member fails to take the leave at the agreed date due to personal reasons, the staff member must initiate discussions with HR for payout arrangements. The payout will not be less than the rate at which the leave was earned. HR, after consultation with the manager, reserves the right to decline requests to accumulate long leave from one cycle to the next.

6.3.4 Sick Leave

Sick leave is granted to staff who are unable to report to work because of illness or injury. Sick leave is not permissible time off work in addition to a staff member's annual allotment, i.e. this leave is not to be seen as extra days of annual leave. Such leave is provided in a 3 year cycle from the date of employment or the completion of the prior sick leave cycle.

Staff have 30 working days of sick leave in a 3 year cycle. The following applies: -

- 6.3.4.1 Staff who are unable to attend work due to illness or injury must notify their line manager, personally, as soon as possible on the first day of absence but usually **no later than 2 hours after the start of their work day** on the first day unless their illness prevents them from doing so. Upon return to work, staff must submit their sick leave within 24 hours after their return to work.
- 6.3.4.2 A valid medical certificate must accompany ALL sick leave applications that are 3 consecutive days or longer in order for paid sick leave to be granted. In addition if a staff member has been absent from work for more than 2 consecutive days

or on more than 2 occasions during an 8 week period, a valid medical certificate must be provided on the request of the manager.

- 6.3.4.3 If a valid medical certificate (**see definitions**) is not tendered in keeping with the above then unpaid leave will be applied.
- 6.3.4.4 If a pattern of behaviour in respect of sick leave develops such that the staff member's execution of the job responsibilities to the required standard is problematic, the line manager will seek to manage this through the Ill-health and Incapacity policy and procedure of the University, with due concern for the staff member.
- 6.3.4.5 If the pattern of behaviour is a matter of misconduct, then the line manager will be expected to manage the problem using the Disciplinary Code of the Institution.
- 6.3.4.7 Saturdays and Sundays are not usually counted as sick leave where this is not usually a work day; in areas where it is a work day, it is not counted if these days had been designated days off. The same will apply for days during the week that are designated off.
- 6.3.4.8 In cases where a staff member falls ill during annual leave/long leave, this leave may be converted to sick leave. Such a request must be put in writing to HR and the relevant medical certificate must accompany the request. After consultation with the manager, the HR Division shall decide whether or not annual/long leave will be converted into sick leave, and will communicate the outcome of the decision to the staff member in writing.
- 6.3.4.9 Staff who submit medical certificates that are not valid and/or forged will be subject to disciplinary action where dismissal may be a possible outcome.
- 6.3.4.10 During the first 6 months of employment a staff member is entitled to 1 day of paid sick leave for every 26 days worked. Any sick leave taken during this period will be deducted from the staff's sick leave entitlement. In the event that a staff member has exhausted the full sick leave entitlement prior to the next sick leave cycle, staff may be required to use available annual leave, long leave or special sick leave (depending on the circumstances), failing which they will have this treated as unpaid leave. The use of annual leave, long leave and special sick leave in these instances is at the sole discretion of the Institution. The HR Division after consultation with the manager, shall have the authority to make this decision.
- 6.3.4.11 Under no circumstances will sick leave be carried over from one sick leave cycle to the next.
- 6.3.4.12 Where a staff member has an ongoing sick leave record, even where a medical certificate is provided, such that the staff's reliability is in question and therefore their ability to do their job, the manager may seek to invoke the incapacity procedures of the University.
- 6.3.4.13 When a staff member comes to work and then goes home after **5 hours of their 8-hour work day because of illness**, this shall generally not be deducted as sick leave. Where the manager is concerned that this is becoming a frequent practice this will be documented. If the staff member goes home **prior to having worked 5 hours out of their 8-hour work day**, then the day will be counted as a day of sick leave.
- 6.3.4.14 Managers will seek to facilitate requests from staff to visit doctors, dentists, specialists etc. during the course of a working day. However, should repeated

absences be problematic, managers will record such an absence and where the manager is concerned that such occasions are too frequent, a valid medical certificate will need to be provided at the request of the manager.

6.3.5 Special Sick leave

Rhodes University has a facility whereby staff may apply for special sick leave. Special sick leave is only granted if the staff's sick leave has been exhausted during a particular cycle. Special sick leave shall not exceed 30 days over a three year cycle. The following conditions apply: -

- 6.3.5.1 Only permanent support staff can apply for special sick leave.
- 6.3.5.2 Special sick leave is granted and at the discretion of the HR Division, after consultation with the manager.
- 6.3.5.3 Special sick leave may be granted by taking into consideration the following: -
 - a) The staff member's length and nature of service at the University;
 - b) The staff member's pattern of sick leave during their employment at the Institution. Staff who have regularly used their allotment within each sick leave cycle are less likely to be given special sick leave, with the exception of those who have long-term recurring illnesses as per the Rhodes Ill-Health policy;
 - c) Staff who have been found to be abusing their sick leave as per the disciplinary process of the University will not be considered for special sick leave;
 - d) The availability of other leave, such as annual and long leave which can be used;
 - e) The reasons for special sick leave.

