



# JUDICIAL INSPECTORATE OF PRISONS

## Office of the Inspecting Judge

JI 6/2

### POLICY DOCUMENT

#### POLICY ON LEAVE OF ABSENCE IN THE JUDICIAL INSPECTORATE OF PRISONS

##### 1. POLICY STATEMENT

- 1.1. The Judicial Inspectorate of Prisons (JIOP) recognises that:
- in order to account for the human resources which are at its disposal proper records must exist of the time worked by all its members of staff,
  - that it is a management function to monitor the actual hours worked by members of staff,
  - that sound financial management, including control over human resources, is critical to the success of the JIOP.

##### 2. POLICY OBJECTIVES

- 2.1. The objectives of this policy document are to:
- ensure proper record keeping of the hours worked by all JIOP staff members.
  - ensure that the JIOP comply with audit standards in regard to duty registers.
  - ensure that all JIOP staff members are held accountable for the time they work or do not work.
  - support management in their responsibility to monitor and control the performance of JIOP staff members.

##### 3. STATUTORY MANDATE

- 3.1. Section 89 (1) reads: "the staff complement of the Judicial Inspectorate must be determined by the Inspecting Judge in consultation with the Commissioner."

- 3.2. Section 89 (2) reads: "the Inspecting Judge must appoint within this complement inspectors and such other staff, including a secretary, as are required."
- 3.3. This policy is in line with and adheres to the provisions of section 3(3) (c) of the Public Service Act, 1994 as amended, by the Minister for Public Service and Administration.
- 3.4. This policy must be read together with the Public Service Act, 1994 (as amended) and the "Determination on leave of absence in the Public Service" document.

#### 4. POLICY PROCEDURES

##### Special leave for study and examination purposes:

- 4.1. Special leave with full pay may be granted to an official for preparation towards his/her examinations whether it relates to his/her immediate field of work or not. The study leave with full pay may be granted to an official for his/her studies/examinations limited to five (5) working days per examination paper. This includes the days on which examinations are written.
- 4.2. In cases where a course requires officials to substitute examinations, special leave with full pay may be granted for his/her attendance, presentation and writing test limited to a total of five (5) working days per course.
- 4.3. If the special leave granted precedes and succeeds a day of rest, such day(s) of rest, must be disregarded when calculating the number of special leave days to be granted to the official.
- 4.4. All requests for special leave for study/examination purposes must be accompanied by an examination timetable (or certified extract photocopy) on which the subjects and the days, on which the subjects are to be



written, are indicated. The examination time table shall always be attached to the special leave application.

- 4.5. Such leave may only be granted during the period between the date on which the official had submitted his/her examination timetable in respect of the particular examination, and the last day on which he/she writes the examination. Special leave must be taken before the commencement of the examination.
- 4.6. Special leave referred to above include ordinary school subjects up to Grade 12 / Matric.
- 4.7. This provision may be applied for only once. In respect of re-examination or an end of the year examination pertaining to a study course (or part of a course) which an official failed and which he/she has to repeat, a further two days special leave with full pay may be granted once per examination paper. This special leave is granted for the day before the examination (preparation) and for the day on which he/she sits for an examination.
- 4.8. Proof of results (pass or fail) must be submitted by officials in order to control whether officials to whom special leave were granted did in fact write exams. This proof must be submitted within three (3) months after the leave was taken. It is the responsibility of officials concerned to ensure that proof of results is handed in timeously. The results submitted must be handled appropriately by the personnel office.
- 4.9. Should officials abuse special study leave by not handing in results or being absent from the exams, such leave must be converted to vacation leave or leave without pay. Sick leave should be granted upon submission of a sick certificate.
- 4.10. A maximum of an additional 20 working days per annum may be granted to an official under circumstances mentioned below, on condition that the



Department is satisfied that the studies undertaken is in the interest of the department (documentary proof must be submitted) :

- 4.10.1. Officials registered for full time studies at a recognised educational institute within the Republic or abroad,
  - 4.10.2. Extramural (part-time studies and/or studies by means of correspondence when once or twice a year leave is needed to do essential preparatory or research work,
  - 4.10.3. Research work and/or writing an essay or a thesis for a postgraduate qualification,
  - 4.10.4. Study in a direction which requires the performance of practical work or practice teaching for a particular period annually,
  - 4.10.5. Attends a preparatory class with a view to sit for a qualifying examination in order to obtain admission to a particular field of study, or
  - 4.10.6. Practical work required as a prerequisite for registration in a particular profession.
- 4.11. Available vacation leave with full pay, and thereafter vacation leave without pay, may be utilized by an official to extend absence for purposes stipulated above.
- 4.12. If an official is required to perform practical work or practical teaching in an office or institution of a government department, he/she must be regarded as being on official duty.
- 4.13. Any travelling and subsistence expenses arising from the provisions in this section must be borne by the official him/herself.
- 4.14. If an employee is to receive remuneration for the practical work or the practical teaching, his or her case must be dealt with in terms of section 30 (b) of the Public Service Act, 1994 as amended.  
Amendment of section 30 of Act promulgated under Proclamation 103 of 1994 read as:



25. Section 30 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

*"(b) no officer or employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the public service, without permission granted [on the recommendation of the Commission] by the relevant executing authority or an officer authorised by [such] the said authority; and"*

**Events for which the department will not grant special leave:**

- 4.15. Attendance of self-enrichment courses (e.g. Fashion design, etc).
- 4.16. Repeating of courses/subjects (for third, fourth, etc time as per paragraph 4.7. above).

