

## **CHAPTER 7**

### **LEAVE**

#### **LEAVE NOT A RIGHT**

- 7.1 All leave is at the discretion of the Governor. It is not a right; and leave, other than sick leave and maternity leave, is granted subject to the exigencies of the Public Service. No officer should proceed on leave without written permission from the relevant authority. Officers on leave may be recalled (except from leave pending retirement or leave granted on termination of service) if such a step is deemed necessary in the interest of the Service. In such circumstances, the officers who have to be recalled from leave will be eligible to enjoy the unexpired portion of leave on a future occasion. Officers on leave overseas may be eligible to be reimbursed the return passage for themselves, and such family members as were accompanying them on holiday. Officers may not be recalled from overseas leave except with the express permission of the Governor. The Governor may require officers at any time to take the whole or part of the leave for which they are due. Application for vacation leave should be made on the relevant forms. ( See Appendix Forms P15a/b/c).

#### **LEAVE WHICH MAY BE GRANTED**

- 7.2 Leave granted may be one of the following:
- (a) vacation leave
  - (b) sick leave
  - (c) study leave
  - (d) maternity leave
  - (e) leave on the grounds of urgent private affairs, leave for sports, competitions, conferences and special events.

#### **VACATION LEAVE FOR TEACHERS**

- 7.3.1 Teachers may avail themselves of the normal school holidays unless required to remain on duty or to attend training seminars, and every teacher shall be granted not less than thirty-five days leave a year during school holidays, provided that where such leave or any portion thereof is to be spent outside Anguilla, authority

shall be obtained from the Chief Education Officer. Vacation leave spent outside school holiday periods will only be granted in exceptional circumstances by the Permanent Secretary, Public Administration on the recommendation of the Head of Department.

### **AUTHORITY TO APPROVE VACATION LEAVE**

- 7.4(a) Officers should submit applications for vacation leave through their Heads of Department for approval by the Permanent Secretary responsible for their departments. Vacation leave for Permanent Secretaries will only be granted after consultation with the Minister of the Ministry concerned (if any). All approved forms must be submitted to Public Administration in good time, especially if a substitute is required.
- (b) Officers will be allowed to carry over a maximum of ten (10) days leave into a new year. Any exception must be in the interest of the service and have the written endorsement of the relevant Permanent Secretary and the Permanent Secretary Public Administration. Permanent Secretaries should obtain approval from the Governor. Days carried over by an officer in excess of 10 days, for which approval was not obtained will be forfeited.
- (c) Officers will be paid for accumulated leave at the salary levels applicable in the year in which the leave was saved.

### **PERIODS NOT EARNING VACATION LEAVE**

- 7.5 Periods of study leave with full pay which exceed twelve months, leave without pay, or sick leave which exceed one month, do not earn vacation leave, and, where they are granted, the amount of annual leave for which officers are eligible will be reduced accordingly.

### **FORFEITURE OF LEAVE**

- 7.6 Leave will be forfeited in the following circumstances:-
- (a) Officers who are dismissed from the Service forfeit all leave due at the time of dismissal.

- (b) Officers who, while on duty, resign from the Service and fail to serve the requisite period of notice, or who are paid salary in lieu of notice, will forfeit any leave which may have been earned.
- (c) Officers who are permitted to resign to avoid disciplinary action will forfeit any leave due unless the Governor directs otherwise.

### **SICK LEAVE**

- 7.7 Provided that illness is not caused by an officer's own misconduct, and that their own negligence is not a contributory cause, sick leave may be granted. Absence from duty owing to sickness caused by officers' own misconduct or where their own negligence is a contributory cause of the illness will be counted as vacation leave and such absence may form the basis of a disciplinary charge. Officers found to have taken sick leave under false pretenses will be deemed to have committed gross misconduct and will, therefore, be liable to disciplinary action including possible dismissal.
- 7.8 Sick leave granted under General Orders must be reported to Public Administration on the relevant form for record. Saturdays, Sundays and public holidays falling within a period of sick leave will count as days of sick leave.
- 7.9 If officers are absent on account of sickness for a period exceeding two days, they must forward to the Head of Department a certificate and Social Security Claim form signed and dated by an approved and registered medical practitioner or a Government Medical Officer, stating the probable duration of the illness or incapacity. Further medical certificates will be required from time to time as circumstances dictate. A monthly return on the relevant form (See Appendix IV Form P/17) of all uncertificated leave should be submitted by Heads of Departments to Permanent Secretary, Public Administration. At the discretion of the Head of Department officers who are absent for less than two days on account of sickness may be required to submit a medical certificate and Social Security Claim form executed in the manner provided above.
- 7.10 Provided there is a reasonable prospect of eventual recovery, supported by medical certificates, sick leave may be granted by the Governor, with full salary, up to a maximum period of six months during any period of twelve months or less. Thereafter, further extensions of sick leave may be granted, with half salary, subject to a maximum period of sick leave in all, with full and half salary, not exceeding twelve months in any period of four years or less. Where sick leave is not continuous, six months and twelve months' sick leave will be reckoned as 183 and 365 days respectively, including Saturdays, Sundays and

public holidays falling within a period of sick leave. Where, however, officers were eligible for any period of vacation leave at the date on which the officers were granted sick leave, they may be allowed to take such vacation leave with full salary and so reduce the period of sick leave on half salary, provided however that the maximum period of twelve months is not exceeded.

