

NDLAMBE MUNICIPALITY

CORPORATE SERVICES



OVERTIME POLICY

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1. PREAMBLE

The Municipality acknowledges that overtime work is a necessary element of service delivery and thereby makes necessary arrangements for employees to access the benefit. This policy does not take precedence over any collective agreement which may be in force at the time of its approval.

2. PURPOSE

The purpose of this policy is to regulate overtime work and ensure that overtime work is pre-authorised, except in the case of an emergency, and is in compliance with relevant legislation.

3. SCOPE

The policy is applicable to all employees of the Municipality with the exception of those who earn above the threshold published by the Minister of Employment and Labour from time to time, the senior managers, and employees who work shifts in terms of their employment contracts.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Basic Conditions of Employment Act 75 of 1997
- South African Local Government Bargaining Council: Collective Agreements

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Overtime is one of expenses that the municipality incurs as result of many challenges and needs to be properly managed

7. POLICY PROVISIONS

7.1 Remunerated overtime

7.1.1 Remunerated overtime is calculated on the basis of hours worked in excess of prescribed working hours and shall not exceed 40 hours, hours worked during the months of December, January and periods of disasters and drought may not exceed 60 hours for essential services employees as others hours if exceeds 60 will be converted to leave days.

7.1.2 Duty performed by an employee during a period of leave is not considered for purposes of the payment of remunerated overtime.

7.1.3 Overtime shall only be paid to staff that are below the statutory threshold published by the Minister of Employment and Labour.

7.2 Calculation of overtime payment

7.2.1 Mondays to Saturdays - 1½ X normal pay calculated to an hourly or half-hourly rate.

7.2.2 Sundays and Public Holidays – 2 X normal pay calculated on an hourly or half-hourly rate.

7.3 Conditions for remunerated overtime

7.3.1 Employees shall not be required or permitted to work overtime for period exceeding

7.3.1.1 Ten (10) hours in a week

7.3.1.2 Three (3) hours on any working day

7.3.2 No employee shall perform overtime before the relevant person with delegated authority has granted the necessary approval in writing.

7.3.3 An employee's monthly compensation for overtime shall not exceed thirty per cent (30%) of the employee's gross monthly salary.

7.3.4 In cases where the monthly overtime compensation exceeds the above limits, the Head of Department where overtime is performed

may grant the employee time-off, based on one hour for every excess hour worked.

- 7.3.5 Time-off can only be taken if an employee has accumulated eight hours, and shall not constitute more than five working days during a given financial year.
- 7.3.6 An employee performing overtime duty shall not be compensated for travelling time, hence overtime shall be arranged in a manner that the start and end times coincide with times during which public or other alternative transport is available.
- 7.3.7 If an employee performs authorised overtime duty at a place other than his / her normal place of work, the travelling time between the two places shall be regarded as overtime duty.
- 7.3.8 Remunerated overtime shall not be approved for a continuous period of more than four months.
- 7.3.9 An employee shall not do overtime as per conditions below, unless in cases where circumstances prevent the employee to meet these conditions and the relevant Head of Department has ensured that such circumstances are brought to the attention of the HRM Unit when a claim form for such hours is submitted. The Municipal Manager shall then be approached to approve such deviation from conditions:
 - 7.3.9.1 If an employee did not book overtime duty on a Saturday, the employee shall not be allowed to book overtime duty for Sunday.
 - 7.3.9.2 If an employee took vacation, sick or special leave on a Friday, that employee shall not be allowed to book overtime duty for either the Saturday or Sunday.
 - 7.3.9.3 If an employee did not start overtime duty immediately following normal knock-off time during the week.
- 7.3.10 The decision to remunerate overtime with cash, or with time off, shall be made by the Municipal Council from time to time.

7.4 Time off for emergency work

- 7.4.1 Emergency work means the performing of work that cannot be completed during normal working hours, on instruction of the Head of Department, provided that such work is required to be done immediately owing to unforeseen circumstances and one day or less prior notice has been given to this effect.

7.4.2 In cases where employees are expected to perform overtime duty before approval is obtained due to circumstances beyond the Municipality's control; such duty shall for the purpose of this policy be viewed as emergency work.

7.4.3 In such cases employees shall be granted time off in respect of the first day that such overtime duty was performed prior to obtaining approval.

7.4.4 The time off will be granted on the basis of one hour for every excess hour worked.

7.4.5 Heads of Department shall be responsible for managing of these hours.

7.5 Authorisation and Information for remunerated overtime

7.5.1 Authorisation for remunerated overtime duty shall be in accordance with the Municipality delegations.

7.5.2 The following information shall be provided when an application for overtime is submitted for approval:

7.5.2.1 The circumstances that necessitated the performance of the overtime duty.

7.5.2.2 The steps, which were taken to prevent the performance of overtime duty such as redistribution of duties among employees or temporary utilisation of employees.

7.5.2.3 Information about any voluntary unpaid overtime duty performed by employees with regard to the task in respect of which remunerated overtime duty is performed and about general work in the department.

7.5.2.4 Clearly defined and measurable outputs for the overtime work in respect of every individual employee for which overtime is requested.

7.5.2.5 The names and ranks of the employees who will be required to perform overtime duty.

7.5.2.6 The duration of the overtime duty.

7.5.2.7 The estimated expenditure and total hours on the planned overtime duty, as well as a clear differentiation between normal and double-time, indicating the amount that will be needed next to each of the above-mentioned.

7.5.2.8 If the performance of overtime is aimed at the completion of work, which has fallen in arrears, an investigation of the circumstances shall be done before overtime is authorised.

7.5.2.9 Specific indication about the responsible manager who shall supervise the remunerated overtime, if authorised.

7.6 Control measures for remunerated overtime

It is the responsibility of the Heads of Department to ensure that:

7.6.1 There is adequate supervision and control measures at all times during the performance of remunerated overtime duty.

7.6.2 Remunerated overtime is not performed for a continuous period of more than four months.

7.6.3 Overtime remuneration is efficient and cost effective.

7.6.4 Record of all overtime duty is kept.

7.6.5 When the overtime claim is submitted for payment, the output produced during the period covered by the claim form is clearly provided.

7.6.6 All claim forms and a copy of overtime authorisation shall be submitted to the Payroll Office.

7.7 Administrative measures

7.7.1 A request for remunerated overtime shall be approved by the Head of Department before submission to the Payroll Office further processing.

7.7.2 All claim forms for approved remunerated overtime duty shall be submitted to the Payroll Office to certify that all information provided, is correct and department must keep a record of for audit purposes.

7.7 Roles and responsibilities

7.8.1 The HODs / delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.8.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.

9. POLICY APPROVAL

Formulated by HR Management: _____ Signature: _____ Date: _____

Consulted with Local Labour Forum:

Management Representative: _____ Signature: _____ Date: _____
