

MSUKALIGWA LOCAL MUNICIPALITY

OVERTIME POLICY

2022-2023



Approved Date: 03 July 2023

Review Date: as when necessary

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PART 1

PURPOSE OF THE POLICY

To provide guidance in the performance of overtime work by Council employees and the remuneration thereof as provided for in the Basic Conditions of Employment Act 1997, (Act No 75 of 1997)

This policy will prescribe the overtime rates to be used to compensate Council employees who performed overtime work

To provide control mechanisms on the performance of overtime by Council employees

PART 2

DEFINITIONS

- Overtime: means the time the employee works during a day of week in excess of the employee's ordinary working hours
- 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 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: refers to planned overtime over which the employer has control that continue or take place after normal working hours and will include Council Committee meetings
- Earnings: means gross pay before deductions
- Wage: means the amount of money paid or payable to an employee in respect of ordinary hours of work.
- Remuneration: means compensation in money or time off for overtime worked
- Deductions: means the deductions required by law namely income tax, pension, medical aid, UIF etc.

PART 3

APPLICATION

- The policy applies to all full time and contract employees (Fixed term contract) employees of Msukaligwa Municipality except those employees earning more than the threshold amount as published by the Department of Labour, unless otherwise agreed
- In the event of any inconsistency between this policy and any National and other Local Government related legislation, such legislation prevails.
- No overtime will be paid for attendance of functions/prize giving etc. by personal invitation except in the cases of compulsory attendance as official representative of Msukaligwa Municipality and provided that such overtime is authorised in advance by the Municipal Manager
- For employees earning above the threshold the employer must enter into an agreement.

PART 4

REPONSIBILITIES

- The employer and employees both have the responsibility to ensure that the whole process surrounding overtime is underlined with fairness, equity, honesty, transparency, integrity and openness
- Each Director is accountable and responsible to constantly monitor and review the provision 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
- It is the responsibility of each Director to keep attendance registers and timesheets, which indicate the starting and ending times in respect of for all employees who qualify for overtime payment
- It is the responsibility of each Director to keep documented records in respect of all staff who qualify for time off and the appropriate application form should be completed by the employee when requesting time off
- The salary office is responsible for the calculation and pay out of overtime worked

- The salary office is responsible to ensure that all payments for overtime is duly authorised by a competent authority and must compare the overtime forms, signatures with the authorization list provided
- The employees who work overtime need to be allocated with the appropriate resources required to perform the overtime work.
- It is the responsibility of the employer to draft a duty roster for standby duties and structured overtime

PART 5

TIME FRAME

- The employee will be granted paid time off within one month of the employee becoming entitled to it
- The taking of time off by an employee will be forfeited if not taken within one month's time but may for operational reasons, be extended to a maximum of six months by the employees Director
- Time-off cannot be en-cashed and upon termination of service this specific leave can also not be en-cashed
- The employer will pay the overtime pay on the employee's normal payday

PART 6

OPERATIONAL REQUIREMENTS

- The employee may not require or permit an employee to work overtime on Sundays or Public Holidays except in accordance with an agreement
- Due to the operational requirements of Msukaligwa Municipality employees will be required to work overtime on certain occasions and emergency situations.

PART 7

EXEMPTIONS

- Section 57 employees. It has been negotiated between the parties that these employees shall be entitled to "time-off" of 120 hours per year in respect of additional hours worked. The calculation of overtime in accordance with this policy shall therefore not apply in respect of Section 57 employees

- Senior Management (Post level 1-3) – These employees may work overtime if required by the employer but they will take time off in lieu of overtime worked
- Any personnel in receipt of regular annual earnings which is more than the earnings threshold determined by the Department of Labour. (As per Annexure A)

PART 8

LIMITATIONS OR CONTROL MEASURES FOR REMUNERATIVE OVERTIME

Responsibility Managers/ Supervisors must ensure that:

