POLICY ON LEAVE

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<th>Status:</th>
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<tr>
<td>Custodian:</td>
<td>Human Resources Directorate</td>
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<tr>
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<td>2014-03-14</td>
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1. PREAMBLE

SAQA employees will be granted leave in accordance with the Conditions of Service of SAQA.

1.1. The Conditions of Service are based on and consistent with:

   1.1.1. The Labour Relations Act (66 of 1995)
   1.1.2. The Basic Conditions of Employment Act (75 of 1997)
   1.1.3. Employment Equity Act (55 of 1998)
   1.1.4. Compensation for Occupational Injuries and Diseases Act (130 of 1993)

1.2. Leave of absence is classified as follows:

   1.2.1. annual leave
   1.2.2. sick leave with full or without pay
   1.2.3. family responsibility leave (including religious leave)
   1.2.4. maternity leave
   1.2.5. paternity leave
   1.2.6. absence from duty due to injury
   1.2.7. examination leave
   1.2.8. sabbatical leave
   1.2.9. attendance at courses
   1.2.10. master’s and doctoral leave
   1.2.11. unauthorised absence
   1.2.12. unpaid leave
   1.2.13. learning leave

SAQA’s leave policy is in accordance with the Basic Conditions of Employment Act and in some cases additional benefits have been added.

2. PURPOSE

The purpose of this policy is to regulate leave of absence and to provide guidelines for SAQA management and staff.

3. OWNERSHIP

The Human Resources Directorate is the custodian of this policy.

4. SCOPE OF PRACTISE

This policy applies when a SAQA employee seeks permission to be granted leave.

5. TYPE OF POLICY

This policy is of an operational nature.

6. DEFINITIONS

6.1. Accrued leave: Refers to leave days provided at an incremental rate of 1.67 days per month up to 20 days per annum.

6.2. Accumulated leave: Refers to any untaken leave days which are carried forward.
6.3. Calendar month: A period from the first to the last day of any of the twelve calendar months of the year, both dates included.

6.4. Employee: An employee who is in the employment of SAQA on a permanent full-time/part-time basis.

6.5. Pay: Refers to the applicable salary scale.

6.6. Sabbatical leave: a period of paid leave granted to an employee for purposes of study research and/or dissertations.

6.7. Compulsory occasional leave: it is compulsory leave granted during the SAQA recess period in December.

6.8. Ex gratia sick leave: is additional sick leave granted to an employee in deserving circumstances at the discretion of the Chief Executive Officer.

6.9. Religious Leave: it is the leave taken for the purpose of spiritual beliefs or observances.

7. APPLICATION FOR LEAVE

7.1. An employee should, under normal circumstances, apply for annual leave at least 10 working days before the proposed date of leave.

7.2. This application for leave should be submitted on the Employee Self Service electronic system.

7.3. If special leave is required, the specific type of leave must be indicated on Employee Self Service electronic system.

7.4. An employee who has applied for annual leave may not be absent from the office before receiving approval from the Director.

8. GRANTING OF LEAVE

Leave will be granted with due regard to the needs of the operational requirements in the directorate. An application for leave must be made on Employee Self Service electronic system and approved by the relevant line function Director before an employee may go on leave. Subject to consultation with the employee, leave already granted may at any time be changed or withdrawn, and an employee may be required to take the whole or a portion of the annual leave due to him or her.

9. ANNUAL LEAVE

9.1. NUMBER OF LEAVE DAYS

The annual leave accrues on a pro rata basis at 1.67 working days per month adding up to 20 days per year.

9.1.1. Annual leave may not be taken in the first three months from the date of commencement of employment.

9.1.2. After three months of employment, an employee will be entitled to annual leave equal to the number of days accrued for the period worked.

9.1.3. Compulsory occasional leave will be granted to employees between 25 December and 1 January. These days will be in addition to the 20 working days annual leave.

9.1.4. Employees are strongly encouraged to take a minimum of 14 consecutive calendar days.

9.1.5. Any untaken accrued leave must be taken no later than six months after the end of the annual leave cycle.

9.1.6. An employee should, under normal circumstances, apply for leave at least 10 working days before the proposed date of annual leave.
9.2. ACCUMULATION OF LEAVE

9.2.1. No remuneration in lieu of any accumulated leave will be paid whilst employed by SAQA and therefore employees will be required to use the accumulated leave prior to leaving the employment of SAQA.

9.2.2. An employee who wishes to accumulate leave days, to be used for purposes of study/sabbatical will have to sign a declaration that such leave will not be paid out.

