

POLICY ON OVERTIME
2021/22

Summary

This policy provide guidance In the performance of overtime work by municipal employees and the remuneration thereof.

Publication Date	
Review Date	September 2021
Related Legislation/Applicable Section of Legislation	<ul style="list-style-type: none"> • The Constitution of the Republic of South Africa • Labour Relations Act No. 66 of 1995 (Updated 2008) • Basic Conditions of Employment Act No. 75 of 1997 (Updated December 2008) • South African Local Government Collective Agreements
Related Policies, Procedures, Guidelines, Standards, Frameworks	Basic Conditions of Employment Act No. 75 of 1997 (Updated December 2008)
Replaces/ Repeals (whichever is relevant, If any)	
Policy Officer (Name/Position)	M.W. Mxekezo
Policy Officer (Phone)	040-6733095
Policy Sponsor (Name/Position)	
Department Responsible	Corporate Services
Unit responsible	Human Resources
Applies to	All employees
Key Words	Overtime Policy
Status	
Council approval date	
Version	1

REVISION RECORD

Date	Version	Revision Description

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1. TITLE

Overtime Policy

2. PURPOSE

The purpose of this policy is to provide guidance in the performance of overtime work by council employees and the remuneration thereof as provided for in the Basic Conditions of Employment Act 1997, (Act no 75 of 1997)

This policy will prescribe the overtime rates to be used to compensate Council employees who performed overtime work. To provide control mechanisms on the performance of overtime by the Council employees.

3. SCOPE

This policy does not apply to:-

3.1 Senior Managerial employees

3.2 Employees engaged as sales staff who travel to the premises of customers and who regulate their own hours of work

3.3 ~~Employees who work less than 24 hours a month for an Employer~~

3.4 ~~Sections 9, 10(4), 11(2) and 18(1) do not apply to work which is required to be done without delay owing to circumstances for which the employer could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work~~

3.5 The Minister must, on the advice of the Commission, make a determination that excludes the application of this Chapter or any provision of it to any category of employees earning in excess of an amount stated in that determination

3.6 Before the Minister issues a notice in terms of subsection (3), the Minister must

- publish in the Gazette a draft of the proposed notice, and
- invite interested persons to submit written representations on the proposed notice within a reasonable period

3.7 The policy applies to all full time employees of Ngqushwa Local Municipality except those employees earning more than the threshold amount as published by the Department of Labour, unless otherwise agreed.

3.8 Employees earning more than the threshold amount shall be given time off after discussions with the Director/Line Manager/Supervisor and the form should be submitted to HR Office

3.9 In the event of any inconsistency between this policy and any National and other Local Government related legislation, such legislation prevails.

3.10 No overtime will be paid for attendance of functions/prize giving etc. by personal invitation except in the cases of compulsory attendance as official representative of Ngqushwa Local Municipality and provided that such overtime is authorized in advance by the Director or his/her delegate.

4. PROCEDURE DETAIL

4.1 RESPONSIBILITIES

- 4.1.1 The employer and employees both have the responsibility to ensure that the whole process surrounding overtime is underlined with fairness, equity, honesty, transparency, Integrity and openness.
- 4.1.2 Each Director is accountable and responsible to constantly monitor and review the provision for overtime on his/her budget and to ensure that trends are noted early, funds are adequate, over expenditure is noted, justified and provided for timeously.
- 4.1.3 It is the responsibility of each Directorate to keep attendance registers, timesheets and clocking system, which indicate the starting and ending times in respect of all employees who qualify for overtime payment.
- 4.1.4 It is the responsibility of each Directorate to keep documented records in respect of all staff who qualify for time off and the appropriate application form should be completed by the employee when requesting time off.
- 4.1.5 The Budget and Treasury Office is responsible for the calculation and pay out of overtime worked.
- 4.1.6 The Budget and Treasury Office is responsible to ensure that all payments for overtime is duly authorized by a competent authority and must compare the overtime forms' signatures with the authorization list and pre-authorization forms provided.
- 4.1.7 The employees who work overtime need to be allocated with the appropriate resources required to perform the overtime work.
- 4.1.8 No overtime will be worked without the approval of the Executive Manager or his delegate except in an emergency or exceptional cases and in such a situation the relevant Executive Manager must be informed within 24 working hours of the affected employee being in office. A pre-authorization form should be filled and signed to this effect except in emergency or exceptional cases where it should be signed the following day.

4.2 TIME FRAME

- 4.2.1 The employee will be granted paid time off within one month of the employee becoming entitled to it.
- 4.2.2 The taking of time off by an employee will be forfeited if not taken within one month's time but may for operational reasons, be extended to a maximum of six months by the employee's Director.
- 4.2.3 An employee taking a time off in lieu of time worked is required to fill a leave form.
- 4.2.4 Time-off cannot be encashed and upon termination of service this specific leave can also not be encashed.
- 4.2.5 The employer will pay the overtime pay on the employee's normal payday.

4.3 OPERATIONAL REQUIREMENTS

- 4.3.1 The employer may not require or permit an employee to work overtime on Sundays or Public Holidays except in accordance with an agreement.
- 4.3.2 Due to the operational requirements of Ngqushwa Local Municipality employees will be required to work overtime on certain occasions.
- 4.3.3 Ngqushwa Local Municipality will provide transport for the employee/s who are expected to work overtime such that the times worked makes it impossible for the employee/s to have transport home.

