

CHAPTER 15

Vacation Leave, Leave of Absence, Sick Leave Maternity Leave

Vacation Leave and Leave of Absence

1500. Section 20(l) of The Employment Act makes provision for the award of vacation leave to all employees but, the granting of vacation leave and half pay leave during specific periods must be subject to the exigencies of the Service.

1501. A week's leave shall be a period of five (5) working days; a day's leave means a working day's leave. The period of any vacation leave granted shall be extended by one (1) day for each public holiday that occurs during that vacation. Days off in lieu of holidays shall be granted to officers who are required to perform shift duty on public holidays and such days would normally be added to approved vacation leave.

Salary points amendment effective January 2006

1502. Vacation leave to be taken within or outside the Bahamas, may be granted on the following scales:

- (a) In the case of an officer whose salary is \$28,800 per annum (January 2006) or above five (5) weeks a year.
- (b) Officers earning \$19,900 to \$29,099 per annum (January 2006) four (4) weeks a year.
- (c) Officers earning \$10,100 to \$19,899 per annum (January 2006) three (3) weeks a year.

Salary points amendment effective July 2006

- (a) In the case of an officer whose salary is \$29,400 per annum (July 2006) or above five (5) weeks a year.
- (b) Officers earning \$20,500 to \$29,699 per annum (July 2006) four (4) weeks a year.
- (c) Officers earning \$10,700 to \$20,499 per annum (July 2006) three (3) weeks a year.

Please note that the salary point of \$20,450 for General Orders 927, 1272 and 1624A remains unchanged

1503. Leave of absence on half pay may be granted on the same scale and in respect of the same period as vacation leave.

1504. Vacation leave may be accumulated in respect of any period not exceeding three (3) years. Leave of absence (on half pay) may be accumulated in respect of any period not exceeding six (6) years. The total amount of accumulated vacation leave and leave of absence which may be taken together at any one time shall not exceed twenty-four (24) weeks.

Only in very exceptional circumstances, and with the express permission of the Deputy Prime Minister, shall any officer be allowed to exceed the maximum accumulation of leave allowed in this General Order. Accordingly, the following maximum amounts of leave may be accumulated:

SCALE	MAXIMUM ELIGIBILITY FOR VACATION LEAVE (3 YEARS)	MAXIMUM ELIGIBILITY FOR LEAVE OF ABSENCE ON HALF PAY (6 YEARS)
\$24,700 p.a or above	15 weeks (5 weeks p.a)	30 weeks (5 weeks on half pay p.a)
\$14,700 to \$24,700 p.a	12 weeks (4 weeks p.a)	24 weeks (4 weeks on half pay p.a)
\$9,100 to \$15,499 p.a	9 weeks (3 weeks p.a)	18 weeks (3 weeks on half pay p.a)

1505. Vacation leave or half pay leave will not normally be granted to any officer who has not currently completed one (1) year of continuous services, but if an officer leaves the Public Service before completing one (1) year of continuous service but having completed not less than thirty days (30) of continuous service, he will be eligible for vacation pay at the rate of 4% of the wages paid during his period of continuous service.

1506. Service for leave begins on the date on which an officer takes up the duties of the office to which he is appointed, and on completion of each period of twelve (12) months after that date he will be regarded as having earned the leave eligibility laid down in the Chapter. If an officer proceeding on vacation leave wishes to draw salary in advance for the period of vacation leave, he may do so provided that the advance will be in respect of leave earned for one (1) year only.

1507. Vacation leave and half pay leave may be granted by the Permanent Secretary; but applications for leave for Heads of Departments and their Deputies should be approved only after consultation with the Minister. Applications for leave for Permanent Secretaries should be sent to the Permanent Secretary of the Public Service with a note of the Minister's concurrence. Leave for Permanent Secretaries and for Deputy Heads of Departments which have no Minister will be approved only after consultation with the Deputy Prime Minister; and applications must therefore be made in sufficient time to allow for this.