9.2.3. In case of resignations, employees are required to serve their notice period of at least one calendar month at work to ensure a smooth handover of their duties. This means that employees cannot use their accumulated leave in lieu of the one calendar month notice period that they must serve at work.

9.2.4. If an employee gives notice over a period of leave or does not serve the one calendar month notice period, contrary to policy, the employee will forfeit their salary for the last month of service.

9.3. PAYMENT OF ANNUAL LEAVE ON TERMINATION OF EMPLOYMENT

9.3.1. SAQA will not pay out money in lieu of leave except on termination of employment.

9.3.2. In the case of termination of employment, a payment up to a maximum of 20 working days leave accrued will be paid to employees.

9.3.3. Annual leave may not be taken in the employee’s notice month.

10. SICK LEAVE

10.1. ACCRUAL OF SICK LEAVE

10.1.1. Sick leave is granted in terms of working days. Each employee will be entitled to 60 working days paid sick leave in a three-year cycle.

10.1.2. During the first six months of employment, an employee will be entitled to one day's paid leave for every 26 days worked.

10.2. GRANTING OF SICK LEAVE

10.2.1. Paid sick leave will be granted only in respect of absence from duty of an employee due to an illness, indisposition or injury not due to his/her misconduct.

10.2.2. An employee who is absent due to ill-health must report his/her absence within 24 hours, or if circumstances do not permit, within a reasonable time but must be within a maximum of 48 hours. Reasonable time will be determined on the basis of the nature of the illness and whether the employee had access to communication facilities (e.g. telephone, email, cell phone, fax, etc).

10.3. SUBMISSION OF MEDICAL CERTIFICATE

10.3.1. If an employee is absent from duty for a continuous period of more than two consecutive working days owing to illness, he/she may be granted sick leave, only if he/she furnishes a valid medical certificate signed by a medical practitioner, dentist or psychologist, or any other person who is certified to diagnose and treat patients, and who is registered with a professional council established by an Act of Parliament. If his/her traditional healer does
not give medical certificates, an employee may be asked to go to one who does.

10.3.2. SAQA may, in accordance with the Basic Conditions of Employment Act, require the submission of a medical certificate in respect of a shorter period (i.e. two consecutive working days or less) of absence due to illness. This applies in the case of absence on a Friday or a Monday or the day preceding or following a public holiday.

10.3.3. SAQA may require a medical certificate before paying an employee who has been absent on more than two occasions during an eight-week period.

10.3.4. SAQA will not pay an employee for the days on which he/she was absent from work for more than two consecutive working days if he/she does not produce a valid medical certificate that complies with the prescribed medical standard.

10.3.5. If an employee is absent owing to illness and there are sound reasons for the non-submission of a medical certificate, then SAQA may exempt him or her from the obligation to submit such a medical certificate. Such exemption may only be given for a continuous period not exceeding 14 calendar days and will be noted on the leave application record. Any further absences will be covered by the granting of annual leave if available or leave without pay.

10.3.6. Subject to any enquiry, SAQA may refuse to grant sick leave with pay in respect of any absence from duty to which a medical certificate relates. In such a case it may be determined that the absence is unauthorised and without pay and may result in disciplinary action being taken against the employee.

10.4. **SICK LEAVE WITHOUT PAY**

If an employee has used all the sick leave provided for (60 days in a three-year cycle), he/she will be booked on sick leave without pay for the duration of such leave. An employee may use his/her annual leave days if available, to cover such sick leave.

10.4.1. Sick leave without pay will also be granted to an employee if:

10.4.1.1. he/she absents him/herself for more than two consecutive working days and he/she fails to provide the required medical certificate, or
10.4.1.2. the employee has been absent on more than two occasions during an eight-week period and, despite a request from SAQA, does not produce the required medical certificate.

10.5. **SICK LEAVE DURING A PERIOD OF ANNUAL LEAVE**

If an employee becomes ill while on paid annual leave, that portion of his/her annual leave may be converted into sick leave on condition that:

10.5.1. he/she applies for such conversion in writing on the day of return from his/her annual leave
10.5.2. a valid medical certificate is submitted.

11. **EX GRATIA SICK LEAVE**

11.1. In exceptional and deserving cases an employee may, at the sole discretion of the Chief Executive Officer and on the recommendation by the Human Resources Director, be awarded ex gratia sick leave after due consideration
of the employee’s sick leave record, length of service, nature of illness, prospects of recovery and the applicable sick leave cycle.

11.2. Where employees exhaust their sick leave days within a cycle and apply for sick leave, consideration to allow his/her sick leave to be awarded in advance of the next cycle may be granted if the next cycle date is within three months of such application. Any such leave granted will be recouped from the next cycle.