In making a decision to grant special leave, HR will consult with all relevant stakeholders

6.3.6 Parental Leave

A Policy for Parental Benefits and Leave exists for staff and covers both benefits and leave allotments for staff. This policy covers both the maternity and paternity leave allotments and respective conditions.

6.3.7 Family Responsibility Leave

Family Responsibility leave as specified in the BCEA applies.

In addition, family responsibility leave has been extended (beyond that specified by the BCEA) to include the following

- a) The birth of a staff member's child or adoptive or foster child;
- b) Illness of a staff member's child, adoptive or foster child, spouse/life partner or parent/adoptive parent/parent-in-law;
- c) Death of a staff member's life partner, parent, parent-in law, adoptive parent, grandparent, grandparent in law, grandchild or sibling.

6.3.8 Additional Leave

Over a 3 year cycle the Institution makes provision for 6 working days of additional paid leave which may be used in conjunction with family responsibility leave, as well as for the following purposes:

- 6.3.8.2 To celebrate religious/recognised Holy days that are not already declared public holidays. When applying for religious leave staff are expected to make a declaration as regards their religion and consistent involvement in religious activities.
- 6.3.8.4 To supplement Family Responsibility leave for the reasons outlined in 6.3.7.

Staff who wish to make use of additional leave must submit a written motivation to their manager who in turn will submit the motivation to HR. The granting of such leave shall be as follows:

- 6.3.8.5 Additional leave is approved by the Senior Generalists in the HR Division, after consultation with the manager.
- 6.3.8.6 Before additional leave is approved, reasonable proof will be required.
- 6.3.8.7 Any unused additional leave may not be accumulated, and lapses at the end of the leave cycle in which it accrues. Additional leave is not paid out upon termination of employment.

6.3.9 Study leave

The Institution has made provision for study leave for staff to study approved courses. The following conditions apply: -

- 6.3.9.1 Where an individual wishes to apply for study leave, the course being undertaken will usually be supported through the usual staff development processes e.g. remission of fees for those studying at the institution or the Continuing Education Fund for those studying at another institution. Where a staff member has elected to study a course that is only of personal benefit to the staff member, study leave will normally not be approved by the manager.
- 6.3.9.2 Staff may take one working day of study leave per examination prior to the examination being written up to a maximum 5 working days per annum.
- 6.3.9.3 The Institution will grant the equivalent amount of study and examination leave, (see below) up to a maximum of 10 working days for approved courses that are not examinable, for example Masters, PhD etc.
- 6.3.9.4 Staff are required to furnish reasonable proof that they are studying and that an examination is being written. Staff should inform their line manager when they get their examination timetable and the timetable should be submitted with the application for study leave.
- 6.3.9.5 Staff wishing to take more than 5 working days study leave for approved courses per annum will have to use annual leave, long leave (if applicable) or unpaid leave.
- 6.3.9.6 Study leave does not accumulate from one year to the next.
- 6.3.9.7 Should a staff member fail to write and/or fail an examination and have to repeat the course in a successive year, such staff will usually not qualify for study leave in the repeat year. In exceptional circumstances an appeal to this rule can be made to the HR Division who shall, after considering the motivation for an exception to be made and in consultation with the manager, make a decision.

6.3.10 Examination leave

The Institution has made provision for examination leave in order for staff to write exams. The following conditions apply: -

- 6.3.9.1 Staff may take one working day of examination per examination up to a maximum of 5 working days per annum.
- 6.3.9.2 Staff are required to furnish reasonable proof that an examination is being written. Staff should inform their line manager when they get their examination timetable and the timetable should be submitted with the application for examination leave.
- 6.3.9.3 Staff wishing to take more than 5 working days study and examination leave for approved courses per annum will have to use annual leave, long leave (if applicable) or unpaid leave.
- 6.3.9.4 Examination leave does not accumulate from one year to the next.
- 6.3.9.5 Should a staff member fail to write and/or fail an examination and have to repeat the course in a successive year, such staff will usually not qualify for examination leave in the repeat year. An appeal to this rule can be made to the HR Division who shall, after considering the motivation for an exception to be made and in consultation with the manager, make a decision.

6.3.11 Unpaid leave

Unpaid leave must be applied for and is granted at the sole discretion of the manager, after consultation with HR to ensure consistent practice. Whilst, it is acknowledged that there are times where unpaid leave will be granted, the Institution will not encourage the use of unpaid leave, particularly in instances where there are leave provisions already in place. Furthermore, it must be noted that ongoing unpaid leave is disruptive to the Institution.