1508. In all circumstances applications for leave must be made in sufficient time to enable arrangements to be made for carrying out the duties of the absent officer.

1509. An officer who absents himself from his station or his duties without leave, or who, without an acceptable excuse fails to resume duty when he is due to do so, will be regarded as absent without permission, and without pay. A period of absence may not be set off against any leave eligibility. It is the duty of the Head of Department to report to his Permanent Secretary the failure of an officer to report for duty after leave, or the absence of any officer from duty without permission.

1510. An officer must report for duty in Nassau or such other place as may be notified to him, not later than the day immediately following the last day of his leave. If he is unable to report for duty by that date, he must apply for such extension of leave as may be necessary. He must give as much notice as possible to the Secretary of State at the Commonwealth Office, if the leave is being spent in the United Kingdom, or to the Head of his Department, if the leave is being spent elsewhere. An extension of leave in these circumstances may be granted on full salary, half salary, or without salary in accordance with the General Orders set forth in this chapter.

1511. An authorized extension of leave will be deducted from the accumulated leave, if any, due to an officer at the time the extension is granted until such leave is exhausted. An officer on leave who wishes to apply for an extension thereof, must address his application to the Head of Department. Any application for an extension of leave on the ground of ill health must be supported by a medical certificate.

1512. If an officer is granted, or takes, more annual leave than the maximum of his eligibility, he will either: -

(1) have the excess leave taken, deducted from the amount of leave due in the next leave year or, if this is not possible:

(2) be required to refund salary in respect of the days of excess leave taken, and have the days treated as leave without pay for pension or gratuity purposes.

1513. Any vacation leave or leave of absence due in any period of three (3) years or six (6) years respectively and not taken within those periods, will be forfeited unless the officer is precluded from taking any or all of his leave before its expiry due to the exigencies of the Service. The approval of the Permanent Secretary of the Public Service must be obtained for the leave not taken to be deferred, and taken in the year next following the expiry of the leave period.

1514. Leave, other than sick leave and maternity leave, is granted subject to the exigencies of the Public Service, and an officer is not entitled to any form of compensation if, in the interests of the Service, it proves impossible to allow him to take the full amount of leave for which he is eligible. An officer on leave may be recalled at any time; in that event he would be able to take the unexpired portion of leave later, and if he is recalled from overseas, he

may be provided with free return passages for himself and his family, depending upon the circumstances of his recall.

1515. In the event of an officer who has accumulated the maximum amount of leave allowed, applying for but not being granted the leave for which he is eligible within three (3) months of the receipt of such application, such officer shall be eligible for additional leave in respect of the period for which his leave is delayed.

1516. An officer may be required to take leave after any period of three (3) years continuous service without leave, and if he declines without a reasonable excuse to take leave when called upon to do so his acquired eligibility for leave shall lapse.

1517. An officer applying for leave with the intention of retiring will receive any vacation leave for which he is eligible. His salary will in such case cease and his pension commence when his retirement is sanctioned. Such an officer will not be granted leave of absence save in exceptional circumstances.

1518. Leave shall not be included as a part of the period of notice of termination of service either by the officer or by the Government, but an officer on the pensionable establishment who, while on duty, gives notice of his intention to leave the Service, may be granted any vacation leave that is due to him if the notice he gives allows reasonable time for arrangements to be made for the performance of his duties after his resignation or his proceeding on a final leave.

1519. An officer who, while on duty, resigns from the Service and fails to serve the requisite period of notice, or who is paid salary in lieu of notice, will forfeit any leave that he has earned. An officer resigning from the Service will not be granted any leave of absence.

1520. Notwithstanding the provisions of General Order 1519, an officer who resigns without giving the requisite notice may be granted ex-gratia leave on the authority of the Permanent Secretary of the Public Service, if:

(1) the officer is obliged to resign in order to pursue advance studies for which he has not been able to obtain government assistance;

(2) the officer is compelled to resign because of illness of his wife or any other member of his family and it is necessary for him to be near the person taken ill;

(3) the officer would have proceeded on leave during which he would have given the necessary notice, but is certified by his Permanent Secretary to have been prevented from so doing by the exigencies of the Service.

