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GOVERNMENT NOTICE

INDEPENDENT ELECTORAL COMMISSION

No. R. 902

17 September 2001

AMENDMENTS TO THE REGULATIONS ON THE CONDITIONS OF SERVICE, REMUNERATION, ALLOWANCES AND OTHER BENEFITS OF THE CHIEF ELECTORAL OFFICER AND OTHER ADMINISTRATION STAFF

(Acting in terms of section 23 of the Electoral Commission Act, 1996 (Act no. 51 of 1996), the Electoral Commission has made the regulations set out in the Schedule

Definitions

1. In these regulations "The Regulations" means the regulations published in Government Notice No. R. 514 of 19 May 2000.

Amendment of regulation 5 of the Regulations

2. Regulation 5 of the Regulations is hereby amended by the substitution of subregulation (2) by the following subregulation:

"(2) If the employee moves his or her household or place of abode to the new location, the employee is entitled to be reimbursed in respect of expenses involved on a basis decided upon by the Commission from time to time corresponding with the basis of reimbursement in the public service, except when the relocation took place at the request of the employee."

Amendment of regulation 6 of the Regulations

3. Regulation 6 of the Regulations is hereby substituted by the following regulation:

"6. Accept as otherwise agreed to in writing between the employer and employee, normal working hours are from 08:00 to 12:00 and 13:00 to 17:00 on every weekday (Monday to Friday) that is not a public holiday, and the place of work is at the offices and places determined by the Commission from time to time."

Amendment of regulation 7 of the Regulations

4. Regulation 7 of the Regulations is hereby amended by the insertion of the following new subregulation (3):

"(3) An employee may not use the facilities of the Commission for private commercial purposes, or at any time during the course of employment be involved in any private commercial activities without the prior written approval of the Commission."

Amendment of regulation 13 of the Regulations

5. Regulation 13 of the Regulations is hereby substituted by the following regulation:

"13. If an employee is required to perform duties away from his or her office, such employee is entitled to be reimbursed in respect of reasonable travel, accommodation and subsistence expenses incurred at such rates as the Commission may determine from time to time, bearing in mind the basis on which such rates are determined in the public service."

Amendment of regulation 14 of the Regulations

6. Regulation 14 of the Regulations is hereby substituted by the following regulation:

"Vacation leave

14. (1) An employee is entitled to 21 working days vacation leave on full remuneration, per year of employment calculated on an annual leave cycle which commences immediately following an employee's commencement of employment or the completion of that employee's prior annual leave cycle : Provided that it is compulsory for an employee to take at least 10 days annual vacation leave during each annual leave cycle.

(2) An employee may accumulate and transfer not more than 5 days vacation leave from one annual leave cycle to be used within the first six months of the next annual leave cycle, and an employee may accumulate and transfer not more than six days vacation leave from one annual leave cycle to any subsequent leave cycle.

(3) Vacation leave is taken on days agreed upon between the employer and the employee."

Amendment of regulation 15 of the Regulations

7. Regulation 15 of the Regulations is hereby substituted by the following regulations:

"Sick leave

15. (1) An employee is entitled to 36 working days paid sick leave for each three year employment cycle, but during the first six months of employment the employee is only entitled to one working day sick leave for every month that he or she has worked.

(2) An employee must submit a medical certificate or affidavit in respect of an absence of three or more consecutive working days as well as in respect of a shorter period of absence if asked for by the Commission.

(3) A medical certificate is required from a medical practitioner or any other person registered with a professional body and who is certified to diagnose and treat patients, or, if treatment was received from a non-registered health practitioner such as traditional healers or homeopaths, an affidavit must be presented as proof of the employee having been for such treatment.

Special sick leave

15A. (1) If an employee has exhausted all his or her normal sick leave but must be absent from work due to a non-permanent or temporary disability, the Commission may grant such an employee additional special paid sick leave.

(2) The Commission may request the employee to submit appropriate medical information in considering a request for special paid sick leave.”.

Amendment of regulation 16 of the Regulations

8. Regulation 16 of the Regulations is hereby substituted by the following regulation:

“Maternity leave

16. (1) An employee who has been in the service of the employer for a period of uninterrupted service of 12 months or longer is entitled to four consecutive months’ paid maternity leave.

(2) An employee who has been in the service of the employer for an uninterrupted period of less than 12 months, is entitled to one month paid maternity leave for every three months of that period.

(3) An employee may take maternity leave-

- (a) at any time from four weeks before the expected date of birth; or
- (b) from a date which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child to take such leave.

(4) At least four weeks prior to the commencement of maternity leave, an employee must notify the employer in writing of the date from which the employee intends to take maternity leave.”.

Insertion of regulation 16A in the Regulations

9. The following regulation is hereby inserted in the Regulations after regulation 16:

“Paternity leave

16A. During the first year of employment, a male employee is entitled to one working day paid paternity leave for every two months of uninterrupted service while a male employee who has completed more than 12 months of uninterrupted service is entitled to seven consecutive working days paid paternity leave.”.

Amendment of regulation 17 of the Regulations

10. Regulation 17 of the Regulations is hereby substituted by the following regulation:

"Special leave

17. An employee who has been in employment for longer than four months may be granted special leave with full remuneration when the employee needs to write a formal qualification examination and such special leave may not be more than two days in respect of each examination paper."

Short title

14. These regulations are called the **First Amendment to the Regulations on the Conditions of Service, Remuneration, Allowances and other Benefits of the Chief Electoral Officer and other Administration Staff, 2001.**

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