12. FAMILY RESPONSIBILITY LEAVE

12.1. An employee is entitled to five (5) working days per annum. An employee's unused entitlement to leave in terms of this section lapses at the end of the calendar year in which it accrues i.e. these days cannot be accumulated and carried over to the following calendar year.

12.2. Employees shall be granted five (5) working days if: an employee's spouse or life partner dies; or an employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling and the parents/siblings of one’s life one’s life partner/spouse dies.

12.3. Employees shall be granted three (3) working days if an employee’s child, spouse or life partner is sick.

12.4. Employees shall be granted two (2) working days for religious leave.

NB. Documentary proof may be requested to accompany all applications.

13. SPECIAL LEAVE

13.1. MATERNITY LEAVE

13.1.1. Maternity leave may be granted for purposes of confinement of employees on the following conditions:

four (4) consecutive months' maternity leave may be taken per confinement
all female employees, regardless of marital status, qualify for maternity leave.

13.1.2. An employee who has completed one full year of continuous employment with SAQA will be entitled to maternity leave with full pay.

13.1.3. An employee who has not completed one full year of continuous employment with SAQA will be entitled to maternity leave without pay. SAQA will provide such an employee with information and will assist with the submission of an application to the Unemployment Insurance Fund (UIF) which provides for payment of a portion of an employee’s salary during maternity leave.

13.1.4. Maternity leave may be used before and/or after birth but birth must take place within the period of maternity leave and leave taken for this purpose must be continuous. However, in cases where a baby is hospitalised, maternity leave may be interrupted for the period of such hospitalisation.
13.1.5. An employee may commence maternity leave:

13.1.5.1. at any time from four weeks before the expected date of birth, unless otherwise agreed, or
13.1.5.2. on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee’s health or that of her unborn child.

13.1.6. Available leave may be utilised for a further period of absence before and/or after the period of maternity leave. Any leave granted in addition will be granted without pay.

13.1.7. The application for maternity leave must be done in writing, unless the employee is unable to do so, and must indicate the date on which the employee intends to:

13.1.7.1. commence maternity leave; and
13.1.7.2. return to work after maternity leave.

13.1.8. Notification for maternity leave must also be given:

13.1.8.1. at least four weeks before an employee intends to commence maternity leave; or
13.1.8.2. if it is not reasonably practical to do so, as soon as is reasonably practical.

13.1.9. An employee may not work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

13.1.10. An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six weeks after the miscarriage or stillbirth, whether or not the employee had commenced maternity leave at the time of the miscarriage or stillbirth. Employees whose maternity leave results in a stillbirth should inform SAQA about their condition so that their leave can be re-arranged.

13.1.11. The benefit will apply in its entirety to the employee who is the primary caregiver of a legally adopted child who is younger than 24 months on the date of adoption. This period can be reduced from four (4) months to two (2) months at the discretion of SAQA.

13.2. PATERNITY LEAVE

Employees shall be granted three (3) working days paid leave if an employee’s spouse or life partner gives birth or adopts a child younger than 24 months.

14. ABSENCE FROM DUTY DUE TO INJURY ON DUTY

14.1. Special sick leave may be granted to an employee who is absent from duty due to:

14.1.1. an injury sustained in an accident arising out of and in the course of his/ her duties, or
14.1.2. a disease contracted in the course of and as a result of his/her duties.
14.2. Special sick leave with full pay will be granted for the period he/she is incapacitated for duty, or special sick leave will be granted with pay equal to the difference between full pay and the compensation payable to him/her in terms of the Compensation for Occupational Injuries and Diseases Act (1993) in the form of periodical payments of his/her monthly earnings.

14.3. Special sick leave will not be granted if injury in an accident is attributable to the serious and wilful misconduct of the employee.

14.4. An employee who is granted special sick leave must submit a medical certificate that indicates the nature of the injury or illness and the period necessary for recuperation. Special sick leave will only be granted for a period recommended by a medical practitioner who will also be expected to recommend medical boarding if the special leave granted becomes too extended and disrupts work in the organisation. SAQA reserves the right to seek a second opinion.

14.5. Special sick leave granted will not impact on the employee’s sick leave and will not be taken into account in the calculation of sick leave or any other leave.

14.6. A leave application on Employee Self Service electronic system, with the supporting documentation from a medical practitioner must nevertheless be completed for the period of absence and it must be indicated clearly that it is special sick leave.