No officer who resigns his appointment in order to take an appointment outside the Public Service will be eligible for ex-gratia leave.

1521. If an officer retires during a leave of absence without having originally given notice of his intention to do so, the date at which his salary will cease will be determined according to the circumstances of the case.

1522. The following procedure should be followed in the case of an officer proceeding to the United Kingdom on leave, who wishes to draw his salary while he is there. When the leave has been approved, a Leave and Last Pay Certificate will be prepared in quadruplicate in the office of the Permanent Secretary of the Public Service and sent to the officer for the addition of specimen signatures and his address in the United Kingdom. The Certificate will go through the Permanent Secretary and the Head of Department for noting, and then to the Treasury for completion, and return to the Permanent Secretary of the Public Service. One copy of the completed Certificate will be sent to the Crown Agents, one to the Treasury, one copy will be given to the officer, and one will be retained by the Permanent Secretary of the Public Service.

1523. An officer proceeding on leave to the United Kingdom is required to report his arrival by letter to the Crown Agents for Overseas Governments and Administrations as soon as possible after the date of his arrival in the United Kingdom, giving an address at which communications can reach him with the minimum of delay. He must also report any change of address while in the United Kingdom and, as soon as his return passage is arranged, he must notify the Crown Agents of the date of his departure.

1524. An officer proceeding on leave outside The Bahamas will be required to inform his Permanent Secretary, before leaving The Bahamas, of the address at which communications can reach him with a minimum of delay, and he must report all changes of address promptly during his absence. He will also be required to make arrangements with the Treasury before proceeding on leave for payment of his salary during his absence. Permanent Secretaries proceeding on leave will notify their leave address to the Permanent Secretary of the Public Service.

1525. An officer proceeding on leave within The Bahamas must, notify to his Permanent Secretary, the address at which he may be reached.

1526. An officer who has drawn salary outside The Bahamas during his leave is required to have his leave and Last Pay Certificate completed by the last paying officer, indicating the date up to which he last drew salary. The Certificate must be forwarded to the Treasury by the officer on his resumption of duty, in order that salary payments may be resumed.

1527. An officer on leave outside The Bahamas who seeks an extension of leave must, apply to his Permanent Secretary or Head of Department in writing by air mail, giving full reasons for the application and allowing fourteen (14) days for due consideration to be afforded his request, and for the transmission of his application and reply to it by air mail. Unless there are exceptional circumstances, the cost of any telegram which may be necessitated by an officer's delayed application for extension of leave, will be charged to him.

1528. The vacation leave that is to be taken within the year in which it accrues may be taken in one period or in a series of periods according to the requirements of the Service.

1529. Where an officer is granted leave for a fixed period in excess of six (6) days, he may not forego any part of that leave and resume his duties before its expiration, without the permission of the head of his Department.

1530. Heads of Departments are required to prepare leave rosters of their staff in the last quarter of a leave year in respect of leave to be granted during the following leave year. An officer must inform his Head of Department before the 1st October each year, of the date when, subject to the exigencies of the Service, he would like to take any period of leave in excess of six (6) days during the following leave year. The Head of Department, will inform such officers in his Department before the 1st January, when it will be convenient for them to take leave in the year in questions Heads of Departments must inform their Permanent Secretaries of all leave in excess of six (6) consecutive days to be taken in a forthcoming leave year.

1531. The extent of leave for which an officer is eligible will be determined by the salary that he is drawing at the date on which he proceeds on leave.

1532. In the case of an officer stationed in Nassau, leave will begin on the date from which it is granted.

1533. In the case of an officer stationed in an Out Island, leave will begin on the date of his arrival in Nassau, if leave is to be spent there, provided he travels there direct and without undue delay. If his leave is to be spent in another Out Island, leave begins from the date of his leaving the Out island where he is serving providing his departure is not unduly delayed.

