

SIYATHEMBA LOCAL MUNICIPALITY

OVERTIME POLICY

1. PREAMBLE

Siyathemba Local Municipality is committed to comply with the Basic Condition of Employment Act and hence the need for a written municipal policy on overtime to guide the council in compensating employees.

2. PURPOSE

This policy is intended to:

- (i) provide clear guidelines/framework in order to enable the executing authority to compensate employees for overtime worked.
- (ii) lay conditions under which overtime shall be worked.
- (iii) determine which categories of employees to whom the municipality shall not compensate for overtime.

3. SCOPE OF APPLICATION:

The policy is applicable to all employees of the Siyathemba Local Municipality other than employees who are level 1, 2, 3 and section 57.

4. STATUTORY AUTHORISATION:

- (i) Basic Conditions of Employment Act.
- (ii) Labour Relation Act, 1995.
- (iii) Public Services Regulation, 1999 as amended
- (iv) PSCBC Resolution 3 of 1999

5. DEFINITIONS

Employee: means any person, excluding an independent contractor, who works for another person or for the state who receives, or is entitled to receive, any remuneration; and

Overtime: refers to work in excess of the hours of work per week or month that an employee has contracted to perform

Overtime duty: means official duty performed by an officer / employee according to: BCEA; Section 10.

Public holiday: means any day that is a public holiday in terms of the Public Holidays Act, 1994 (Act no 36 of 1994).

Remuneration: means any payment in money or kind, or both in money and kind, made or owing to any person in return for that person working for any other person, including the State.

Normal working day: a day means a period of 24 hours measured from the time when the employee normally commences work.

Ordinary hours of work: means 45 hours in any week; or nine hours in any day if the employee works for five days or fewer in a week; or eight hours in any day if the employee works on more than five days a week (according to BCEA).

Night hours of work: means work performed after 18h00 and before 06h00 the next day.

6. POLICY PROVISION AND ROLES/RESPONSIBILITIES

6.1 Overtime Determination

- (i) Only duties in excess of the prescribed hours of work authorized by the Head of Department may be considered for overtime compensation.
- (ii) Duties performed by employees during periods of leave are not considered for purposes of the overtime compensation.
- (iii) When the necessity for overtime duty arises, the HOD should decide, (with due consideration of the circumstances and after consultation with the employee(s) concerned), whether overtime duty should be compensated by remuneration or awarding time off.
- (iv) The availability of funds must all times be taken into consideration. Categories of employees who may not receive monetary compensation for overtime performed due to their work.
- (v) No employee is by definition excluded from monetary compensated for overtime worked by virtue of the job that he/she performs. However, employee must comply with requirements set out in this policy to have monetary compensation for overtime worked authorised.
- (vi) Employees in the senior management service may only be compensated for overtime worked in exceptional circumstances to be determined by the Municipal Manager in consultation with employees concerned.

- (vii) The amount of spent on the overtime remuneration of an employee in the SMS in any particular financial year may not be more than one percent of his/her annual basic salary.

6.2 Remuneration

- (i) The Municipal Manager or his/her delegate must have provided written authorization for overtime.
- (ii) The calculation of remuneration in respect of overtime duty will be as prescribed by the PSCBC Resolution 3/99 (part VII) and according to the financial manual.
- (iii) Overtime rates of week days, Sundays and during the night will be calculated according to the formula as prescribed by the financial manual.

7. APPLICATION PROCEDURE:

- 7.1** Applications for remunerated overtime must be fully motivated with convincing reasons why it should be worked.
- 7.2** All attempts to avoid the working of overtime mentioned in this policy should be included in the motivation.
- 7.3** Overtime should be prior approved before any work commences, preferably bi-weekly.
- 7.4** The application for overtime should furnish the following:
 - (i)** Period during which anticipated overtime will be worked. Estimated hours each person will work.
 - (ii)** Cost to be incurred (taken in to consideration PSR, Section D.2 (d), whereby it stated that: except in exceptional circumstances, the monthly compensation for overtime constitutes less than 30 per cent of the employee's monthly salary.
 - (iii)** The names, PERSAL number and sections as well as location where overtime will be worked.

8. AWARDING OF TIME OFF

All employees who perform duty over and above their official hours of duty may be granted paid time-off, not compensated for ordinary and Sunday overtime worked, according to PSCBC Resolution 3 of 1999 part VII; subsection/point 5.2 and 6.2.

9. CONTROL OF REMUNERATIVE OVERTIME

- 9.1** Request for remuneration overtime can only be recommended /approved if the necessary funds are available.
- 9.2** To ensure a continuous review of project and functions in respect of overtime remuneration, approval granted in this regard will only be valid for a period of one month, and may be extended (on approval by the Municipal Manager) up to a maximum period of three months.
- 9.3** It is further the responsibility of the immediate supervisor to ensure that:
- (i)** There is adequate supervision and control during the performance of remunerative overtime duty.
 - (ii)** The remunerative overtime duty is not authorized for less busy periods, wherein the workload does not warrant.
 - (iii)** Record of all overtime duty is kept.
 - (iv)** An attendance register is kept.
 - (v)** Overtime remuneration is efficient and/or cost-effective.

10. THE EXTENT AND PERIODS OF OVERTIME DUTY

An employee may not be required or be permitted to work more than:

- (i)** Three hours overtime in one day or
- (ii)** Ten hours overtime in one week

11. GENERAL MEASURES

- 11.1** Overtime duty is reserved for the performance of essential projects/functions only i.e. those that cannot be postponed without serious consequences.
- 11.2** Applications have to be made in advance and approval granted in this regard is only valid for mentioned periods.
- 11.3** Approved overtime cannot be carried over into a new time period. A new application required in such instances.
- 11.4** Claims for remunerated overtime duty will be rejected if the period of overtime duty claimed falls outside the start and end date.
- 11.5** HR must keep records of all approvals and claims submitted.

12. MONITORING AND EVALUATION

The Municipal Manager or his/her delegate shall monitor and ensure adherence to this provisions and report on specific cases as and when required to do so. If and when this policy or provisions is thereof amended, the amended policy or provision thereof will supersede the previous one.

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