Regulation No. 16/2004
A Council of Regional Government Regulation to Provide for conditions of Special leave without pay to civil servants in the Amhara National Regional State.

REGULATION NO. 16/2004
A COUNCIL OF REGIONAL GOVERNMENT REGULATION ISSUED TO PROVIDE FOR CONDITIONS OF SPECIAL LEAVE WITHOUT PAY TO CIVIL SERVANTS IN THE AMHARA NATIONAL REGIONAL STATE.
Whereas, it has been beforehand stipulated under article 41 of the amhara National Regional State Civil Servants Proclamation No.74/2002( as amended ) that the condition of providing civil servants with special leave without pay shall be determined by a regulation to be issued in the future;

Whereas, some civil servants have been asking their respective offices, and through them, the commission, for a provision of a special leave without pay and there does not hitherto exist a system to accommodate such inquiries;

Whereas, as a result of this, it has been found necessary to issue and implement transparent criteria that serve to provide for and prohibit special leave without pay, on the basis of the proclamation;

Now, therefore, the Council of the Amhara National Regional Government, in accordance with the powers vested in it, under the provisions of art. 58, sub art 7 of the revised National Regional Constitution and art. 88, sub art. 1 of the Regional Civil Servants proclamation No. 74/2002 (as amended), hereby issues this regulation as follows:

PART ONE

GENERAL

1. Short Title

This regulation may be cited as “ Civil Servant Special Leave without pay Provision, Council of Regional Government Regulation No.16/2004

2. Definitions

Unless the context otherwise requires, in this regulation:
1. "Civil Servant" shall take the meaning indicated under art.2, sub art. 1 of the Amhara National Regional State Civil servants’ proclamation No. 74/2002 (as amended).

2. “Special Leave Without Pay” means special off duty time leave given without salary up on request by civil servants.

3. “Proclamation” mean the Regional Civil servants Proclamation No. 74/2002 (as mended).

4.”Commission” means the Amhara National Regional State Civil Service Commission.

PART TWO

OBJECTIVE AND PRINCIPLE

3. Objective of the Regulation
The regulation shall have the objective of creating favorable conditions that a special leave without pay, being sought for by civil servants, be treated and obtain due response by government offices in procedures having uniformity and fairness in a manner central to the promotion of employment-employee relationship

4. Principle Governing Provision of Special Leave without Pay
Where any civil servant, up on sufficient ground, applies for a special leave without pay, the senior official of the office may authorize the grant for such a leave on condition that the request does not adversely affect the interest of the office;

5. Physical and mental Fatigue
Where any civil servant applies for a leave ascertaining that he has served for not less than 10 years in government offices and thereby complaining about physical and mental fatigue or feeling of tediousness in relation to his work, he shall be entitled, pursuant to this regulation, to a special leave without pay not exceeding one month.

6. Leave Grunted due to work or visit

Where any civil servant is called up on either for work or visit at home or abroad and wishes to move thereto, he may be given a special leave without pay, not exceeding 3 months. Details shall be determined by a directive to be issued for the execution of this regulation.

7. Diplomatic Mission

The husbands or wives of these employees selected by the government to serve in a diplomatic mission or the like activity shall be granted a special leave without pay until such time that their partners return home having properly carried out the duties entrusted up on them provided that the applicants produce an evidence, to that effect, from a competent organ.

8. Extension of Special Leave Without Pay

Where any civil servant has already taken marital, mourning or any other special leave of similar nature with pay, pursuant to the provisions of articles 38,39 and 40 of the proclamation and where the time taken for the return
journey has, as a consequence, been extended beyond his capacity due to the distance of the place, he may be granted special leave without pay serving the purpose, with any additional time, if so exists, having been calculated thereto.

PART THREE

MISCELLANEOUS PROVISIONS

9. Special Circumstance

Any civil servant who, by virtue of his official duties, the property of the regional state happened to get in to his hands or did not return the properties he had received for work or has been found to embezzle public funds or property, shall not enjoy the benefits of articles stated hereinabove.

10. Submission of Grievance

1. Any civil servant who is of the belief that wrong has been committed on him because of his denial of a special leave without pay upon request, shall have the right to submit grievance to the Commission.

2. Allegations and grievances arising from and with regard to the execution of this regulation shall be implemented pursuant to the provisions of the civil servants’ grievance presentation and decision making procedural regulation.

11. Accountability

1. Where any civil servant is found by his office or the inspectors of the commission to have taken special leave without pay using fraudulent or falsified evidence, he shall be liable in accordance with the relevant provisions of the penal law.
2. without prejudice to the provision stipulated under sub-art. 1 of this article hereinafore any organ responsible for the execution of this regulation in a distorted manner shall be held liable by law.

12. Delegation of Power
1. The Regional bureau and the woreda Administrations shall, for the implementation of this regulation, have complete delegation of power from the commission.

2. Notwithstanding the provision stated under sub-art. 1 of this article hereof, the regional bureau may delegate powers to their respective zonal branches.

13. Power to Issue Directives
The commission shall issue directives to execute this regulation.

14. Effective Date
This regulation shall come into force as of the date of its publication in the Ziker-Hig Gazette of the Regional State.

Done at Bahir Dar
This 9th day of November, 2004
YOSEF RETA
Head of Government of the Amhara
National Regional State