1534. An officer proceeding on leave from an Out Island must report to the head of his Department, in writing, the date of his departure from the Out Island where he is stationed, if his leave is to be spent on another Out Island, or, otherwise, the date of his arrival in Nassau.

1535. If an officer is going on leave outside The Bahamas, and he is unavoidably detained in Nassau prior to his departure, he shall perform such duties there as the head of his Department may require.

1536. Where an officer is going on leave outside The Bahamas the leave will begin on the date of his departure from The Bahamas, provided no undue delay occurs between the date of his handing over to his relief and the date of departure.

1537. Wherever any leave eligibility falls to be calculated up to the date of an event it shall be reckoned up to and including the month in which the event occurs and any eligibility for a fraction of a day leave shall be disregarded.

1538. An officer on leave on full salary or half-salary shall be entitled to any personal allowance or rental allowance to which he was entitled immediately before proceeding on leave, but he shall not be entitled to draw any fees or other allowances attached to his office.

1539. The General Orders contained in Chapters 15 and 16 shall apply as appropriate to Government servants on hourly, daily or weekly rates of pay. The vacation leave eligibility of such employees whose employment is of a casual nature, but whose whole time is employed in the Public Service, is two (2) weeks per annum, and after seven (7) years service, three (3) weeks per annum and will be extended by one (1) day for each public holiday that occurs during that period of vacation.

1540. Part time staff are eligible for paid leave as follows, providing they work at least twenty (20) hours a week:

(1) Monthly paid staff vacation leave of two (2) weeks a year; normally this leave should be taken every year, but exceptionally, the Head of Department may permit accumulation over a period not exceeding three (3) years;

(2) Hourly and weekly paid staff half the rates applicable in the case of such staff who work full time (General Order 1539).

These staff are not eligible for leave during the first year of service. They may, however, be granted leave without pay at the discretion of the Permanent Secretary.

1541. Contract officers will not be granted leave of absence at the end of their contract. They may be required to take their vacation leave before the third anniversary of their contract, providing the leave extends at least until that date.

1542. All applications for leave without pay for full time staff must be referred to the Permanent Secretary of the Public Service.

Sick Leave

1560 (A). An officer who is prevented by illness from performing his duties at his place of work and who is not on leave must in every instance report the fact immediately to the Head of his Department, by telephone if possible; and within forty-eight (48) hours he must cause to be delivered to the Head of Department a Medical Certificate of incapacity for work signed, and dated by a Government Medical Officer or a Registered Medical Practitioner, certifying if such is the case, an incapacity for work for a period longer than two (2) working days, and stating the probable duration of the incapacity.

(B) A Medical Certificate of incapacity for work must be furnished in respect of each week of absence due to ill health except under the following conditions:

(i) when an incapacitated officer is confined to the Princess Margaret Hospital or another Government Hospital, a Government Medical Officer or Registered Medical Practitioner may issue a certificate to cover twenty-eight days of expected hospitalization.

(ii) when a public officer finds it necessary to apply for extended sick leave (i.e. leave on part salary) after all available full salary leave has been enjoyed, a certificate may be issued or countersigned by a Government Medical Consultant for up to twenty-eight (28) days at one time.

(iii) when a female public officer applies for sick leave for maternity reasons, a certificate may be issued by a Government Medical Officer or a Registered Medical Practitioner for a period not exceeding twenty-eight (28) days.

(C) If the absence from duty has lasted for two (2) days or less, the officer must immediately upon his return to duty furnish the Head of his Department with a written note explaining his absence.

1561. Heads of Departments may grant up to two (2) working days sick leave on any one occasion without the submission of a Medical Certificate up to an aggregate of six (6) working days in a calendar year. Any leave taken under this Order will be deducted from the total sick leave eligibility.