6.3.12 Leave without prior approval

- 6.3.12.1 If a staff member is absent and cannot provide reasons that qualify him/her for sick leave or additional leave, annual leave will be deducted.
- 6.3.12.2 Ongoing absences without prior approval (even where the individual applies for retrospective annual leave upon return to work) will be managed in terms of the Institution's disciplinary procedures.

6.3.13 Payment in lieu of leave and contractual leave in lieu of working hours

This refers to the cash value of statutory annual leave only. The following shall apply: -

- 6.3.13.1 The Institution shall not pay staff the cash value of statutory annual leave in exchange for staff not taking annual leave. This is as per the requirements of the BCEA. The only exception to this is the termination of employment, in which case only the value of one cycle of annual leave, i.e. 30 working days, will be paid.
- 6.3.13.2 Only long leave and LILO accrues a cash value if not used by staff. This dispensation does not apply to staff in food services or housekeeping, as per 6.3.14 below.

In respect of the cash value of contractual annual leave, the following shall apply: -

- 6.3.13.3 A staff member may cash up to a maximum of 50% of their contractual annual leave, provided she / he still has sufficient leave to take leave over shut-down. In all instances the cashing in of leave shall be granted at the discretion of the employer and is subject to a budget being available for such a cash in. By way of example, this means that within the 18 month cycle a maximum of 11,25 days can be converted to cash.
- 6.3.13.4 A staff member may trade their contractual leave and/or LILO in exchange for working less than a 40 hour week at the sole discretion of the employer. This may only be done by agreement with the manager and is subject to the following: -
- 6.3.13.4.1 The arrangement is only valid if it is put in writing by the manager and filed with Human Resources;
 - 6.3.13.4.2 Operational requirements;
 - 6.3.13.4.3 The staff member having sufficient leave for the shutdown period;
 - 6.3.13.4.4 Annual review; and
 - 6.3.13.4.5 That this arrangement does not form part of the staff member's conditions of service.

6.3.14 Leave for part-time posts and posts in Food Services and Housekeeping

- 6.3.14.1 Staff who work 5 days a week but have reduced working hours will be eligible for the same leave accumulation as someone who works a 5 day week on a full-time basis.
- 6.3.14.2 Staff who work less than 5 days per week will have their annual leave and long leave (where applicable) pro-rated in accordance with their working hours, as per the BCEA.
- 6.3.14.3 In the Housekeeping and Food Services areas where week-end work is required on an ongoing basis, time worked on the week-ends will accrue as LILO (i.e. leave earned) at a rate of an extra 20 days per annum in the case of catering staff and an extra 12 days in the case of housekeeping staff. These leave days are additional annual leave days and are to be taken and not paid out.

6.3.15 Leave in lieu of overtime

In terms of the BCEA, staff are entitled to overtime that has been approved by the line manager and agreed with by the staff member, either on an individual basis or by collective agreement, following the Institution's policy as regards overtime.

- 6.3.15.1 Leave in lieu of overtime must be taken within 3 months of the staff having earned the leave.
- 6.3.15.2 Other than outlined in section 6.3.14 above, LILO not taken within 3 months of the staff having earned it will be paid out at a rate not less than the rate at which the staff earned the overtime (see guidelines in respect of the leave in lieu of overtime payments at <http://www.ru.ac.za/humanresources/>)

6.3.16 Injury on Duty Leave

The treatment of staff who are injured whilst on duty is covered by the Compensation for Occupational Injuries and Diseases Act 1993. The Act deals primarily with the payment of staff who are injured on duty and not how their absence is treated. The following will apply:

- 6.3.16.1 If a staff member is absent as a result of being injured on duty, their absence will be recorded under a leave category called IOD leave provided the necessary medical reports are in place and that the accident has been reported to the HR Division. IOD leave will be granted in accordance with the period that the staff member is booked off as a result of an injury/injuries sustained whilst on duty. IOD leave therefore does not impact on sick leave afforded to all staff in a 3 year cycle.
- 6.3.16.2 IOD leave granted to a staff member injured on duty shall in no way be linked to applications for special sick leave in the ordinary course of events as outlined in 6.3.5 above.

7. Governance Process

Good governance requires that all leave changes and leave records are accurately documented and appropriately approved. In line with this, the documentation for approving all leave shall include:

- (i) The type of leave being requested;
- (ii) The dates for which such leave is being requested;
- (iii) The availability of such leave;
- (iv) Application by the staff member (can be electronic);
- (v) Approval by staff member's direct line manager (can be electronic);
- (vi) Final approval by HR.