



# **OVERTIME POLICY**

**2023/24**

### **1. Policy Purpose**

The purpose of this policy is to provide the guidelines regarding the overtime policy for employees of the municipality.

### **2. Policy Objective and Scope**

The working of overtime is subject to very strict control measures and therefore only staff in a supervisory capacity who has been given written permission by his / her Director, shall be entitled to approve the performance of any overtime by subordinates. This authorization shall be withdrawn in any suspected case of irregular or misuse thereof, without having to be given reasons for such withdrawal.

### **3. Policy Definition**

**“Overtime”** means the time that the employee works during a day or week in excess of the employee’s ordinary hours of work.

**“Emergency Overtime”** means work that must be done without delay because of circumstances for which the Employer could not reasonably have 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.

**“Structured Overtime”** defined as programmed / planned overtime determined / approved by the Employer and includes committee and official meetings of which minutes are to be kept, that continues or is scheduled after normal working hours.

**“Earnings”** refer to the basic salary for the post according to the SALGBC Wage Curve Collective Agreement.

**“Threshold Earnings”** refer to the regular annual remuneration of an employee before deductions such as income tax, pension and medical payments, but excluding similar contributions made by the Employer, subsistence and transport allowances, achievement awards and intermittent payments for occasional overtime.

Basic Conditions of Employment Act determine that all employees earning in excess of R241 110.59 (two hundred and forty-one thousand, one hundred and ten rands, fifty-nine cents per annum. Provided that subsistence and transport allowance received, achievement awards and payments of for overtime worked shall not be regarded as remuneration for the purpose of the threshold notice.

**“Deductions”** means income tax, pension, medical fund etc.

### **4. Legislative Framework**

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This document is established within the framework of the following legislation and policies:  
(Please consider latest legislative developments before applying the policy.)

- ❖ The Basic Conditions of Employment Act, 1997 (Act No.75 of 1997)
- ❖ Labour Relations Act, 65 of 1995
- ❖ All collective agreements, as amended from time to time, concluded in the South African Local Government Bargaining Council [SALGBC]

### **5. Responsibilities**

It is the responsibility of every supervisor/manager to plan, monitor and manage any overtime work. Every overtime work performed must be approved by him/her.

The Human resource office is responsible for the calculations, and finance is responsible for the payment of such overtime

Designated manager/supervisor are responsible for co-ordination, controlling implementation at operational level of the overtime system.

### **6. Limitations**

If an employee agrees to work overtime, and employer may not require of permit an employee to work:

- (i) overtime except in accordance with an agreement;
- (ii) More than 10 hours overtime per week
- (iii) Work more than three hours per day and not more than 40hrs per month.

An employee must work the whole week before he/she can request to work overtime. An employee who did not work for the whole week he/she does not qualify to work overtime for that week

### **7. Prior approval**

No employee shall be remunerated for overtime work unless such overtime has been budgeted for and authorized by the manager, or his/ her designate, or required in terms of a work schedule.(Emergency Circumstances) the overtime should be monitored, and report be submitted before the payment, the report will be subjected to audit thereafter. Failing to submit the report no payment of overtime will be effected.

### **8. Remuneration**

- a) Employees shall be paid one and half times(1.5) the employee's normal hourly wage for overtime worked, or

- b) Employees shall be 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
- c) Employees shall be granted at least 60 minutes, paid time off on full pay for every hour of overtime worked; during week days
- d) Employees earning more than the overtime earnings threshold shall be paid in terms of the Basic Conditions of Employment Act on the actual hours worked.

#### **9. Time frames**

All employees except for the Municipal Manager and Directors reporting direct to Municipal Manager appointees are compensated for work done outside normal office hours, overtime will be paid in terms of Basic Condition of Employment (threshold). Overtime will only be paid on the pay slip, and overtime performed on the current months will only be paid on the following months (overtime worked on March will be paid in April)

#### **10. Operational Requirements**

Due to the business and operational requirements of the municipality, employees will be required to work overtime on occasion. The employer may not require or permit an employee to work overtime or to work on Sundays or Public Holidays without an agreement or approval by manager/supervisor.

#### **11. Allowance for employees who work over-time**

Employees who travel to work using public transport to perform duly approved work in overtime or undertake official travelling on Saturday, Sunday or any other public holiday should be paid for transport costs at the tariff schedule, applicable for individuals private vehicle in the execution of official duties (in terms of the department of transports tariffs for the use of motor transport). The claimable kilometres will be determined based on the shortest route, for an engine capacity; provided work in overtime or on Saturday, Sunday or any public holiday does not relate to a normal duty shift at the employee's workplace in terms of the employees conditions of service, which would otherwise constitute daily commuting between residence and work place.

Use of public transport is a given assumption where the employee does not own a motor transport and the municipality does not provide official transport.

#### **12. Overtime worked on Saturdays**

Employees who normally work a five day week will be:

- a) Paid one and half (1.5) times the employee's normal hourly wage for overtime worked, or
- b) Paid not less than the employee's ordinary wage for overtime worked and granted at least 30 minute's time off on full pay for every hour of overtime worked, or
- c) Granted at least 60 minute's paid time off for each hour of overtime worked during week's days

**13. Overtime worked on Sundays**

Employees who normally work a five day week, will be

- a) Paid double the employee's wage for overtime worked, or
- b) Paid not less than the employee's ordinary wage for overtime worked and be granted at least 60 minutes's paid time off on a full pay for every hour of overtime worked, or
- c) Granted at least 120 minute's paid time off for each hour of overtime worked during week days.

**14. Overtime worked on Public Holidays**


Employees who normally work a five day week will be:

- a) Paid double the employee's normal hourly wages for overtime worked
- b) Paid not less than the employee' ordinary wage for overtime worked and be granted at least 60 minutes 's time off on full pay for every hour of overtime worked, or
- c) Granted at least 120 minute's paid time off for every hour of overtime worked

**15. Calculations of Overtime**

Calculations of overtime pay (five day work week)

- a) Employees who work a five day work week are deemed to work 21.67 days to complete a full month based on the five -day work week.
- b) The working week consists of 40 ordinary hours per week
- c) The working day is deemed to consist of 8 working hours for which the employee is paid, and 1hour meal break on which is not paid time.

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