1561(A). In calculating periods of sick leave and determining when an officer will resume duty, Saturdays, Sundays and public holidays falling within a period of sick leave, will count as days of sick leave but, will not, be deducted from the total amount of sick leave eligibility of twenty (20) working days per annum.

1562 If an officer's absence from duty is not explained by him within twenty-four (24) hours, his Department will take steps to ascertain the cause of absence.

1563. Sick leave may be granted with full salary up to a maximum period of twenty (20) working days (4 weeks) during a calendar year. All applications for sick leave must be sent to the Permanent Secretary of the Ministry where the officer is employed. The authority to grant sick leave to officers below the rank of Deputy Head of the Department is vested in the Permanent Secretary. All application for sick leave for Deputy Heads of the Department and above will be received by the Permanent Secretary of the Public Service and the application for sick leave in excess of three (3) months on 7/8's pay must be referred to the Permanent Secretary of the Public Service with supporting medical evidence.

1566. An officer must seek medical advice when he is unwell or when he is instructed to do so by his Department. If he fails to do so or to comply with the medical advice so given, he may render himself liable to disciplinary action.

1567. An officer may at any time be required to submit himself for medical examination by a Medical Board.

1568. If it is decided that an officer should be examined by a Medical Board, he must present himself for examination at the place and time instructed and if he fails to do so he will render himself liable to be treated as having been absent without permission. He must afterwards comply with the recommendations of the Board, which will supersede medical advice already given to him by a Government Medical Officer or Private Practitioner. The Medical Board will consider any previous medical report on the officer by a Medical Practitioner.

1569. Whenever an officer falls ill so as to be physically unable to present himself for medical examination, the circumstances and his where abouts must be reported by his Department to the nearest Government Medical Officer.

1570. If an examination results in the officer being admitted to hospital as in-patient, the Government Medical Officer will so inform the officer's Department. When it is officially reported that an officer is so ill as to be unable to present himself for medical examination, a Government Medical Officer will, as appropriate, arrange for the officer to be brought to the hospital for examination and treatment or he will visit the officer to examine and treat him.

1571. On any of the occasions listed in this General Order, a Government Medical Officer will report the circumstances to the officer's Head of Department:

(1) when an officer refuses to carry out, or in the opinion of the Government Medical Officer, is neglecting to carry out the medical advice he has given;

(2) when in the opinion of the Medical Officer an officer is feigning ill health;

(3) when in the opinion of the Medical Officer an officer's illness has been caused by his own fault or neglect.

1572. Absences from duty owing to sickness caused by an officer's own misconduct or negligence will be counted as vacation leave. Such absence may form the basis of a disciplinary charge, and must be reported immediately by the Head of Department to, the Permanent Secretary of the Public Service through the Permanent Secretary of the Ministry.

1573. After an officer has exhausted the sick leave eligibility of twenty (20) working days and provided there is a reasonable prospect of eventual recovery, supported by Medical Certificates, another period of further sick leave on 7/8's salary may be granted up to a maximum of five (5) months. Officers may elect for the award of any accumulated vacation leave, before applying for extended sick leave on 7/8's pay.

1574. In the event of more than six (6) months on sick leave, additional sick leave on half pay may be granted up to a maximum of a further six (6) months.

1575. Any officer who exhausts his entire eligibility for sick leave on full and half salary will be medically boarded for the purpose of invaliding out of the Service. Sick leave eligibility cannot be accumulated.

1575 (A). Where an officer is on extended sick leave at the end of a calendar year, he will not be eligible for the four (4) weeks full pay sick leave in respect of the ensuing year unless and until he first returns to active duty.

1576. An officer on sick leave shall not be entitled as of right to any salary, personal allowance, or rental allowance. The grant of sick leave may carry, full pay, half pay or any proportion of pay, and the full amount of personal allowances and rental allowance, or part thereof.