- 7.11 Sick leave beyond an aggregate of twelve months in any period of four years or less will not be granted except in the most exceptional circumstances and with the approval of the Governor. Should leave be granted beyond this aggregate, the Governor may, in his discretion, grant such further extension of sick leave with half salary or without salary. Sick leave with or without pay, beyond an aggregate of twelve months in any period of four years granted under this General Order will not count for the purpose of awarding increments.

### **MEDICAL BOARD AND MEDICAL EXAMINATIONS**

- 7.12 The Governor may at any time call upon an officer to submit to an examination by such Medical Officer, or such Medical Board, or such registered medical practitioner as the Governor may designate for the purpose. Where an officer has been on sick leave for a continuous period of three months, the officer will be required to submit to an examination by a Medical Board. Where the officer has taken 120 days sick leave in any two-year period, the officer may be required to submit to examination by a Medical Board. Subsequent examination may be required after consideration of the first report of the Medical Board. Any officer who fails to submit to an examination at the place and time instructed may face disciplinary action, including possible dismissal on the grounds of gross misconduct.

### **DISCRETIONARY SICK LEAVE**

- 7.13 The Governor may grant sick leave on full pay in addition to a period of sick leave on full pay provided under these Orders where, it is felt, any officer is suffering from:-
- (a) An injury sustained when in the execution of the officer's substantive duties;  
or
  - (b) An illness caused by or directly attributable to the nature of the officer's duties.

Sick leave granted under this Order shall not be taken into account for purposes of any other General Order.

### **SICK LEAVE OUTSIDE ANGUILLA**

- 7.14 Sick leave to be spent outside Anguilla will not normally be granted. Where, however, an officer is certified by a Medical Board or a Government Medical Officer as being incapacitated by bodily or mental infirmity, or following serious illness, or where it is recommended that an officer should seek medical or surgical treatment not available in Anguilla, and if the Medical Board or Government Medical Officer so recommends, the officer may be given permission to leave Anguilla.

### **OFFICERS FALLING ILL WHILE ON VACATION LEAVE**

- 7.15 Should an officer fall ill while on vacation leave, such period of illness will be counted against vacation leave. Should, however, an extension of leave be necessary on medical grounds on the expiration of the vacation leave for which the officer is eligible, such extension will be regarded as sick leave and dealt with in accordance with General Orders. In these cases, an officer may be required to furnish from time to time reports by a registered medical practitioner.

### **STUDY LEAVE**

- 7.16 An officer who is required or nominated by the Government to attend a course of instruction or training or serve in an attachment outside Anguilla, which is directly related to the work of a department, provided that the total period of absence does not exceed twelve months, will be deemed to be on duty whilst proceeding to, attending or return from the course or attachment. The officer will be required to travel by the most direct route available depending on the mode of travel which is approved. The amount of annual leave for which the officer is eligible will not be affected by attendance on such a course or attachments, and permission to carry over into the next leave year any leave which was not utilised owing to the officer's absence on the course or attachments, may be granted exceptionally on the merits of the case.
- 7.17 An officer who is required or nominated by the Government to attend a course of instruction or training or to serve in an attachment outside Anguilla for a total period in excess of twelve months which is of direct relevance either to present or future appointments and will increase efficiency whether a Government

scholarship is awarded or not, will be granted leave with full pay for the duration of the course. The officer will not earn vacation leave during this period.

- 7.18 An officer who is exceptionally released from normal duty to attend a course of instruction or training which is not directly related to the work of a department, will be granted any vacation leave standing to the officer's credit. Any time required after the expiration of the vacation leave will be granted as leave without pay. The officer will not earn vacation leave during the period of leave granted without pay.

### **BONDS**

- 7.19 Where a course of study or a training course lasts for one or two academic years, the grant of study leave with pay will be subject to the execution of a bond by the officer, and sureties signing on the officer's behalf, that he undertakes to remain in Government Service for a period of not less than three years after the expiration of the course, or in default, to pay to the Government such sums as may be provided in the bond. In cases where a course of study or training lasts for any period over two years the execution of the bond under similar circumstances shall be for a period of five years.