- Overtime work is minimized.
- There is adequate control of remunerated overtime duty through both the supervision and control of outputs.
- Overtime remuneration is cost effective and efficient.
- Record of all overtime duties is kept.
- Control register is signed by all employees at the starting and finishing time and controlled by supervisor in charge.
- Funds are available to finance overtime pay.
- All attempts must be made to ensure that only staff that is conversant with the work is utilized for this purpose.
- All overtime work should as far as possible be performed at the employees normal place of work.
- Starting and finishing times should as far as possible coincide with the availability of public transport so as to accommodate staff members who use normal public means of transport.
- Where public transport is not available, Responsibility Manager/supervisor must provide official transport for the overtime exercise.
- The terms of the written agreement (s) must be adhere to.
- The person authorizing the claim forms must be a rank higher than the employee performing the overtime and must ensure accuracy of the attendance registers, claims and written agreements.

8.1 Exceptional Circumstances

The Department acknowledges that there are unique activities that require the services of employees on a daily basis including weekends and public holidays, the non-performance of which may result in serious repercussions and compromise service delivery. Therefore, employees may be compensated for overtime in the following instances:

No	Directorate	Component	Activities
1.	Technical Department	Water and sanitation	Attending Households and emergency break down after normal working hours eg sewer spillages and blasted water and sewer pipe
2.	Technical Department	Electricity	Attending Households and emergency break down after the normal working hours e.g. digging of underground and fixing of overhead cables, and locating transformers faults.

PART 9

OVERTIME WORKED DURING THE WEEK

All employees including temporary appointed staff will be:

- Paid one and one-half times the employee's normal wage for overtime worked

OR

- Paid not less than the employee's normal wage for overtime worked and be granted at least 30 minutes time off in lieu of payment for overtime on full pay for every hour of overtime worked

OR

- Granted at least 90 minutes paid off in lieu of payment for overtime for each hours of overtime worked during the week (Monday – Friday)

PART 10

OVERTIME WORKED ON SATURDAYS

Employees, who normally work a five day week, will be:

- Paid one and one-half times the employee's normal wage for overtime worked

OR

- Paid not less than the employee's normal wage for overtime worked and be granted at least 30 minutes time off in lieu of payment for overtime on full pay for every hour of overtime worked

OR

- Granted at least 90 minutes paid off in lieu of payment for overtime for each hours of overtime worked during the week (Monday – Friday)

PART 11

OVERTIME WORKED ON SUNDAYS

Employees, who normally work a five day week, will be:

- Paid double the employee's normal wage for overtime worked excluding employees who work shifts in an emergency services department. Such employees will be paid 1½ times for Sunday work

OR

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- Paid not less than the employee's normal wage for overtime worked and be granted at least 60 minutes time off in lieu of payment for overtime on full pay for every hour of overtime worked

OR

- Granted at least 120- minutes paid off in lieu of payment for overtime for each hours of overtime worked during the week (Monday – Friday)

If an employee works less than the employee's ordinary shift on a Sunday and the payment that the employee is entitled to is less than the employee's ordinary daily wage, the employer must pay the employee the employee's ordinary daily wage.

If a shift worked by an employee falls on a Sunday and another day, the whole shift is deemed to have been worked on the Sunday unless the greater portion of the shift was worked on the other day in which case the whole shift is deemed to have been worked on the other day

PART 12

OVERTIME WORKED ON PUBLIC HOLIDAYS

Employees, who normally work a five day week, will be:

- Paid double the employee's normal wage for overtime worked

OR

- Paid not less than the employee's normal wage for overtime worked and be granted at least 60 minutes time off on full pay for every hour of overtime worked

OR

- Granted at least 120- minutes paid off for each hours of overtime worked during the week (i.e. Monday – Friday)

PART 13

ESSENTIAL SERVICES

An application for exemption shall be forwarded to the Department of Labour for all essential services employees regarding payment of overtime in the event that the limit of overtime hours is exceeded

PART 14

Authority



**MR M KUNENE
MUNICIPAL MANAGER**

03 July 23
DATE