

**NGQUSHWA LOCAL
MUNICIPALITY**



OVERTIME POLICY

2022/2023

Summary

This policy provides guidance when overtime is worked by municipal employees and the remuneration thereof are justified.

Publication Date	11 July 2022
Review Date	19 March 2022
Related Legislation/Applicable Section of Legislation	<ul style="list-style-type: none">• Municipal Offices Bearers Handbook
Related Policies, Procedures, Guidelines, Standards, Frameworks	Basic Condition of Employment Act, Collective Agreement, Municipal System Act, Employment Equity Act, Municipal Staff Regulations
Replaces/ Repeals (whichever is relevant, if any)	None
Policy Officer (Name/Position)	Director Corporate Services
Policy Officer (Phone)	040 6732 081
Policy Sponsor (Name/Position)	Mkhuseli Mxekezo
Department Responsible	Corporate Services
Unit responsible	Human Resources
Applies to	All staff and External candidates
Key Words	Overtime Policy
Status	Reviewed/ Amended
Council approval date	8 July 2022
Version	1

REVISION RECORD

Date

Version

Revision Description

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1. TITLE

This is the Overtime Policy of the Ngqushwa Local Municipality

2. PURPOSE

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

This policy prescribes the overtime rates to be used to compensate municipal employees who performed overtime work and to provide control mechanisms on the performance of overtime by municipal employees.

3. SCOPE

This policy does not apply to:-

- 3.1 Senior Managers appointed in terms of section 82 or 54A of the Structures Act and section 56 of the Systems Act respectively.
- 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 the Municipality.
- 3.4 Sections 9, 10(1), 14(1), 17(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
 - a) publish in the Gazette a draft of the proposed notice, and
 - b) 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 from time to time, 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 application 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 (Director) 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.

4.3.4 **All applications to work overtime must be done by completing and submitting the Overtime Application Form attached as ANNEXURE A to this policy**

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 via the Municipal Manager

5. ROLES AND RESPONSIBILITIES

Role	Authority
Review and approve 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 may be reviewed on an annual basis or as and when national legislation or collective agreements necessitates any amendments.

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

NONE

10. APPENDIX

NONE

11. APPROVAL BY COUNCIL


APPROVED BY COUNCIL ON THE 08TH JULY 2022 UNDER AGENDA NO 5.1.



 MUNICIPAL MANAGER

23/01/2023

 DATE



 MAYOR OBO COUNCIL

 DATE

ANNEXURE A:



OVERTIME APPLICATION FORM

NAME AND SURNAME : _____

DEPARTMENT : _____

PAY NR : _____

Position	Date worked	Time of overtime	Total hours

Signature

Date

AUTHORISATION

Supervisor

Date

BTO use
Posted by

Datum/ Date _____ / _____