1577. Medical Certificates must be submitted to the Permanent Secretary of the Public Service through the Head of Department, Permanent Secretary, and the Chief Medical Officer, throughout the period of extended sick leave.

1578. An officer who falls ill while on vacation leave will be eligible for sick leave with effect from the beginning of the certificated incapacity. He will not, however, be permitted, if he is within The Bahamas, to take further vacation leave unless he first resumes duty on the termination of the sick leave.

1579. If a Medical Board recommends that an officer be required to leave the Service on the ground of ill health, he will be granted all the vacation leave due to him or two months leave on full salary, whichever is the greater amount, with effect from the date on which the Medical Board makes the recommendation. The officer will leave the Public Service on the expiry of such leave.

1580 The General Orders contained in Chapters 15 and 16 shall apply, as appropriate, to Government servants on hourly, daily, and weekly rates of pay. The sick leave eligibility of such employees whose employment is of a casual nature and whose whole time is employed in the Public Service is, however, at the following rates:

(1) During the first three (3) years of service, one (1) week a year,

(2) After three (3) years service, two (2) weeks a year,

(3) After five (5) years service three (3) weeks a year, and further sick leave, up to a maximum of six (6) months, on three (3) quarters pay, the first three (3) to be approved by the Permanent Secretary, the later three approved by the Permanent Secretary of the Public Service in special cases, and particularly where an employee has been injured in the course of his employment.

1581. Part-time staff are eligible for paid sick leave as follows, provided they work at least twenty (20) hours a week:

(1) Monthly paid staff, two (2) weeks a year, with a grant of further sick leave depending on the individual case;

(2) Hourly and weekly paid staff half the rate accorded to such staff working full-time (General Order 1580). These staff will however, not be granted extended sick leave as

provided under General Order 1580, and they will not be eligible for sick leaving during the first year of service.

1582. The Permanent Secretary of the Public Service must inform the Treasurer and the Auditor of all leave granted by him on other than full salary 114

MATERNITY LEAVE

1585. The Maternity Leave eligibility of all female officers will be eight (8) weeks. Vacation leave may be added to maternity leave but not so that the total period away from work would exceed sixteen (16) weeks. This is without prejudice to General Order 1590.

1586. A pregnant officer with five (5) years service or more, may be granted half pay leave in addition to the maternity leave of eight (8) weeks plus the full pay vacation leave mentioned in General Order 1585, but not so that the total period away from work would exceed sixteen (16) weeks; i.e. if less than eight (8) weeks vacation leave are available the officer may enjoy vacation and half pay leave up to a total of eight (8) weeks in addition to the eight (8) weeks maternity leave. This is without prejudice to General Order 1590.

1587. Maternity leave will not be granted more than once in three (3) years nor will it normally be granted before an officer has served for one (1) year.

1588. The application for maternity leave should be forwarded by the officer to the Permanent Secretary through the Head of Department three (3) months before the expected date of confinement and must be accompanied by a Medical Certificate stating that the officer is pregnant and requires leave and giving the expected date of confinement. Whereby reason of geographical or other circumstances beyond the officer's control she is unable to produce such certificate, she may produce such other evidence as she considers to be reasonable proof of her entitlement to maternity leave.

1589. Leave associated with illness during the first twenty-eight (28) weeks of pregnancy will be considered as gynecological and therefore sick leave rather than maternity leave. Applications for leave under this General Order must be supported by Medical Certificates.

1590. An employee who, after confinement, suffers any illness arising out of such confinement shall be granted, in addition to the maternity leave to which she is entitled, such additional leave not exceeding six (6) weeks as a Medical Practitioner recommends.

1591. If an officer dies during the period of the maternity leave awarded in General Orders 1585, the guardian of the child shall be paid salary for any unused maternity leave due to the officer.

<http://www.bahamas.gov.bs/bahamasweb2/home.nsf/65902889b5acbfac06256f01005e2262/14a00b9fda1f8bd806256f010062353e!OpenDocument>