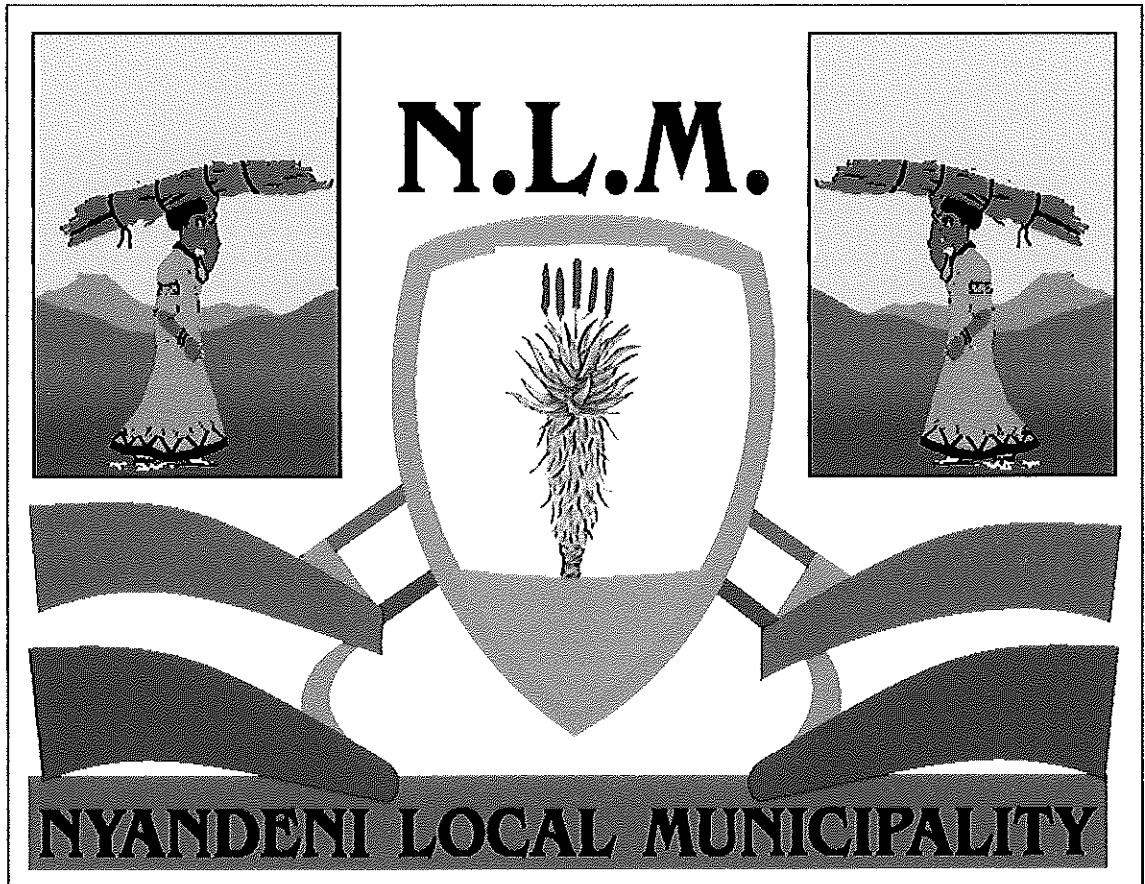


# OVERTIME POLICY

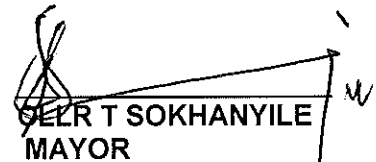


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## **PREAMBLE**

The demands for service delivery often dictate that additional hours of work should be performed in order to meet the said demands, with the Municipality's commitment of Services Delivery the need for the performance of overtime duty therefore arises from time to time and each employee is expected to comply with the set standards whilst performing overtime

### **1. OBJECTIVES**

1.1 To regulate circumstances under which overtime, under time and flexi time are worked within the Municipality.

1.2. To give effect to the objectives and precepts of the Basic Conditions of Employment Act, 1997 (BCEA).

1.3.To provide a set of regulations and measures for controlling overtime for general employees and employees earning in excess of the threshold determined by the Minister of Labour in terms of Section 6(3) of the BCEA, 1997.

1.4. Is to provide a framework for the compensation of employees for additional duties they perform in specific circumstances in excess of their prescribed hours by order of the Head of Department/his or her delegate.

