



**JB MARKS LOCAL MUNICIPALITY**

**MUNICIPALITY**

**“DRAFT”**

**OVERTIME POLICY**

**JANUARY 2020**

**Approved by Council per item xxxxxxxx**

\_\_\_\_\_  
MUNICIPAL MANAGER

\_\_\_\_\_  
DATE

# OVERTIME POLICY

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## 1. Purpose of the Policy

The purpose of this policy is to provide the guidelines regarding the overtime for employees of JB Marks Local Municipality.

It is the purpose of this policy to enhance productivity and promote efficiency by providing working time responsive to the municipality's needs, as well as to ease the work of the Human Resource Unit by providing measures according to duties they perform in excess of their hours of attendance.

## 2. Policy Objectives and scope

The working of overtime is subject to very strict control measures and therefore only staff in a supervisory capacity who has been given written permission by his/her senior manager, shall be entitled to approve the performance of any overtime by subordinates. An authorisation shall be withdrawn in any suspected case of irregular or misuse thereof, without having to be given reasons for such withdrawal.

## 3. Definitions

**3.1 Overtime:** means the time that the employee works during the day or week in excess of his/her ordinary hours of work.

**3.2 Emergency overtime:** means work that must be done without delay because of circumstances for which an employer could not reasonably have 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.

**3.3 Structured overtime:** is defined as programmed or planned by an employer, council committees and officials meeting of which minutes are to be kept, that continues or routine after normal working hours

**3.4 Earnings:** refers to the basic salary for the post according to the SALGBC Wage Curve Collective Agreement

**3.5 Threshold Earnings:** refer to the regular annual remuneration of an employee before deductions such as income tax, pension, and medical payments, but excluding similar contributions made by the employer, subsistence and transport allowances, achievement awards and intermittent

(unrepeated) payments for occasional overtime.

#### **4. Legal Framework**

- Basic Conditions of Employment Act No. 75 of 1997
- Labour Relations Act No. 65 of 1995
- South African Local Government Collective Agreement on Conditions of Service.
- Conditions of Service for North Division
- Local Government Regulation 21, Gazette 37245 on the appointment and Conditions of Service for Senior Managers.

#### **5. Target Audience**

5.1 This policy applies to all municipal employees that qualify for overtime

#### **6. General Policy Provision**

##### **6.1 Emergency overtime**

6.1.1 An employee may, for emergency be required to work overtime and any employee appointed into the service must accept it as part of his/her contract to this effect with council.

6.1.2 An employee may be required and allowed to work overtime for emergency purpose with the explicit approval of his/her appointed supervisor

6.1.3 The supervisor shall however, records such approval at their respective offices, without delay where proper record of the call out time and the completion time of the job shall be recorded in a log sheet.

6.1.4 Written standing approval may, however, be granted by the relevant Senior Manager where justified by operational requirements.

6.1.5 In the event of emergencies and where prior approval could not be obtained, approval to be obtained within 48 hours.

##### **6.2 Overtime Payment Approval**

6.2.1 Only a Senior Manager or his/her assignees may approve overtime payment.

6.2.2 A full day's work (normal working hours and lunch break of at least

thirty (30) minutes must first be worked before such employee is eligible for overtime.

### **6.3 Structured Overtime**

An employee may be required by the Senior Manager or his/her assignee to work structured overtime as part of his/her contract of service.

### **6.4 Payments**

Employee earning than the overtime threshold shall be given time off (in terms of the Basic Conditions of Employment Act) in lieu of structured overtime worked, subject to the further provision of this policy.

- a. The senior manager or his/her assignee and the employer involved, shall come to a prior agreement on the time off arrangements.
- b. Employers earning less than the overtime earning threshold, shall subject to the further provisions of this policy, be remunerated on the prescribed basis for structured overtime worked or be given time off in lieu of overtime worked if so agreed.
- c. Written standing approval may be granted where assignee justified by operational requirements, by the relevant senior manager or his/her.
- d. Only senior manager or his/her assignee may approve structured overtime payment for his/her department
- e. A full day's work (normal hours and a lunch of at least 30 minutes) must first be worked before such employee is eligible for overtime.
- f. An employee may not be required or allowed to work for a long period overtime that prescribed by the Basic Conditions of Employment Act.

### **6.5 Time off in lieu of overtime**

Application for leave/time off in lieu of overtime shall be done on a prescribed application form.

- a. Leave/time off in lieu of overtime cannot be encashed.
- b. Leave in lieu of overtime will lapse if not taken within two (2) months, however, this may be extended to six (6) months by the municipal manager (or his/her

nominees) provided that an applicant for such extension is lodged within the said the two (2) months period.

## **6.6 Overtime work on public holidays**

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

## **6.7 Overtime work on a Sunday**

Payment or time off to eligible employee for overtime work on a Sunday be dealt with in terms of the BCEA.

## **7. Period for overtime work**

An employee shall only be allowed to work overtime duty of:

- a. Three (3) hours overtime a day or
- b. Ten (10) hours per week

## **8. Roles and Responsibilities**

### **8.1 Managers**

- a. Line managers and supervisors shall determine the need for working overtime
- b. Line managers and supervisors shall ensure fair and equitable administration of remunerated overtime
- c. Line managers and supervisors shall ensure that there's supervision and control during the performance of the remunerative overtime
- d. Request for remunerated overtime will be evaluated individually and be considered as a last resort only.
- e. Managers should always lodge application for employees to work overtime timeously to the senior manager/municipal manager.
- f. Managers must ensure that overtime worked is for advancement of service delivery as outlined on the Integrated Development Plan (IDP)
- g. Managers are expected to manage and control employees leave in an effective and efficient manner, so as to avoid inconsistencies in the application of this policy.