### **CERTIFICATES OF ATTENDANCE AT COURSE**

- 7.20 The officer may be required to furnish at such periods as may be prescribed certificates from the appropriate authority at the institution at which the officer is pursuing the course of study as proof of the officer's regular attendance and of the officer's diligence and energy in the officer's studies.

### **DISTANCE LEARNING**

- 7.20 An officer who undertakes a course of study by distance, which involves an examination by a recognised body on completion of the course, may be granted study leave for a period not exceeding 15 days in any one year prior to the examination. Such study leave, however, will only be granted in exceptional cases where the course of study and the passing of the examination are regarded by Public Administration and the Head of Department as being in the interest of the Service.

## **MATERNITY LEAVE**

- 7.22 Women officers who have temporary appointments and who at the time of application for maternity leave have served continuously for a period of one year will be eligible for the grant of maternity leave in accordance with 7.24. Maternity leave is not counted as sick leave and sick leave is not granted for maternity purposes.
- 7.23 Applications for maternity leave should be forwarded by the officer to the Head of her Department three months before the estimated date of confinement and should be accompanied by a medical certificate and maternity benefits claim form stating that the officer is pregnant and requires leave and giving the date from which such leave should commence.
- 7.24 A woman officer will be eligible for the grant of thirteen weeks maternity leave with full salary of which up to six may be taken before the estimated date of confinement. Officers who have served less than one year will have their maternity leave prorated accordingly. An officer who is not entitled to thirteen weeks maternity leave may in addition to the maternity leave granted be granted leave without pay up to an aggregate of thirteen weeks.

## **SPECIAL LEAVE**

- 7.25 Special leave without pay, which includes leave on urgent private affairs, may be granted by the Governor when the officer has no vacation leave, or insufficient available vacation leave to cover the period of special leave required.
- 7.26 Special leave on full salary may be granted by the Permanent Secretary Public Administration in the following circumstances:
- (a) to enable officers, selected by the proper authorities, to take part in sports competitions either within or outside Anguilla;
  - (b) to enable officers belonging to a recognised Civil Servants Association or Union or to a regional or international organisation (such as Boy Scouts, Girl Guides, the Boys Brigade, the Red Cross, etc) selected by the proper authorities, to attend conferences or gatherings of these organisations either within or outside Anguilla.
- 7.27 Subject to the Pensions legislation special leave counts as pensionable service and as qualifying service for pension purpose.

### **LEAVE WITHOUT PAY COUNTING FOR INCREMENTS**

- 7.28 Leave of absence without pay granted on the grounds of urgent private affairs will count for purposes of increment. Sick leave, either with or without pay, beyond an aggregate of twelve months in any period of four years will not count for purposes of increment.

### **LEAVE ON TERMINATION AND RESIGNATION**

- 7.29 An officer may not give notice of termination of service while on leave, neither may an officer be given notice of termination of appointment while on leave.
- 7.30 An officer who, while on duty, gives the requisite period of notice of resignation may be granted any vacation leave earned.

### **COMPASSIONATE LEAVE**

- 7.31 Compassionate leave will be granted only in the event of dangerous illness or death of a close relative i.e spouse, child of the marriage (including stepchild or adopted child), parent, legal guardian or other recognized next of kin. Compassionate leave, which will not exceed five (5) working days per annum, is at the discretion of the Governor. Any leave in addition to the five (5) working days must be taken from an officer's annual vacation leave, but where an officer has exhausted all of his/her leave, any additional leave which may be granted would be without pay.

Applications for compassionate leave must be submitted to the Permanent Secretary, Public Administration via the Head of Department.

### **EXTENSION OF VACATION LEAVE**

- 7.32 No officer who has been granted leave may remain absent from duty beyond the period of the leave granted, unless the officer has obtained prior approval.

### **EMPLOYMENT OF SUBSTITUTES DURING LEAVE**

- 7.33 In forwarding applications for vacation leave, Heads of Department must indicate whether an officer's duties can be performed during the officer's absence without the employment of a substitute. Leave of absence of officers in each department

should as far as possible be so arranged that the employment of temporary staff is unnecessary or is reduced to a minimum.

### **HANDING OVER OF CASH, STORES OR FURNITURE**

- 7.34 When an officer proceeding on leave is responsible for cash, stores or furniture, the procedure laid down in the Financial Instructions and Stores Rules will be followed. Except as provided therein, any officer leaving his post without obtaining the necessary certificate from his successor will be liable for any deficiency which may subsequently be discovered.

### **LEAVE RECORDS**

- 7.35 Heads of Department are responsible for ensuring that a leave register, showing the amount of leave for which each officer is eligible and the amount of leave taken by each officer, is maintained within the Department and that the register is kept at all times fully up to date. Heads of Department should submit a quarterly return of all leave, including sick or other leave, by each member of their department.