1.5. To regulate the performance of overtime duty and the condition under which unpaid overtime should be performed and compensated

### **2. DEFINITIONS**

In this policy the following definitions will apply:

2.1."Overtime" shall refer to working time falling outside the normal working hours incurred in terms of these regulations

2.2. Pre Authorization

2.3. Under Time

2.4. Flexi Time

### **3. LEGISLATIVE FRAMEWORK**

3.1. Basic Conditions of Employment Act, 1997 (BCEA).

3.2. Section 6(3) Of the BCEA, 1997

#### 4. REGULATIONS FOR GENERAL EMPLOYEES

- 4.1 Overtime shall be pre -authorized and approved by the Senior Manager/Designee.
  - 4.1.1 Pre-authorization for overtime in respect of employees who ordinarily work overtime shall be done on a monthly basis in the month preceding the month on which overtime will be worked.
  - 4.1.2 Pre-authorization of overtime for employees who occasionally work overtime shall be done on an ad hoc basis.
  - 4.1.3 Under all circumstances an overtime pre-authorization form will bear a date preceding commencement of overtime concerned.
- 4.2 Overtime arrangement shall be agreed upon by the employee concerned and the Senior Manager/Designee prior to the overtime being worked.
- 4.3 A formal overtime claim form shall be completed by each overtime claimant.
- 4.4 A memo of overtime pre authorization together with the work attendance register / timesheet must be attached to the overtime claim.
- 4.5 Overtime claims shall be approved by the Senior Manager/Designee.
- 4.6 Overtime to be worked will not be in excess of maximum hours stipulated in the Basic Conditions of Employment Act, 1997.
- 4.7 Employees will be compensated for overtime in terms of the Basic Conditions of Employment Act, 1997.
- 4.8 The Municipality shall, prior to undertaking of overtime, agree with the employee on the method of overtime compensation which shall be one of the following:
  - 4.8.1 Full cash payment for the overtime worked;
  - 4.8.2 Payment of not less than employee's ordinary wage overtime and grant the employee at least 30 minutes of time-off on full pay every hour of overtime worked on a working day basis;

**OR**

  - 4.8.3 Granting of paid time-off of 90 minutes for each hour of overtime worked on a working day basis.
  - 4.8.4 No overtime claim shall be processed without a copy of a pre-authorization form, completed and signed time sheet/ work

attendance register and a completed and approved overtime claim.

- 4.9 The time off in lieu of overtime must be granted within 12 months of the employee becoming entitled to it.
- 4.10 An employee shall be paid for the outstanding time off when employment is terminated.

**5. REGULATIONS FOR EMPLOYEES EARNING IN EXCESS OF THE AMOUNT DETERMINED IN TERMS OF SECTION 6(3) OF THE BCEA, 1997**

- 5.1 For the purpose of this sub-section, the following shall apply:
  - 5.1.1 Overtime shall refer to working time falling outside the normal working hours incurred in terms of these regulations;
  - 5.1.2 Time off shall mean an amount of time that can be used as leave of absence from work that an employee may apply for in terms of the leave application procedure.
- 5.2 Employees may work directly and/or indirectly sanctioned overtime through inter alia:
  - 5.2.1 Attendance of meetings and official gatherings;
  - 5.2.2 Attendance of workshops or seminars or conferences;
  - 5.2.3 Execution of special tasks/assignments.
  - 5.2.4 This excludes time spent on training or workshops benefiting the employee.
- 5.3 Employees may not claim overtime for the first 10 hours of accrued overtime in each calendar month provided that:
  - 5.3.1 The first 10 hours did not accrue from one day;
  - 5.3.2 No part or whole of the first 10 hours pertains to a weekend day or a public holiday;
  - 5.3.3 Overtime due in terms of 3.3.1 and 3.3.2 above is pre-authorized.
- 5.4 Notwithstanding provisions of clause 3.3 the Municipality may not require employees to work overtime in excess of 40 hours per calendar month or the maximum hours that may be contained in the Code of Good Practice

on regulation of working time issued in terms of Basic Conditions of Employment Act No 75 of 1997.

