

**Dr. Beyers Naudé**  
MUNICIPALITY | MUNISIPALITEIT | UMASIPALA

<b>DR BEYERS NAUDE MUNICIPALITY</b>	<b>POLICY: OVERTIME</b>	<b>RESPONSIBLE ADMINISTRATION UNIT : HUMAN RESOURCES DEPARTMENT</b>
<b>ADOPTED BY EXCO ON 18 JUNE 2019 RESOLUTION EXCO-050.4/19</b>	<b>TO BE REVISED: JUNE : 2021</b>	<b>CORPORATE SERVICES</b>

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## 1. POLICY STATEMENT

This policy serves as a guide regarding the management of overtime worked and payment thereof, as required by the Basic Conditions of Employment Act No 75 of 1997, as amended.

All personnel must be made aware that even though overtime work is needed to adhere to operational requirements, payment thereof is more expensive than actually performing the work during office hours. It is important to note that the cost implication for Council must be taken into consideration when overtime is worked and authorized except for emergencies or life threatening situations.

## 2. PURPOSE

To regulate overtime in line with the Basic Conditions of Employment Act No 75 of 1997 and to ensure that Council delivers its Constitutional mandate of service delivery.

## 3. DEFINITIONS

**Overtime:** means the time that an employee works in excess of ordinary hours of work during a day (8Hours) or a week (40hours), as defined in the Basic Conditions of Employment Act and the Collective Agreement on Conditions of Service. A full day's work (8hours) must first be worked before such employee is eligible for overtime except in case of essential services and life threatening situations.

**Emergency work:** refers to work that must be done without delay because of circumstances for which the employer could not reasonable 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. Provision should be made for life threatening instances.

### **Emergency workers defined:**

- Water Works
- Waste Waterworks
- Fire Fighters
- Electrical Services
- Traffic Services

**Earnings means:** gross pay before deductions, i.e. (income tax, pension, medical and similar payments) but excluding similar payments (contributions) made by the employer in respect of the employee defined by the Basic Conditions of Employment Act.

**Senior Managerial employee/Director:** means an employee who has the authority to hire, discipline and dismiss employees and to represent the employer internally and externally.

**Shift worker:** is an employee engaged in a scheduled continuous process which activity deemed to be one in which continuous working by means of daily shift is necessary.

#### **4. APPLICATION AND SCOPE**

**This policy applies to all the employees who:-**

- Are employed by the Dr Beyers Naudé Local Municipality
- Fall within the registered scope of the South African Local Government Bargaining Council
- Employees earning more than the income earnings threshold serving emergency services

**This policy shall not apply to the following personnel:-**

- Employees working less than 24 hours per month
- EPWP workers
- Senior Managers as defined by section 56 and 57 of the Municipal Systems act as amended

4.1. Employees earning more than the overtime earnings threshold provided for in the Basic Conditions of Employment Act as amended, will be provided time off in lieu of payment for overtime worked calculated on straight time basis (1hour worked =1 hour overtime), subject to the provisions of this policy. The approving authority and the employee involved should agree beforehand in writing on time off for overtime work.

4.2 Thus, the employee earning above the threshold requested to work overtime by the Employer, should negotiate and reach an agreement on how many normal hours and overtime work will be required from the employee provided that such employee is categorized as an emergency worker, and such overtime is for an emergency. Once this has been established the parties must agree on remuneration for the overtime worked. Same applies to public holidays and work on Sundays.

- 4.3 Employees earning less than the overtime earnings threshold provided for in the Basic Conditions of Employment Act as amended, will subject to the provisions of this policy, be remunerated for overtime or be given time off in lieu of overtime worked at the rates provided in the Basic Conditions of Employment Act as amended. The approving authority and the employee involved to agree beforehand in writing on payment or time off for overtime work.
- 4.4 An employee may not be required or allowed to work for a long period overtime than prescribed by the Basic Conditions of Employment Act which state that an employee may not work more than ten [10] hours overtime per week and/or four [4] hours per day in the case of a forty [40] hour work week.
- 4.5 Employees performing work on a basis of emergency overtime, as well as employees on standby, shall receive overtime, irrespective of his/her earnings as defined.
- 4.6 Emergency workers (as defined) may work up to fifteen (15) hours a week or up to a maximum of sixty (60) hours a month due to cases of emergency
- 4.7 An agreement will be entered into between the Employer and the Employee earning above the threshold and defined as emergency workers. **(Agreement is attached as an addendum to this policy)**

