

LEAVE REGULATIONS FOR REGISTRARS IN THE DIVISION OF EMERGENCY MEDICINE

GENERAL (p6)

1. All Public Servants are subject to the Basic Conditions of Employment Act 1997
2. This summary is from a directive in terms of Section 3(3)(e) of the Public services Act 1994 as amended by the Minister for Public Service and Administration.

ANNUAL LEAVE (p6)

1. Cycle commences **1 January** each year (3.1)
2. Leave entitlement reduced by 1/24th for every 15 days unpaid leave taken (3.2)
3. Working days means **Monday to Friday** (3.3)
4. At least **10 days** must be taken **in the calendar year cycle**. As far as possible this **should** be taken as **consecutive** days. (3.4)
5. **Remaining** days must be taken **within 6 months** of the preceding cycle after which they will be forfeited.(3.5)
6. Employees appointed **after 1 January** get leave allocation on a Pro rata basis. (p9 - 6.0)
7. Leave entitlement goes from **22 to 26 days after 10 years** service and is automatically picked up by the PERSAL System (pl0 - 6.8)
8. If employee is granted **too much leave** due to a bone fide error, such over-grant leave will be taken off the allocated amount for the **next cycle** (p13 - 10.2)
9. Employee **retains leave** credits when **transferred**. (p14 - 11.2)
10. Leave may **not** be taken in their **notice period** (Section 20.5 (b) of the BCEA refers)
11. Except when the leave directive provides for a clear variation on entitlements, the **BCEA forms a basis** for the new leave system in the Public Service and were taken into account when the new leave provisions were designed. (FAQ 91)
12. Mention of the fact that leave was **only a privilege prior to July 2000** but can only be refused or denied on operational reasons (FAQ 27)
13. An employee's application for annual leave should **not be unreasonably refused**. An application for annual leave should take **the service delivery requirements of a department into account**. (p6 - 3.7)
14. "Any **refusal** of annual leave" must be **confirmed in writing**, stating the **reasons** and **arrangements** for **rescheduling** of the annual leave (p6 - 3.8)
15. If, due to the employer's service delivery requirements, an employee's application for leave is denied and not rescheduled, such leave must, upon request, **be paid out** to the employee at the end of the 6 months' period referred to in 3.5. Employee requests for payment of unused leave credits must be:
 - in writing (3.9.1) and
 - accompanied by written proof of refusal of leave by the Head of Department. (3.9.2)

NOTE:

- Only 22 (26) days of overtime pay is allocated per employee per annum. This is not cumulative or retrospective. Overtime payments include ALL categories of leave (annual, special, sick etc) but exclude maternity and old capped leave.
- No extra days will be credited for working on public holidays.
- Leave requests should be submitted at least one month in advance.
- Leave will only be confirmed when a leave form has been submitted.
- Staff must check that leave has been confirmed prior to taking leave.

DIVISION POLICY:

- Leave during religious holidays will be granted preferentially to staff of that religion. This leave must however be requested and is not granted automatically.
- Christmas and New Year leave is on a rotational basis and will be granted based on Service Delivery requirements. The Easter weekend is treated as a religious holiday and preference will be allocated as such.
- A maximum of 14 continuous days (including weekends and public holidays) may be taken during any 3 month rotation.
- A maximum of 7 continuous days (including weekends and public holidays) may be taken during any 2 month rotation.
- No leave may be taken during the 1 month rotations ENT, Ophthalmology, Orthopaedics, Obstetrics and Psychiatry
- Exceptions:-

Paediatrics Maximum of 7 continuous days (including weekends and public holidays) to be taken during Ward 3 portion of the rotation.

Radiology Maximum of 7 continuous days (including weekends and public holidays)

SICK LEAVE (p 14)

1. Employees are entitled to **36 days** with full pay over a **3 year cycle** (12.1)
2. Employees must immediately notify his/her immediate supervisor of inability to report for duty (12.3)
3. For **3 or more** days employees must submit a **medical certificate** citing the reason and duration of absence (12.4)
4. Where a pattern in the utilization of sick leave is established a **certificate** may be required for absences of less than 3 days (12.6)

5. The **Head of Department** can at their discretion grant further sick leave (**temporary disability leave**) at full pay (up to **30 days**) depending on their condition and is entitled to insist on a second opinion (13.1 - 13.6) This should not be granted easily and should be supported by strong medical evidence (FAQ 49)
6. If a **certificate is not received** leave will be covered by **annual leave** or unpaid leave (p 16 15.1-15.4)
7. All sick leave information should be treated with confidentiality (15.5)
8. Description of info required on a certificate (p17 - 15.6 a-j)
9. **Leave** taken on a **weekend** when he / she is meant to work should be recorded and captured as **sick leave** (FAQ 78)
10. A doctor's note is required if an employee is off sick **more than once in an eight (8) week period irrespective of the number of days taken.**

***NOTE:** If a weekday call is taken as sick leave, the day off post call must be taken as well if the employee is not well enough to return to work on the post call day. If a Friday and the following Monday are taken as sick leave, a doctor's note will be required even if the person was not on call. Four days of sick leave will be deducted. If a weekend call is missed then a doctor's note will be required.*

