

# EMAKHAZENI LOCAL MUNICIPALITY



## OVERTIME POLICY

# Policy on Overtime

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## 1. Introduction

The overtime policy intends to enable the Municipality to regulate and restrict the use of overtime by its employees to ensure that it is reasonable and within the scope of work and budget; to ensure that overtime is used only when required and to the benefit of service delivery; and to ensure that overtime is not used and seen as salary augmentation.

## 2. Definitions

- “Overtime Duty:** (a) Means the time that an employee works during a day or a week in excess of ordinary hours of work.  
(b) Work performed on a Saturday, Sunday, or a Public Holiday in case of an employee who does not normally work on such a day;
- “Sunday”:** A day in the South African official calendar marked or declared as a Sunday or a day following a Saturday on the calendar.
- “Public Holiday”:** a) A day mentioned in the Second Schedule of the Public Holiday Act, 1994, in the case of a staff member who does not normally work on such a day.  
b) The day following the Sunday on which a Public Holiday fell or was to be observed.
- “Day of Rest”:** A Saturday, a Sunday or a Public Holiday in the case of a staff member who normally does not work on such days.  
  
Such other days as he/she is normally relieved from duty in the case of an employee who normally works on a Saturday, Sunday or a Public Holiday.
- “Night Work”:** Work performed after 18h00 and before 06h00 the next day.
- “Awarding (days) Time Off”:** This concept implies that all staff member performing duties over and above their official hours and during weekends or on Public Holidays shall after consultation and approval, be entitled to claim overtime of either actual hours worked or an accrued day off for each full work day on Saturday, Sunday or Public Holiday.
- “Manager”:** A manager is anyone whose duties in the main involve responsibility for the work of others. Thus, the term includes not only those who are usually referred to as managers because they are members of the so-called “management echelon”, but also all first-line supervisors.

## 3. Policy Objectives

The objective of this policy is to provide a fair and justifiable basis for compensation management of overtime in Emakhazeni Local Municipality and provide a framework for the regulation of overtime and adherence to legislation relating to overtime.

## 4. Scope of Application

This policy applies to all employees employed by Emakhazeni Local Municipality with the exception of those employees excluded in terms of the determination of overtime threshold by the Minister of Labour.

## 5. Governing Prescripts

### 5.1 Legislation

Basic Conditions of Employment Act, Act no 75 of 1997

Labour Relations Act, Act No 66 of 1995

South African Local Bargaining Council Main Collective Agreement

South African Local Bargaining Council Final Conditions of Service for the Mpumalanga Division

## 6. Policy Provisions

### 6.1. Terms and Conditions for Remunerated Overtime for Municipal Employees

6.1.1 Only duties in excess of the prescribed hours of work authorised by the Municipal Manager or the delegated authority prior to the overtime being worked may be considered for overtime compensation.

6.1.2 When the necessity for overtime duty arises, the Municipal Manager or the delegated authority should decide, (with due consideration of the circumstances and after consultation with the Supervisor concerned), whether overtime duty should be compensated by remuneration or awarding time off. The availability of funds must at all times be taken into consideration.

6.1.3 The following principles apply to various Municipal employees who may have performed overtime due to their work responsibilities:

- (a) No staff member is by definition excluded from monetary compensation for overtime worked by virtue of the job that he/she performs. However, Municipal employees must comply with requirements set out in this policy to have monetary compensation for authorized overtime worked.

6.1.4 Employees who by a working arrangement approved by Council fall within a “task based approach” shall be compensated for overtime worked in terms of the normal working hours as approved by Council, for an example, an employee working on a task based approach will be compensated for overtime for work performed after the normal knock off time(16:30)

### 6.2.1 Awarding of time off

6.2.1.1. All Municipal employees who perform duty over and above their official hours of duty may be granted paid time-off equivalent to the time worked in lieu of overtime remuneration.

### 6.2.2 Rest, meals and travelling

6.2.2.1 If the Municipal Manager or the delegated authority/institution authorises overtime, he/she shall ensure that there are:

- a) Fair and acceptable limits on the extent of overtime; and
- b) Periods for rest and meals –
  - i. For periods between 2 and 4 hours, a break of 15 minutes will be granted after 2 hours; and
  - ii. For periods between 4 and 8 hours a meal break of 45 minutes and two 15-minute breaks will be granted.
- c) Where possible Municipal employees travel to and from work at a time when public transport is available.