**Annual Leave:**

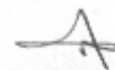
- 4.17. Employees are entitled to annual leave with full pay during each leave cycle of 12 months, commencing on 01 January of each year.
- 4.18. For the purpose of granting annual leave, working days shall mean Monday to Friday.
- 4.19. At least 10 working days must be taken as leave days during the annual leave cycle. The utilisation of this leave must take the service delivery requirements of a department into account.
- 4.20. Annual leave should, as far as possible, be taken as consecutive working days.
- 4.21. The remaining leave days, if any, must be taken no later than 6 months after the expiry of the relevant leave cycle, where after unused leave credits shall be forfeited.



- 4.22. An employees's application for annual leave should not be unreasonably refused. An application for annual leave should take the service delivery requirements of the Office into account.
- 4.23. Any refusal of annual leave must be confirmed in writing, stating the reasons and arrangements for rescheduling of the annual leave.
- 4.24. An employee retains all his/her annual leave credits, when he/she is transferred within or between departments, due to him/her at that point in time.
- 4.25. An employee must apply for annual leave at least 7 days prior to the date requested.
- 4.26. The employee's supervisor must indicate whether an employee is able to go on vacation leave.
- 4.27. The Inspecting Judge of Prisons or his delegate(s) must approve all applications for leave.

**Normal sick leave:**

- 4.28. An employee is entitled to 36 working days sick leave with full pay over a three-year cycle. Any unused sick leave credits shall lapse at the expiry of the three-year cycle.
- 4.29. An employee must submit his/her application for sick leave in respect of clinical procedures in advance, unless the treating practitioner certifies that such procedures had to be conducted as an emergency after the fact.
- 4.30. If overcome by a sudden illness/injury, the employee must personally notify his/her supervisor/manager immediately. A verbal message to the supervisor/manager by a relative, fellow employee or friend is only acceptable if the nature and/or extent of the illness/injury prevents the employee to inform the supervisor/manager personally.



- 4.31. An employee must submit an application for sick leave together with a sick leave certificate personally or through a relative, fellow employee within 5 days after the first day of absence.
- 4.32. If the employee fails to submit an application within the period indicated in paragraph 4.30, above, the following arrangements apply:
- 4.32.1. The employee's manager/supervisor must immediately notify the employee that if such application is not received within 2 working days, the sick leave period will be deemed to be leave without pay. If the employee fails to submit the application on time or submit compelling reasons or compelling reasons exist why an application cannot be submitted, the supervisor/manager must immediately inform the relevant personnel section/office that the relevant absence will be covered by annual leave (with the employee's knowledge) and/or unpaid leave, if there is insufficient annual leave (with the employee's consent), and/or unpaid leave if insufficient annual leave credits are available and if the employee failed to notify the Inspecting Judge of Prisons of his/her choice.
- 4.32.2. Failure by the employee to submit his/her application form within the stated periods, or failure by the supervisor/manager to properly manage it, must be viewed in a serious light and disciplinary steps against the employee and/or supervisor/manager should be taken.
- 4.33. An employee must submit a medical certificate in respect of his/her sick absence for every occasion of 3 or more sick leave days, issued and signed by a medical practitioner.
- 4.34. If the employer establishes a pattern/trend in the employee's utilisation of the normal sick leave, the employer must require the employee to submit a medical certificate from a medical practitioner for periods of sick absences of less than 3 days; and



An employee in his/her first 36 days normal sick leave period, who has been absent from work on more than two occasions during an eight-week period, must regardless of the duration of the sickness or injury, submit a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

The 8-week period shall be a calendar period and commences on the first day of an employee's absence due to sickness or injury. Any subsequent day of absence due to sickness or injury after the abovementioned period must then be regarded as the first day of the next 8-week period. If the employee fails to submit the required medical certificate, the Inspecting Judge of Prisons must notify the employee that if the prescribed medical certificate is not received within 2 working days, the sick leave period will be deemed to be leave without pay.

If the employee fails to submit the medical certificate on time, the relevant absence must be covered by annual leave (with the employee's consent) and/or unpaid leave if insufficient annual leave credits are available and if the employee failed to notify the Inspecting Judge of Prisons of his/her choice.

Failure by the employee to submit his/her medical certificate within the stated period must be viewed in a serious light and disciplinary steps against the employee should be taken.