MATERNITY LEAVE (p19)

1. Entitled to **4 consecutive calendar months** (18.1)
2. May commence **from 4 weeks before expected** date of birth (18.1.1)
3. Preferable at least 2 weeks prior to expected date (18.2)
4. **Not allowed** to recommence work **for 6 weeks post delivery** unless special circumstances intervene necessitating their return (18.3)
5. In third trimester may be granted **6 consecutive weeks for stillborn (SB)/termination of pregnancy (TOP)** on medical grounds or miscarriage (18.8)

6. **Miscarriage / TOP / SB in first two trimesters** is considered **sick leave** (FAQ 56)
7. **Death of the baby** in the first few days or weeks still *allows* for **6 weeks maternity leave** for the mother (FAQ57)

HPCSA allows 3 months of maternity leave once only during registrar training time. Any additional maternity leave taken will extend training time by the same period of time.

FAMILY RESPONSIBILITY LEAVE (p20)

1. **3 days** per annual **leave cycle** if spouse/life partner gives birth to a child (20.1.1) or if child/spouse/life partner is sick (20.1.2)
2. Departments should ensure that **acceptable and reasonable proof** (in terms of departmental policy) is submitted on application (FAQ 60) e.g. birth/death certificate .
3. **5 days** leave per annual cycle for death of a spouse/life partner/immediate family member (20.2)
4. 5 is maximum for this category in any leave cycle (20.3)
5. Immediate family member is **parent, grandparent, child, grandchild or sibling** (20.4)
6. Annual leave and unpaid leave can be used for additional leave subject to the approval by the Head of Department (20.5)

NOTE: *An affidavit must be submitted with the death certificate stating the relationship of the staff member to the deceased. This does not include good friends, family friends or non-immediate family members.*

SPECIAL LEAVE (p21)

1. The **Head of Department** shall ensure that his/her Department has adopted a **special leave** policy which should be negotiated in the relevant bargaining structures (21.1)
2. FAQ 65 states that the granting of **study leave** must **not be conditional** to the utilization of annual leave. In this regard, departments must develop and adopt special leave policies that cater for the **granting of study leave**. Such policies must clearly stipulate the terms and conditions for the granting of such leave as well as

the number of days to be granted. **Employees may**, as the need arises **opt to extend** the number of days granted by choosing to use either annual leave credits or unpaid leave.

3. Policy must describe **circumstances and conditions** under which special leave is granted (21.2.1)
4. Events for which special leave shall be granted should be **defined** as far as possible (21.2.2)
5. The policy may provide paid leave **for such requirements as study, examinations, resettlement due to a transfer**, participation in sports, sabbaticals where appropriate or any other purpose (21.3)
6. The Head of Department may also provide a policy on leave for the treatment of **substance abuse** (21.4)

DIVISION SPECIAL LEAVE POLICY:

STUDY LEAVE

- I. Five days each of study leave will be granted for Part I and Part II for the first attempt at each exam only.*
- II. This leave may be spread out during the year and not necessarily be granted just before the exam. It will only be granted once the exam has been paid for. Paying for an exam does not guarantee study leave if the chosen leave slots are already filled.*
- III. A maximum of 2 weeks leave will be granted during the two months before exams i.e. during February-March and July-August*
- IV. Departments are not obligated to grant study leave if no slots are available. Service delivery will not be curtailed for purposes of granting study leave.*

EXAM LEAVE:

- I. The days of the exam as well as one day prior to the exams will be granted i.e. exams written on consecutive days will only entitle the candidate to one day prior as exam leave e.g. Exams written on Tuesday and Wednesday will entitle the candidate to Monday off. No extension will be granted if the Monday is a public holiday. The weekend before and the subsequent days preceding the written exam will be granted off, providing that no more than 4 consecutive days are taken off eg if only write on Thursday, candidate may have to work the preceding weekend. The day after the written exam is a work day.*
- II. Out of town exams. The above applies. One day will be allowed for travelling after the exam if the exam ends after 14h00*
- III. No extra day per exam will be granted for studying.*
- IV. Graduation leave. This will only be granted to successful Part Two Candidates. Annual leave must be taken.*

COURSES AND CONGRESSES:

- I. Registrars may be granted special leave to attend/teach a maximum of 2 (two) courses/congresses per annum subject to date availability. Leave must be applied for at least 1 month in advance.
- II. The 2 courses should have a combined maximum of 5 (five) days
i.e. (1 x BLS+ACLS) + (1 x PALS) = 3 + 2 = 5 days or
1 x Aviation Healthcare Providers Course 5 days
- III. Special leave will not be required to be used for Division teaching e.g. GEMP, lectures/courses for registered students of the University.
- IV. Attendance/teaching at any courses/congresses over and above this limit will have to be taken as annual leave.

UNPAID LEAVE (p23)

1. **Head of Department** has **discretion** on whether to **grant unpaid leave** (23.1)
2. It is granted on a **calendar basis with a max of 184 days in an 18 month period** (23.2)

NOTE: *This is seldom granted by hospital leave committees
It will not be granted for studying, overseas holidays or religious commitments etc.*

REFERENCE

Directive on Leave of Absence in the Public Service issued by the Minister for Public Service and Administration – September 2003