### **6.2.3. Control of remunerative overtime**

6.2.3.1 Requests for remunerative overtime can only be recommended/approved if the necessary funds are available. To ensure a continuous review of projects 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 Executing Authority) up to a maximum period of three (3) months.

6.2.3.2 It is also 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 authorised for less busy periods, when the workload does not warrant it;
- (iii) The records of all overtime duty are kept;
- (iv) An attendance register is kept; and that
- (v) Municipal employees are not subjected to overtime duty to such an extent that the quantity and quality of the work performed during normal working hours is adversely affected.

6.2.3.4 A staff member may not be required or be permitted to work more than:

- a) Three (3) hours overtime in one normal week day; or
- b) Ten (10) hours overtime in one week.

6.2.3.5 General measures for remunerated overtime

- a) Overtime duty is reserved for the performance of essential projects/ functions only (i.e. those that cannot be postponed without serious consequences).
- b) Application for overtime shall be by means of completing the appropriate overtime form and approval by the relevant Head of Department before of overtime.
- c) No employee will be required to work overtime if there are on any type of leave.
- d) No employee shall be permitted to work overtime if that employee, for any reason, did not perform his/her work during normal working hours.
- e) Duration of overtime shall be calculated from normal knock off time to the normal start time during weekdays.
- f) Employees shall be remunerated for overtime at 1.5 times of their basic salary rate for each hour of overtime worked during the weekdays and Saturdays and at 2 times of their daily basis salary rate for overtime worked during Sundays and Public Holidays, unless the employee ordinarily works on a Sunday, in which case the employer will pay the employee at 1.5 the basic salary rate for each hour worked.

- g) Approved overtime due for compensation may not be carried over into a new time period. A new application is required in such instances.
- h) Claims for remunerated overtime duty will be rejected if the period of overtime duty claimed falls outside the start and end date.
- i) Claims for remunerated overtime duty will be rejected if the amount that has been authorised is exceeded.

## **7. Roles and Responsibility**

### **7.1 The Role of the Municipal Manager**

The role of the Municipal Manager is to:

- a) Ensure that overtime is administered and managed appropriately;
- b) Ensure that the implementation of organised remunerated overtime policy and its provisions are done accordingly;

### **7.2 The Role of the Line Manager**

The role of the line manager is to:

- a) Ensure fair and equitable administration of remunerated overtime;
- b) Assist employees in the completion of forms for remunerated overtime;
- c) Maintain accurate and up-to-date records of Municipal employees' remunerated overtime and made available for audit purposes, when required;
- d) Evaluate requests for remunerated overtime individually in an equitable and non-prejudicial manner and ensure that they are considered only as a last resort; and
- e) Responsible for making recommendations to the Head of Department for approval of overtime claim by way of signature.

### **7.3 The Role of The Human Resource Section**

The role of the Human Resources is to:

- a) Ensure that the implementation of organised remunerated overtime policy and its provisions is administered and implemented accordingly;
- b) Verify and confirm payment of remunerated overtime for employees;
- c) Keep updated records on organised remunerated overtime for reporting and audits purposes;
- d) Report to the Municipal Manager on organised remunerated overtime;
- e) Monitor and evaluate the administration and management of organised remunerated overtime in the Municipality;
- f) Amend and implement any changes to the provisions of this policy.
- g) Submit the employee claim forms for remunerated overtime to the salary section; and
- h) Ensure that Municipal employees are remunerated timeously for overtime work.

### **7.4 The Role of the Employee**

The role of the employee is to:

- a) Ensure that remunerated overtime is utilised responsibly and with due regard for the service delivery programme of the Municipality;

- b) Adhere to the prescribed legislations and regulatory frameworks and provisions as outlined in this policy.
- c) Ensure that approved overtime claims are submitted for compensation within the period for which they qualify for payment.

## **8. Monitoring, Evaluation and Reporting**

The Manager Corporate Services is responsible for monitoring and evaluating organized remunerated overtime in the Municipality and report to the Municipal Manager on a quarterly basis on the matter and on specific cases, when required to do so. If and when this policy or provision thereof is amended, the amended policy or provision thereof will supersede the previous one.