15. EXAMINATION LEAVE

15.1. An employee is entitled to examination leave with full pay, subject to a maximum of 15 working days per calendar year, in pursuit of studies approved by SAQA.

15.2. An employee should, under normal circumstances, apply for leave at least 10 working days before the proposed date of examination leave.

15.3. Examination Leave will be granted as follows:

15.3.1. one day prior to the examination for preparation, and
15.3.2. one day on which the examination is taken.

15.4. Approved SAQA studies include:

15.4.1. all employees assisted by SAQA’s Employee Education Assistance policy
15.4.2. studies undertaken by the employee for a course of study that is not sponsored by SAQA, provided that such course of study has been declared by the employee and accepted by the employee’s Director and the Director: Human Resources at the commencement of the course of study and declared at the beginning of each calendar year where relevant
15.4.3. studies approved by the Human Resources Consultative Forum and endorsed by the Chief Executive Officer.

15.5. The latest available time-tables or relevant documents must accompany such applications for leave.
15.6. The concession of the additional day to prepare for the examination will not apply in respect of a supplementary examination or a year end examination of a study course or part of a study course, which the employee did not pass and had to repeat.

15.7. The concession of an additional day to prepare for the examination:
15.7.1. will fall away if the examination is written on a day following a weekend or on a day following a public holiday.
15.7.2. is granted per day on which an employee writes an examination and not granted per examination written. This means that if an employee writes examinations on one day, he/she would only be entitled to one day study leave prior to the examination.

16. SABBATICAL LEAVE

16.1. For every day of annual leave with full pay granted for study purposes, one working day sabbatical leave with full pay may be granted on the following conditions:

16.1.1. that the leave will be used for studies approved by SAQA
16.1.2. that the employee agrees to stay in the service of SAQA after the period of leave for seven calendar days for each day of special leave granted.
16.1.3. This type of study leave can be taken for studies requiring long-term preparation, e.g. writing dissertations, but may not be taken in conjunction with examination leave.

16.2. An employee should under normal circumstances, apply for sabbatical leave at least one month before the proposed date of sabbatical leave.

16.3. Management will determine the number of people who may be granted such leave at any time (during any period)

16.4. The staff member shall refund SAQA all costs (value of sabbatical leave granted –excluding annual leave/unpaid leave) where he/she leaves the employ of SAQA prior to the expiry of the one year period referred to in 16.1.2 above.

17. ATTENDANCE AT COURSES

17.1. An employee on approved SAQA studies who, on account of his/her studies is required to be absent from his/her place of work for compulsory course attendance, may be released from duty on condition that for every day of annual leave with full pay granted for attendance at courses, one day special leave with full pay may be granted to the extent that the annual leave allows.

17.2. An employee should under normal circumstances, apply for leave to attend classes at least 10 working days before the proposed date on which classes must be attended.

18. MASTERS AND DOCTORAL STUDENTS

18.1. An employee who is in the employment of SAQA is entitled to leave for Masters and Doctoral studies.

18.2. The attendance of the compulsory lectures is deemed the equivalent of class attendance and must apply for course attendance.
18.3 The time required for the assessment of the assignments and presentations towards credits shall be deemed an equivalent of an examination, hence the application for examination leave. This leave is granted for the maximum of 15 working days per calendar year.

18.4 The abovementioned is granted annually on submission of the assignment timetables, proof of attendance and the proof of submission of assignments for assessment and/or proof of attendance to present.

19. Learning Leave and Service Recognition

Employees who have attained at least five years continuous service may enrol for any learning activity of the employee's choice. SAQA will contribute towards such learning activity in line with the employee's length of service (five year intervals) by granting the employee time off on special leave (learning leave) and awarding a fixed amount as per the table below.

SAQA's contribution based on length of service shall be as follows:

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<th>SAQA Contribution (Nett)</th>
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All awards are taxable in accordance with the Income Tax legislation. The employee shall receive the nett cash amount as reflected above. The gross value and the tax paid thereon shall be reflected on the employee's IRP5 tax certificate.

The employee will receive the SAQA learning leave contribution in the month the anniversary of his/her appointment. The leave must be applied for and taken within a period of one year from the date of such anniversary date otherwise it will be forfeited. The employee must submit a short report on the learning activity. The employee will also receive a service certificate commemorating the service attainment.
20. UNAUTHORISED ABSENCES

Unauthorised absences from duty will, apart from any disciplinary action that may be taken against an employee, be regarded as absence without pay, unless SAQA rules otherwise.

21. UNPAID LEAVE

SAQA may grant an employee who has no leave to his/her credit, leave without pay to a maximum of twenty (20) working days per year.