

Navrae
Enquiries MR A. KHANA
IMibuzo

Telefoon
Telephone 403-6911
IFoni

Faks
Fax 419-5967
IFeksi

Verwysing
Reference 7/2/4
ISalathiso



PROVINSIALE ADMINISTRASIE WES-KAAP
Onderwysdepartement
PROVINCIAL ADMINISTRATION WESTERN CAPE
Education Department
ULAWULO LWEPHONDO LENTSHONA KOLONI
ISebe leMfundo

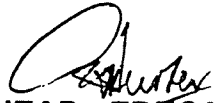
CIRCULAR 0098/99

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

CONTENTS

	Page
Introduction.....	1
Classification of leave of absence.....	1
 ANNEXURE A :	
Leave dispensation in respect of educators attached to schools.....	3
 General provisions.....	
	4
 Vacation leave.....	
	7
Vacation leave accrual.....	8
Recognition of previous service for leave purposes.....	8
Granting of vacation leave.....	9
 Sick leave.....	
	11
Sick leave accrual.....	12
Granting of sick leave.....	12
Special sick leave.....	14
 Special leave.....	
	15
Special leave for study purposes.....	16
Special leave for military training.....	16
Special leave for examination purposes.....	17
Special leave for quarantine purposes.....	17
Special leave to participate in sport and cultural events.....	17
Special leave for urgent private affairs.....	18
Special leave for confinement.....	18
Special leave for continuity of service.....	19
Special leave in extraordinary circumstances.....	20
 Unauthorised absence from duty.....	
	21
Leave gratuities	23

ANNEXURE B :

Leave dispensation in respect of educators attached to offices	25
General provisions	26
Vacation leave.....	29
Vacation leave accrual.....	30
Recognition of previous service for leave purposes.....	30
Granting of vacation leave.....	31
Sick leave.....	33
Sick leave accrual.....	34
Granting of sick leave.....	34
Special sick leave.....	36
Special leave.....	37
Special leave for study purposes.....	38
Special leave for military training.....	38
Special leave for examination purposes.....	39
Special leave for quarantine purposes.....	39
Special leave to participate in sporting and cultural events.....	39
Special leave for urgent private affairs.....	40
Special leave for confinement.....	40
Special leave for continuity of service.....	41
Special leave in extraordinary circumstances.....	42
Unauthorised absence from duty.....	43
Leave gratuities.....	45

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 $AxB/365$, 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.