4.4 EXEMPTIONS

- 4.4.1 Section 54(a) and Section 56 employees are not entitled to overtime.
- 4.4.2 Senior Management from grades 14-17.
- 4.4.3 Any personnel in receipt of regular annual earnings which is more than the earnings threshold determined by the Department of Labour.
- 4.4.4 Any temporary appointed staff member.

4.5 LIMITATIONS

If an employee agrees to work overtime, the employee may not be required or allowed to work:

- 4.5.1 More than 10 hours overtime per week
- 4.5.2 More than 3 hours per day if it is more than that time off must be taken
- 4.5.3 No employee will be remunerated for overtime work unless such overtime has been budgeted for, authorized by the Director or if required in terms of an emergency situation.
- 4.5.4 Overtime only commences after completion of ordinary daily or weekly working hours.

4.6 OVERTIME WORKED DURING THE WEEK

Employees will be:

- 4.6.1 Paid one and one-half times the employee's ordinary wage for overtime worked,
or
- 4.6.2 Paid not less than the employee's ordinary wage for overtime worked and be granted at least 30 minutes' time off on full pay for every hour of overtime worked
or
- 4.6.3 Granted at least 90 minutes' paid time off for each hour of overtime worked during the week (Monday – Friday)

4.7 OVERTIME WORKED ON SATURDAYS

Employees who normally work a five day week, will be:

- 4.7.1 Paid one and one-half times the employee's ordinary wage for overtime worked,
or
- 4.7.2 Paid not less than the employee's ordinary wage for overtime worked and be granted at least 30 minutes' time off on full pay for every hour of overtime worked,
or
- 4.7.3 Granted at least 90 minutes' paid time off for each hour of overtime worked during the week (Monday – Friday).

4.8 OVERTIME WORKED ON SUNDAYS

Employees who normally work a five day week, will be:

- 4.8.1 Paid double the employee's ordinary wage for overtime worked,
or
- 4.8.2 Paid not less than the employee's ordinary wage for overtime worked and be granted at least 60 minutes' time off on full pay for every hour of overtime worked,
or
- 4.8.3 Granted at least 120 minutes' paid time off for each hour of overtime worked during the week (Monday – Friday).

4.9 OVERTIME WORKED ON PUBLIC HOLIDAYS

Employees who normally work a five day week, will be:

- 4.9.1 Paid double the employee's ordinary wage for overtime worked,
or
- 4.9.2 Paid not less than the employee's ordinary wage for overtime worked and be granted at least 60 minutes' time off on full pay for every hour of overtime worked,
or
- 4.9.3 Granted at least 120 minutes' paid time off for each hour of overtime worked during the week (i.e. Monday – Friday)

4.10 MONITORING, EVALUATION AND REPORTING

A report detailing the progress with the implementation of Overtime Policy with specific reference to achievement of this policy has to be compiled every year by the person with the responsibility for implementation and monitoring. The policy must be made available to all consulting parties for perusal and comment and must be circulated to all staff members by means of circulars, notices and notice boards.

4.11 COMMUNICATION

Circulars, messages and notices on notice boards will be utilized in order to inform all employees of the availability of the policy. Copies of the policy will also be distributed to the parties that took part in the consultation process

4.12 REVIEWAL OF THE POLICY

It will be the responsibility of the Corporate Services Department to consider the provisions of this policy on annual basis. The Corporate Services Department shall request all Departments to submit their proposed changes for submission to Council for approval.

5. ROLES AND RESPONSIBILITIES

Role	Authority
Create, evaluate, review and adopt the policy	Council
Constantly monitor and review the provision for overtime on his/her budget and to ensure that trends are noted early, funds are adequate, over expenditure is noted, justified and provided for timeously.	Directors
Ensure that all payments for overtime is duly authorized by a competent authority and must compare the overtime forms' signatures with the authorization list and pre-authorization forms provided	Budget & Treasury Office
Ensure that the whole process surrounding overtime is underlined with fairness, equity, honesty, transparency, integrity and openness.	Employer and Employee

6. MONITORING, EVALUATION AND REVIEW

To expedite the decision-making process the municipality should authorise a designated employee, preferably Municipal Manager to consider and approve applications for overtime. Director Corporate Services or a nominated candidate from Human Resource Section shall be responsible for overall monitoring, evaluation, review and ensuring that there is compliance with the Overtime Policy. The policy shall be reviewed on an annual basis.

7. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Overtime	means the time the employee works during a day of week in excess of the employee's ordinary working hours
Emergency work	refers to work that must be done without delay because of circumstances for which the employer could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours. The Employer may not have control over this form of overtime
Structured overtime	refers to planned overtime over which the employer has control that continues or take place after normal working hours and will include Council committee meetings
Earnings	means gross pay before deductions
Wage	means the amount of money paid or payable to an employee in respect of ordinary hours of work
Remuneration	means compensation in money or time off for overtime worked
Deductions	means the deductions required by law namely Income tax, pension, medical aid, UIF etc

8. SUPPORTING DOCUMENTS

NONE

9. REFERENCES

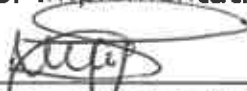
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10. APPENDIX

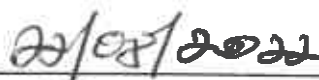
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11. ADOPTION AND APPROVAL OF THE POLICY BY COUNCIL

This policy is adopted and approved by the full Ngqushwa Local Municipality Council for implementation



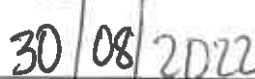
MUNICIPAL MANAGER



DATE



MAYOR



DATE