## 8.2 Employee

- a. Employee shall ensure that overtime is utilised responsibly and with due regards for the advancement of service delivery as outlined on the Integrated Development Plan (IDP) of the municipality.
- b. Employees must comply with the requirements set out in their policy to have monetary compensation for overtime work as authorised.
- c. Employees in the senior management shall not be compensated for overtime worked.

## 8.3 Human Resource Management Unit

The Human Resource Unit shall control all remunerative functions of overtime which inter-alia includes the following to:

- a. Evaluate request for remuneration of overtime in an equitable and non-prejudicial manner.
- b. Verify the entire requests and ensure compliance with the policy.
- c. Develop other effective mechanism of administering overtime
- d. Deal with all the necessary authorisations.
- e. The overtime can only be approved if the necessary funds are available
- f. Approval granted in this regard shall be valid for a period one one (1) month.
- g. The approval shall be granted by the senior manager and must in all instances be in writing.
- h. The overtime duty shall only be authorised during busy periods and when the workload warrants it.
- i. The records for all overtime worked shall be kept safely.
- j. The attendance/shift register shall be kept safely.
- k. Overtime duty shall not be used to the extent that the quality and quantity of the work performed during the normal working hours is adversely and negatively affected.
- l. In case where the total of overtime within a team or section exceed 40 hours each month, Human Resource Unit together with the senior manager must look in the possibility of **introducing shift system** or

**creating more positions.**

- m. If an employee claims hours exceeding what is prescribed in the BCEA, the employer will not be obliged to pay the overtime in excess.

#### **8.4 Remuneration Management Unit**

The Remuneration Management Unit shall:

- a. Ensure the necessary implementation of the Payday system
- b. Maintain accurate and up-to-date records of employee remunerated overtime.
- c. Respond effectively to queries raised by Human Resource Unit.

#### **8.5 Senior Manager**

The senior manager shall be responsible for the monitoring and evaluating compliances and adherences to this policy and any amendments thereto.

#### **8.6 Management**

Management shall effectively manage and confine the activities of the municipality mainly to normal working hours to effectively limit the expenditure regarding overtime.

### **9. Sunday work and Public Holidays**

9.1 Sunday work shall be paid double the normal rate of each hour worked.

9.2 In instances where the greater part of the shift falls on Sunday or public holiday, the whole part of the shift shall be deemed to be Sunday.

### **10 Stand-by and Stand-by Allowance**

10.1 When an employee by resolution of the municipality makes him/her available on a stand-by basis for active overtime service outside normal working hours, the employee shall also be entitled to a stand-by time allowance as determined by the conditions of service from time to time.

10.2 A pre-approval and standby schedule has to be submitted to HR Unit before stand-by is worked.

10.3 Being on a stand-by does not necessarily mean that one is automatically



going to work overtime.

10.4 An employee on a stand-by duty when he/she is called out to perform actual work shall be paid the appropriate tariff as determined by Collective Agreement from time to time

10.5 No stand-by payment that will be effective without pre-approval

10.6 When an employee by resolution of the municipality makes him/herself available on a stand-by basis for active overtime service outside normal working hours, the employee shall also be entitled to a stand-by allowance calculated on an appropriate tariff

10.7 An employee on a stand-by duty when he/she is called out to perform actual work shall be paid at the appropriate tariff as determined by Collective Agreement from time to time.

10.8 There will be no stand-by payment that will be effective without pre-approval

10.9 Overtime for the purpose of coordinating and facilitating of activities of Council including the deploying of resources such as public address system, Agendas may be allowed on Sunday and public holidays provided that the overtime for those activities in accordance with public participation program of Council and prior approval is obtained from the relevant senior manager.

10.10 The municipal manager is mandated to approve and or recall exemptions if and when necessary.

10.11 Request for exemption shall be submitted to the municipal manager in advance and must include a list of employees required to work overtime as well as relevant motivations.

10.12 The following three (3) categories are exempted from forty (40) hour threshold and to work up 15 hours per week which is 60 hours per month and be remunerated in terms of section 10 of the BCEA of 1997.

- a. Fire and Rescue Services, rank of Leading Fire Fighter and lower
- b. Storm-water from Foreman and lower
- c. Water and sanitation from Team leader and lower
- d. Traffic Law enforcement, rank of Superintendent: Law enforcement and lower.

10.13 All other principles and procedures of the overtime policy remain in place for the above exempted Job categories and must be adhered to at all

times.

10.14 Prior approval of Emergency calls is not necessary but approval form shall contain the following additional motivation and detail:

- a. Incident
- b. Date
- c. Time
- d. Employee on stand-by or not, if not reason why he/she was called out
- e. Duration of call out

### **11. Amendments**

All amendments shall be effected by Council Resolution.

### **12. Review**

This policy shall be subjected to the review process after twelve (12) months of process or if and when there is a need for review. It shall remain operational even in the review process.

**This Policy shall commence on the date of approval by Council and may only be amended by a majority decision of Council.**

**Date of Council Approval** : \_\_\_\_\_

**Council Resolution Number** : \_\_\_\_\_

**Signed by Municipal Manager** : \_\_\_\_\_

**Date** : \_\_\_\_\_