## **5. LEGISLATIVE FRAMEWORK**

- Basic Conditions of Employment Act 75 of 1997 (BCEA)
- Consolidated Collective Agreement on Conditions of Service for the Eastern Cape Division of the South African Local Government Bargaining Council
- Municipal Systems Act, 32 of 2000 as amended
- Municipal Finance Management Act

## **6. CONSULTATION PROCESS WITH STAKEHOLDERS**

- Labour Unions
- Management Component

## **7. POLICY PRINCIPLES**

Line Managers must ensure that overtime is implemented in accordance with the prescripts of this policy and any other relevant legislation.

## **8. GENERAL**

### **8.1 TIME OFF IN –LIEU OF OVERTIME**

- 8.1.1 Time off in lieu of overtime shall be granted only for structured and approved overtime.
- 8.1.2 Application for time off in lieu of overtime worked shall be done on the prescribed leave and overtime application form.
- 8.1.3 Time off in lieu of overtime worked must be taken within one (1) month. Time off not taken due to operational requirements within the one (1) month may be extended to the end of the current financial year. Failure to adhere to such will result in the employee forfeiting the leave unless there is compelling reasons for the employee due to operational requirements.

### **8.2 OVERTIME WORKED ON PUBLIC HOLIDAYS**

Payment or time off to eligible employees for work on public holidays will be dealt with in terms of the Basic Conditions of Employment Act as amended.

### **8.3 OVERTIME WORK ON SUNDAYS**

Payment or time off of eligible employees for work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act as amended.

### **8.4 PAYMENT FOR OVERTIME WORKED**

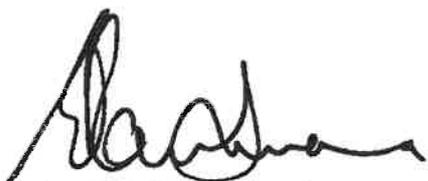
- 8.4.1 Payment can only be granted when such payment is in line with the Basic Conditions of Employment Act as amended, Collective Agreement on Conditions of Service as well as the approved Overtime Policy.
- 8.4.2 Time off in lieu of overtime worked cannot be encashed except on termination of Services provided such time is valid.
- 8.4.3 Overtime payable in terms of this policy shall be fully taxable and included in the monthly salary of an employee and be paid on the pay day of the month following the conclusion of over time worked.

### **8.5 ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME**

- 8.5.1 The prior approval to work overtime rests with the Director of different Departments, Municipal Manager or any other competent person appointed by the Municipality to do so and no overtime may be worked without such written approval being obtained accept in cases of work related to emergencies. In the event of an emergency overtime, the Municipal Manager, Departmental Directors or the appointed competent person may

give verbal approval to the working of such overtime provided that such approval shall be followed up with a written confirmation.

- 8.5.2 Each Director is responsible and accountable to constantly monitor and review the provisions for overtime on his/her budget and to ensure that trends are noted early, funds are adequate, justified and provided for timeously.
- 8.5.3 Each Director is responsible and accountable that only officials who are authorized in terms of the delegated powers approve overtime work and payment or time off in lieu of overtime. The authorizing bodies must determine whether the information on the overtime form is accurate and correct before they authorized the form for payment/time off.
- 8.5.4 Attendance registers, time sheets and overtime approval forms, which should indicate dates, starting and ending times, must be kept at source for three years in respect of all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers/time sheets serve as source documents to complete overtime sheets.
- 8.5.5 Overtime forms must be submitted on a monthly basis to Human Resources on or before the due date communicated by Human Resource Department from where it will be taken to the Directorate Financial Support. Forms that exceeds the period of one [1] month must be supported with valid reasons/motivations.
- 8.5.6 Supervisors and Managers should monitor the overtime worked, to ensure value for money.
- 8.5.7 An employee acting in a higher position and receiving an acting allowance will be remunerated overtime for emergency work only **at his/her current post level.**



DR. E M RANKWANA  
MUNICIPAL MANAGER

26/9/19  
DATE