

RESOLUTION 1 OF 2020

**AGREEMENT ON THE AMENDMENT OF PSCBC RESOLUTION 5 OF 2001 ANNUAL LEAVE**

**1. OBJECTIVE**

To extend the time period for the utilization of unused leave due to fall away at the end of the current 18 month cycle.

**2. SCOPE**

This agreement binds the employer and employees who:

- 2.1. are employed by the State; and
- 2.2. fall within the registered scope of the Council.

**3. NOTING**

3.1. It is noted that-

3.1.1. The President of the Republic of South Africa, in response to the COVID-19 pandemic, has declared a national disaster and subsequently a nationwide lockdown in terms of the Disaster Management Act, 2002 to prevent the escalation of the disaster or to alleviate, contain and minimise the effects of the disaster. The easing of the lockdown will take place in a phased approach depending on progress made with the containment of the infection rate of COVID-19;

3.1.2. Due to the nature of the role and responsibility of the public service, the public service did not shut down. Services continue to be provided to the

citizenry taking into account the *Directions issued by the Minister for Public Service and Administration on Service Delivery and Business Continuity for the Public Service during COVID-19*, issued by the Minister for the Public Service and Administration issued in terms of Regulation 10(8) of the Disaster Management Regulations of 18 March 2020;

3.1.3. It is common cause that the policies governing, among others, employee benefits such as annual leave continue to be relevant; and

3.1.4. In terms of the policies governing annual leave in the public service, the commencement of the lockdown coincided with the grace period of the 2019 leave cycle, which grace period will end on 30 June 2020.

#### 4. AGREEMENT

4.1. Parties, as a once off arrangement, agree, for purposes of the 2019 annual leave cycle, that-

4.1.1. clause 7.1 (d) of PSCBC Resolution 5 of 2001 be adjusted for the 2019 leave cycle to read as follows:

“The remaining days of unused leave for the 2019 annual leave cycle shall be utilised within a 24 month period. The 24 month period will end 31 December 2020. All remaining unused leave for the 2019 annual leave cycle shall fall away thereafter. However, where leave due is not taken due to the employer’s service delivery requirements, such leave shall be paid at the end of the 24 month period.”

4.1.2 This adjusted time line of 24 months will only be applicable for the leave of the 2019 annual leave cycle.

4.2. The utilisation and management of the unused annual leave days from the 2019 annual leave cycle shall be subject to the prevailing provisions governing annual leave in the public service.

#### 5. DISPUTE RESOLUTION

If there is a dispute about the interpretation or application of this agreement, any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of Council.

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6. IMPLEMENTATION OF THE AGREEMENT

6.1. This agreement shall come into effect on the date it enjoys majority support and shall remain in force until 31 December 2020;

6.2. In the interpretation and application of this agreement, words used in the agreement and defined within the constitution of Council will have the meaning as defined in the constitution;

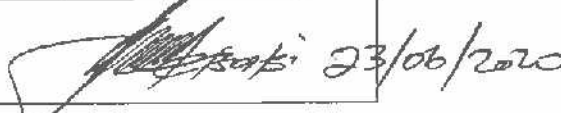
6.3. In the event of any conflict between a provision of this agreement and any other agreement of the Council, the provision of this agreement takes precedence; and

6.4. The Council will monitor the implementation of this agreement.

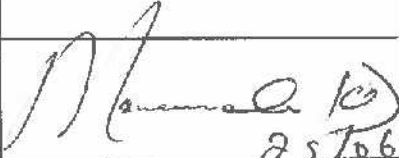
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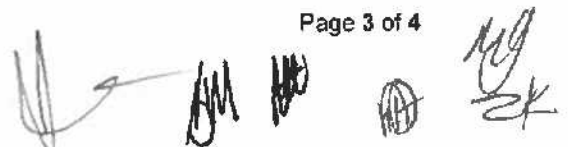
June 2020

ON BEHALF OF THE EMPLOYER

	Name	Signature
State as Employer	MODISE LETSATS	 23/06/2020

ON BEHALF OF THE UNION PARTIES

Trade Union	Name	Signature
DENOSA	MAMAMELA KWENA DANIEL	 25/06/2020



HOSPERSA	Susan H. Manu	
NAPTOSA	Basil L. Manuel	
NEHAWU	ZOLA SAPHIETHA	
POPCRU	UNAIHI ICA THELEM	
PSA	Astrid Al-anani	
SADTU	Mugwema Mahlete	
SAPU	TUMELO MOSOISENS	