

Overtime Policy



1. PURPOSE

This policy serves to guide management regarding overtime worked and payment thereof, as required by the Basic Conditions of Employment Act.

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.

2. DEFINITIONS

- 2.1 **Overtime** means the time that an employee works during a day or a week in excess of ordinary hours of work, as defined in the BCEA and the Collective Agreement on Conditions of Service. A full day's work (normal working hours and a lunch break of at least 30 minutes) must first be worked before such employee is eligible for overtime.
- 2.2 **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 not be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours.
- 2.3 **Earnings** means gross pay before deductions, ie income tax, pension, medical and similar payments but excluding similar payments (contributions) made by the employer in respect of the employee.
- 2.4 **Earnings Threshold** is annually determined and confirmed by the Minister of Labour regarding employees earning in excess of the amount stated in the Minister's determination.
- 2.5 **Senior Managerial employee** means an employee who has the authority to hire, discipline and dismiss employees and to represent the employer internally and externally.
- 2.6 **Shift worker**, is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

3. APPROVED

Approved by Council on 25 March 2014, resolution EMC 520/03/14.

4. POLICY

4.1 LEGAL FRAMEWORK

- Basic Conditions of Employment Act 75 of 1997 updated 2005 (BCEA)
- Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC

4.2 SCOPE AND APPLICATION

- 4.2.1 Employees earning more than the overtime earnings threshold provided for in the Basic Conditions of Employment Act as amended and as determined annually, will be provided time off in lieu of payment for overtime worked calculated on straight time basis (1 hour worked = 1 hour overtime), subject to the provisions of this policy. The approving authority and the employee involved to agree beforehand in writing on time off for overtime work.
- 4.2.2 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.
- 4.2.3 An employee may not be required or allowed to work for a longer period overtime than prescribed by the Basic Conditions of Employment Act.
- 4.2.4 Employees performing work on a basis of emergency overtime, shall receive overtime, irrespective of his/her earnings, subject to the approval of the Municipal Manager.

4.3 GENERAL

- 4.3.1 Overtime work is subject to the provisions of the Basic Conditions of Employment Act as amended, the Collective Agreement on Conditions of Service: Western Cape Division and the provisions of this policy. In case of conflict between this policy and the provisions of the Basic Conditions of Employment Act as amended, the provisions of the Act will prevail.
- 4.3.2 Overtime work is subject to prior written approval by a competent authority and no overtime may be worked without such written approval being obtained, except in cases of work related to emergency situations where work has to be done without delay owing to circumstances or which the

employer could not reasonably have expected to make provision for and which cannot be performed by employees during their ordinary hours of work. For emergency overtime the competent authority may give verbal approval to the working of such overtime provided such approval is followed-up with a written confirmation. Written standing approval may be granted where justified by operational requirements, in conjunction with the Municipal Manager.

- 4.3.3 An employee may not be required or permitted to work for a longer period overtime than 10 hours during any working week, these hours may only be increased to 15 hours by means of an agreement between the employee and the employer. An employee may not work more than 12 hours on any working day (normal + overtime hours), except in case of work related to emergency situations.
- 4.3.4 No employee is allowed to work more than 60 hours per month, for more than two months within a twelve month period. This overtime is only allowed when an employee has completed working his/her normal working hours.
- 4.3.5 Only officials with delegated authority may approve overtime work and overtime payment.
- 4.3.6 Overtime only commences after completion of an employee's ordinary daily working hours.
- 4.3.7 No overtime can be claimed should an employee work short time on a specific day. A full day's work (normal working hours) must first be worked before such employee is eligible for overtime.
- 4.3.8 Overtime can only be claimed for actual hours worked and travelling time (with Head of Department approval) except for standby staff. Overtime for the latter group starts from the time of call out.
- 4.3.9 No overtime will be paid for attendance of functions/prize giving, etc. by personal invitation except in cases of compulsory attendance as official representative of Council, provided that such employee qualifies for overtime in terms this policy and provided further that such overtime is authorized in advance by the applicable Manager.
- 4.3.10 Where overtime in emergency situations cause an employee to work past midnight on a day, the employee will be entitled to a break of at least 8 hours before the employee is required to report for normal duty, without negatively impacting on his salary.
- 4.3.11 Should an employee who is appointed on a part-time basis be required (and agree) to work overtime, payment or time off in lieu of payment would only be effected at overtime rates after 8 hours worked on that specific day. The hours worked in excess of such an employee's ordinary working hours will be paid at straight time up to 8 hours and only thereafter at overtime rates.
- 4.3.12 If an employee chooses to take time off, this time off will be regarded as overtime, additional to normal leave.

- 4.3.13 If an employee is on standby and is called out to work, then this will be seen as overtime work which is payable and the employee is entitled to overtime regardless of statutory limitations in item 4.7.

4.4 TIME OFF IN-LIEU OF OVERTIME

- 4.4.1 Time off in lieu of payment for overtime shall be granted only for structured and approved overtime.
- 4.4.2 Application for time off in lieu of payment for overtime worked shall be done on the prescribed application form.
- 4.4.3 Time off in lieu of payment for overtime worked must be taken within 1 month from date of accrual. Time off not taken within 1 month will be forfeited. This 1 month period may, for operational reasons, be extended to a maximum of 3 months by the Municipal Manager or his delegate.
- 4.4.4 Time off in lieu of payment for overtime worked cannot be encashed except on termination of services provided such time is valid and is subject to approval by the Municipal Manager.