- 5.5 Employees who, due to the nature of their work cannot easily foresee working overtime in a given situation shall not be required to seek pre-authorization for overtime falling within the first 16 hours within a month.
- 5.6 Non-pre-authorized overtime will be post-authorized based on satisfactory explanation and full motivation.
- 5.7 Employees may not seek authorization for working overtime, nor incur overtime on routine operations of the Municipality e.g. voluntary working through lunchtime and after hours, and due regard must be given to Section 7 of the Basic Conditions of Employment Act.
- 5.8 Employees will be compensated for approved overtime by grant of time off worked out in terms of Basic Conditions of Employment Act, 1997 on a working day basis.
- 5.9 The authorizing official shall take into account procedures contained in this policy when approving overtime claims and compensation thereof.
- 5.10 Unclaimed overtime and unused time-off credits shall lapse at the end of a two-year period, reckoned from the date of inception and approval respectively.
- 5.11 Notwithstanding clause 3.10, unclaimed overtime and unused time-off shall lapse with effect from the first day of a notice period for termination of service served by either party in terms of the Conditions of Service.
- 5.12 The Municipal Manager may waive the provisions of this policy except clause 3.4, by agreement with the employee concerned.

## **6. UNDERTIME AND FLEXTIME**

- 6.1 Undertime and flexi time arrangements may be agreed upon between an employee and the Executive Manager/designee with due regard to the interests of the Municipality.
- 6.2 Undertime and flexi time must be arranged strictly with due regard to health and safety and family responsibilities of employees.
- 6.3 Undertime and flexi time to be granted may not exceed 1.5 hours per day and 5 hours per week.

- 6.4 Undertime and flexi time, mentioned in 4.3 above, shall be arranged on an informal basis.
- 6.5 Any undertime worked shall be offset by flexi time or underpayment where necessary.
- Overtime for hourly paid employees, except in case of emergencies, must be approved by the Manager of Department concerned prior to such overtime being worked.
  - Overtime worked by salaried staff must be approved by the Manager prior to such overtime being worked except in the case of emergency work when the Manager of Department must be informed as soon as possible thereafter.
  - Manager of Department must maintain, daily records of all overtime worked and submit a monthly report to council on the duration and cost of overtime on all work.
  - Employees receiving an acting allowance will not qualify for overtime payment but will be allowed to take time off in lieu of overtime worked, provided these employees are not compelled to be paid in terms of the Basic Conditions of Employment Act, 1997.
  - Overtime payments will be made in accordance with the provisions of the Basic Conditions of Employment Act, 1997 for all employees who are subject to the provisions of this Act.
  - All Managers of Department will keep strict control over overtime worked and in no cases will the contravention of the Basic Conditions of Employment Act, 1997 be tolerated.
  - Any Manager of Department who exceeds the amount budgeted for in the annual estimates for overtime will be required to submit a report to the council at the end of the financial year explaining reasons why excessive overtime has been worked in his department.
  - Overtime may not exceed ten (10) hours per week or may not exceed 15 days a week where there is a collective agreement.
  - 
  - In cases where overtime worked exceeds the number of hours worked as stipulated above, the excess number of hours will be reimbursed by granting a time off equal to such number of hours.

- The above applies only to cases where overtime was worked to salvage a desperate situation i.e. (cases of emergency).
- In cases of attending funerals, attending external workshop is not form part of the overtime.
- An employee may not be required or permitted to work more than 12 hours per day.

## **7. PUBLIC HOLIDAYS AND SUNDAYS**

- Employees who do not ordinarily work on Public Holidays and Sundays shall not be required to work on Public Holidays and Sundays, other than the normally working hours.
- Employees who have been requested to work on a Public Holiday or Sunday will be compensated in terms of the Basic Conditions of Employment Act, 1997.
- Employees who work for the Municipality for more than 24 hours per month shall be paid for a Public Holiday falling on a normal working day.
- Employees who ordinarily work on a Public Holiday and Sunday shall be compensated in terms of the Basic Conditions of Employment Act of 1997.
- Employees who do not ordinarily work on a Public Holiday and Sunday shall work on these days by agreement.

## **8. COMMENCEMENT OF THIS POLICY**

This policy will come into effect on the date of adoption by Council.

## **9. INTERPRETATION OF THIS POLICY**

- All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- The Municipal Manager shall give a final interpretation of this policy in case of a written dispute.



- 7.1 If the party concerned is not satisfied with the interpretation, a dispute May then be pursued with the South African Local Government Bargaining Council/ Arbitration.

**8. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY**

- 8.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis, after consultation with Management and Trade Unions.

- 8.2 Notwithstanding clause No. 8.1 the Municipal Manager may under Circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

**9. AMENDMENT AND/OR ABOLITION OF THIS POLICY**

This policy may be partly amended or repealed by the Council after consultation and interaction with Management and Trade Unions.

**10. COMPLIANCE AND ENFORCEMENT**

- 10.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 10.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.