

OVERBERG DISTRICT MUNICIPALITY

OVERTIME POLICY 2015



Council Resolution No	: M 260
Date	: 27.07.2015
Municipal Manager	: <i>[Signature]</i>
Executive Mayor	: <i>[Signature]</i>
Reference No	: 9/11B
Municipal Code No	: P-0-01.1

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1. POLICY OBJECTIVE:

The objective of this policy is to provide additional guidelines for Management to administrate overtime.

2. DEFINITIONS:

Overtime as defined in the Basic Conditions of Employment Act (BCEA).

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.

Unstructured overtime is programmed/planned overtime over which the employer has control and for which prior approval is required [E.g. the performance of routine maintenance work outside normal working hours as well as Council, Committee and official meetings of which minutes have been kept] that continues or takes place after normal working hours;

Structured overtime is where payment is compulsory in terms of the BCEA due to Sundays and Public Holidays. Structured overtime is exclusively for shift workers.

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. SCOPE AND APPLICATION:

Senior managerial employees and managerial employees, as defined in the Basic Conditions of Employment Act, do not qualify for any overtime payment.

Employees earning more than the overtime earnings threshold provided for in the Basic Conditions of Employment Act, do not qualify for any payment for overtime.

Employees on earning less than the threshold will be remunerated for overtime worked.

4. SPECIAL CONDITIONS:

4.1 Overtime work is subject to the provisions of the Basic Conditions of Employment Act, 1997 and the provisions of this policy. In case of conflict between this policy and the provisions of the Basic Conditions of Employment Act, the provisions of the Act will prevail.

4.2 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. Emergency situations occur where work has to be done without delay owing to circumstances for 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.

- 4.3 Only officials with delegated authority may approve overtime work and overtime payment.
- 4.4 Overtime only commences after completion of an employee's ordinary workday's working hours.
- 4.5 Overtime can only be claimed for actual hours worked and exclude travelling time except for standby staff. Overtime for the latter starts from the time of call out.
- 4.6 No overtime will be paid for attendance of functions and prize giving by personal invitation except in cases of compulsory attendance as official representative of Council, provided that such employee qualifies for overtime in terms of this policy and provided further that such overtime is authorized in advance by the Director.
- 4.7 Council will provide an employee with a meal, limited to an amount as determined by the Municipal Manager [his/her nominee] when an employee is expected to work overtime during an emergency situation and when such emergency overtime work continues for more than two hours after the employee's ordinary working hours, and after that, every five hours.
- 4.8 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.

5. TIME OFF IN-LIEU OF OVERTIME

- 5.1 Time off in lieu of payment for overtime shall be granted only for unstructured and approved overtime;
- 5.2 Application for time off in lieu of payment for overtime worked shall be made on a prescribed application form;
- 5.3 Time off in lieu of payment for overtime worked cannot be encashed except on termination of services.
- 5.4 Time off in lieu of payment for overtime worked must be taken within 1 (one) month from date of accrual. Time off not taken within 1 (one) month will be forfeited. This 1 (one) month period may, for operational reasons, be extended to a maximum of 3 months by the Municipal Manager on good motivational grounds by the responsible Manager.

6. OVERTIME WORK ON PUBLIC HOLIDAYS

Payment or time off in lieu of payment to eligible employees for work on Public Holidays will be dealt with in terms of the Basic Conditions of Employment Act and the Western Cape Divisional conditions of employment Collective agreement.

7. OVERTIME WORK ON SUNDAYS

Payment or time off in lieu of payment to eligible employees for work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act and the Western Cape Divisional conditions of employment Collective agreement.

8. ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS.

- 8.1 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; over expenditure is noted, justified and provided for timorously.
- 8.2 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 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.
- 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.
- 8.4 All employees have to complete and sign an attendance register/time sheet on a daily basis. Line Managers/Supervisors have to check and sign such attendance registers/time sheets on a weekly basis. Attendance registers/time sheets which are signed/approved by the competent authority must be submitted to the pay office on a monthly basis.

9. COMPENSATION FOR OVERTIME AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS

Qualifying employees may be remunerated either in monetary term with their salaries of the next month or by means of time off in lieu of payment, such time off will be equivalent to the relevant overtime rates.

10. EFFECTIVE DATE

This policy shall come into effect on the date which it was adopted by Council and shall remain in full force and effect until it is reviewed, revoked or amended by Council.

11. ROLES

The policy applies to all employees, with the following exceptions –
- This policy excludes all section 57 employees.

12. RELATED POLICIES/LEGISLATION

Collective Agreement on Conditions of Service for the Western Cape of the SALGBC
Basic Conditions of Employment Act, 75 of 1997 (as amended)



OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI

MEMO

To : Human Resources
From : _____
Date : _____
Subject : Overtime

This form must be completed before overtime work, commence.

An employee and an employer can agree **in writing** that the employee will receive paid time off from work instead of overtime pay. This is sometimes called "banked" time or "time off in lieu." If an employee has agreed to bank overtime hours, he or she must be given 1½ hours of paid time off work for each hour of overtime worked.

Paid time off must be taken within one month of the week in which the overtime was earned or, if the employee agrees in writing, it can be taken within 12 months.

If an employee's job ends before he or she has taken the paid time off, the employee must be paid for all unused banked time. This must be paid no later than seven days after the date the employment ended or on what would have been the employee's next pay day.

Employee's full name: _____

Employee's pay number: _____

Date of overtime: _____ Agreed overtime hours: _____

Reason for overtime worked: _____

The employee will receive payment for overtime worked:

The employee will receive paid time-off for overtime worked:

MANAGER

DATE

EMPLOYEE

DATE

EXTRACT FROM THE COUNCIL MINUTES HELD ON 27 JULY 2015

Item M260. 27.07.2015

**HR (HUMAN RESOURCES) POLICIES (REVIEW)
(Ref.:9/1/B)**

J C P Tesselaar: Director Management Services/CFO

PURPOSE

To seek Council approval for the proposed review of HR policies.

BACKGROUND

Municipalities are required to review HR policies. All proposed policies tabled and discussed at Local Labour Forum.

LEGAL REQUIREMENTS

Annual review of HR policies

ATTACHMENT

Proposed review of the following HR Policies:

- Overtime
- Smoking
- Employee Assistance Program Policy
- Cellular Phones and Data Card Policy
- Dress Code

UNANIMOUSLY RESOLVED: (Proposed by cllr I Sileku and seconded by cllr K Tiemie)

The amended reviewed HR Policies is approved with effect 1 August 2015.

- ▪ Overtime
 - Smoking (Scrap paragraph 4.3)
 - Employee Assistance Program Policy
 - Cellular Phones and Data Card Policy
 - Dress Code