- 4.35. If an employee falls ill while on annual leave with full pay, such leave may be converted to sick leave provided that a sick certificate from a registered medical practitioner is presented.
- 4.36. For every 15 consecutive days leave taken without pay, an employee's sick leave entitlement must be reduced by 1/72<sup>nd</sup> per sick leave cycle.



- 4.37. Where an employee is absent for a part of the day, the Director: CS will manually record such time off until a full day is completed as sick leave.
- 4.38. The Inspecting Judge of Prisons may require the necessary proof of such events/occurrences to properly monitor the utilisation of sick leave.

#### Maternity Leave

- 4.39. Employees are entitled to 4 consecutive calendar months' maternity leave to commence:
- 4.39.1. at any time from four weeks before the expected date of birth; or
- 4.39.2. on a date from which the attending medical practitioner certifies that it is necessary for the employee's health or that of the unborn child.
- 4.40. It is preferable that an employee commences her maternity leave at least two weeks prior to the expected date of birth.
- 4.41. For at least six <sup>e</sup> ~~weeks~~ <sup>A</sup> after the birth, no employee may commence with normal official duty unless the attending practitioner certifies that the employee is fit to do so.
- 4.42. Maternity leave may be extended upon application by:
- 4.42.1. the granting of sick leave as a result of a medical complication;
- 4.42.2. the granting of up to 184 calendar days unpaid leave; or
- 4.42.3. the granting of annual leave.

#### Adoption Leave

- 4.42. An employee who adopts a child that is younger than two years, shall qualify for adoption leave to a maximum of 45 working days, ~~where after~~, ~~4.41.2 and 4.41.3 shall apply.~~ <sup>A</sup>
- 4.43. If both spouses or life partners are employed in the Public Service, both partners will qualify for adoption leave provided that the combined leave taken does not exceed the 45 working days mentioned in 4.43 above.

**Family Responsibility Leave**

- 4.44. Employees shall be granted 3 days leave per annual leave cycle for utilisation if:
- 4.44.1. The employee's spouse or life partner gives birth to a child; or
  - 4.44.2. The employee's child, spouse or life partner is sick.
- 4.45. Employees shall be granted 5 days leave per annual leave cycle for utilisation if:
- 4.45.1. The employee's child, spouse or life partner dies; or
  - 4.45.2. An employee's immediate family member dies.
- 4.46. The number of family responsibility leave days taken according to 4.44. and 4.45. above shall not exceed five (5) days in annual leave cycle, unless special circumstances warrant further leave at the discretion of the Inspecting Judge of Prisons.
- 4.47. Employees who have used all their family responsibility leave may, subject to the approval of the Inspecting Judge of Prisons, apply to:
- 4.47.1. use available annual leave; or
  - 4.47.2. use up to 184 calendar days of unpaid leave.

**Unpaid Leave:**

- 4.48. If an employee has utilised all his/her annual leave with full pay, the Inspecting Judge of Prisons may grant him/her unpaid leave.
- 4.49. Unpaid leave days must be granted on a calendar day basis. Only in exceptional circumstances shall the Head of Department grant the employee more than 184 calendar days of unpaid leave in a period of 18 months.

**Leave for Office Bearers or Shop Stewards of recognised Employee Organisations:**

- 4.50. Office bearers or shop stewards of recognised employee organisations shall receive up to 10 working days paid leave per annum for activities related to his/her union position.



- 4.51. All applications for this type of leave must be submitted in writing together with supporting documentation.

#### 5. RESPONSIBILITY AND DELEGATIONS

NO.	TASK	RESPONSIBLE
5.1.	Recording of employee attendance on Z8 register	Employee
5.2.	Verification of attendance	HR Manager
5.3.	Monthly reports on employee attendance (e.g. absenteeism, late-coming)	HR Manager
5.4.	Approval for the application for leave	Inspecting Judge of Prisons
5.5.	Confirmation and administration of leave	HR Manager
5.6.	Capturing of leave on PERSAL	Personnel Clerk
5.7.	Approval of leave on PERSAL	Manager: Support Services / HR Manager
5.8.	Verification of supporting documents	HR Manager
5.9.	Control reports on PERSAL	Manager: Support Services
5.10.	Quarterly leave audits	Manager: Support Services

#### 6. MONITOR AND REVIEW

- 6.1. The Manager: Support Services must ensure that all absences from work is duly recorded and report to the Director: Corporate Services.
- 6.2. The Director: Corporate Services must monitor compliance to these rules.
- 6.3. The rules are subject to review.

WE HEREBY CONFIRM THIS POLICY AS NECESSARY AND EXPEDIENT FOR THE EFFICIENT FUNCTIONING OF THE JUDICIAL INSPECTORATE OF PRISONS AND AS SUCH APPROVE IT AS RULES IN TERMS OF THE PROVISIONS OF SECTION 90(9) OF THE CORRECTIONAL SERVICES ACT, NO 111 OF 1998.

  
GIDEON MORRIS  
DIRECTOR: CS

DATE: 16 July 2007

  
PRITIMA OSMAN  
ACTING DIRECTOR: FS

DATE: 15/July 2007