4.5 OVERTIME WORKED ON PUBLIC HOLIDAYS

- 4.5.1 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.

4.6 OVERTIME WORK ON SUNDAYS

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

4.7 PAYMENT FOR OVERTIME WORKED

- 4.7.1 Payment can only be granted when an employee earns less than the Earnings threshold as determined annually.

4.8 ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME

- 4.8.1 Each Executive Manager 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; over expenditure is noted, justified and provided for timeously.
- 4.8.2 Each Executive Manager 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 payment. The authorizing bodies must

determine whether the information on the overtime form is accurate and correct before they authorize the form for payment/time off.

4.8.3 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.

4.8.4 Overtime forms must be submitted on a monthly basis before the 10th to the Remuneration Section. Forms that exceed the period of 1 month must be supported with valid reasons for the period.

4.8.5 An employee acting in a higher position and receiving an acting allowance will be remunerated overtime for emergency work only at the acting post level.

5. PROCESS : Wage type

WAGE TYPE	
909A 906A	<p>OVERTIME – PART TIME (NON-SHIFT) WORKERS – Excluding Sundays and Public Holidays</p> <p>1.5 x hourly wage x hours worked in excess of ordinary daily working hours as per employment contract (see IT7)</p> <p>Part time employees: 1 x hourly rate until 8 hours per day then 1.5 x hourly rate for hours in excess of 8.</p>
909A	<p>OVERTIME - SHIFT WORKERS (EXCLUDING FIRE SERVICES) - Excluding Sundays and Public Holidays</p> <p>1.5 x hourly rate x hours worked in excess of planned working hours per shift</p>
909A	<p>OVERTIME – FIRE SERVICES – Excluding Sundays and Public Holidays</p> <p>1.5 x hourly rate x hours worked in excess of planned working hours per shift roster.</p>
927A	<p>WORK ON SUNDAY – PART TIME (NON-SHIFT) WORKERS</p> <p>2 x hourly rate x hours worked with a minimum of 1 day's pay</p>
903A 909A 927A	<p>WORK ON SUNDAY - SHIFT WORKERS (EXCLUDING FIRE SERVICES)</p> <p>1. If the Sunday <u>is</u> a normal working day (planned shift) for the employee:</p> <p>(a) Additional 0.5 x hourly rate x hours for a planned shift worked (One day's pay already in monthly salary) plus</p> <p>(b) For the hours worked in excess of his ordinary planned working hours per shift : 1.5 x hourly rate x excess hours worked</p> <p>2. If the Sunday <u>is not</u> a planned shift for the employee</p> <p>2 x hourly rate x hours worked with a minimum of 1 shift's pay</p>
909A	<p>WORK ON SUNDAY - FIRE SERVICES</p> <p>If the Sunday <u>is</u> a normal working day (planned shift) for employee -</p>

927A	<p>1,5 x hourly rate x hours worked in excess of planned working hours per shift</p> <p>If the Sunday is not a normal working day (planned shift) for employee –</p> <p>2 x hourly rate x hours worked with a minimum of 1 shift's pay</p>
935A	<p>WORK ON PUBLIC HOLIDAY – PART TIME (NON-SHIFT) WORKERS</p> <p>1. If the public holiday falls on a normal working day:</p> <p>(a) if employee works less than or equal to his ordinary daily working hours as per his contract : an additional 1 day's pay</p> <p>OR</p> <p>(b) if employee works more than his ordinary daily working hours as per his contract : 1 x hourly rate x actual hours worked on that day (in addition to his normal pay for a day's work)</p>
930A	<p>2. If the public holiday falls on a day which is not a normal working day:</p> <p>1 day's ordinary pay plus 1 x hourly rate x actual hours worked on that day</p>
935A	<p>WORK ON PUBLIC HOLIDAY – SHIFT WORKERS (EXCLUDING FIRE SERVICES)</p> <p>1. If the Public Holiday is a normal working day (planned shift):</p> <p>(a) 1 day's pay for a shift worked (in addition to his ordinary pay for a shift's work);</p> <p>OR</p> <p>(b) if he works more than his ordinary planned working hours per shift : 1 x hourly rate x actual hours worked on that day (in addition to normal pay for the shift worked).</p>
930A	<p>2. If the public holiday falls on a day which is not a normal working day (planned shift):</p> <p>1 day ordinary pay plus 1 x hourly rate x actual hours worked on that day</p>
927A	<p>WORK ON PUBLIC HOLIDAY – FIRE SERVICES</p> <p>1. If the shift falls on a public holiday and the employee works hours in excess of his planned shift</p> <p>2 x hourly rate x hours worked in excess of planned working hours per shift</p>
930A	<p>2. If employee works on a public holiday that was not a planned shift day</p> <p>(a). 1 day's ordinary pay plus 1x hourly rate x actual hours worked</p>

6. APPLICABLE FORMS / TOEPASLIKE VORMS

Attached as **Annexure A (Overtime Form)**.