



# OVERTIME POLICY

## **PART 1**

### **PREAMBLE**

- Whereas to provide a framework and guideline for the implementation and maintenance of overtime worked and the remuneration thereof.
- Whereas this document describes the overtime rates to be used to compensate council employees who performed overtime work.
- Whereas to provide control mechanism on the performance of overtime by council employees.

Therefore, the Kai !Garib Local Municipality hereby adopts this policy to give effect to the implementation of the overtime policy.

## **PART 2**

### **DEFINITIONS**

In this policy unless the context indicates otherwise-

**“Deductions”** means income tax, pension, medical fund etc.

**“Earnings”** means gross pay before deductions;

**“Overtime”** means the time that a qualifying employee works during a day or a week in excess of the ordinary hours of work;

**“Remuneration”** compensation in money or time off for overtime worked.

**“Wage”** means the amount of money paid or payable to an employee in respect of ordinary hours of work.

**“Overtime Approval Committee”** a committee comprising the following members;

- Representative from Finance management
- Representative from salary section
- All applicable managers
- All applicable supervisors

## **PART 3**

### **OBJECTIVES OF THE POLICY**

To provide guidance in the performance of overtime work by council employees as provided for in the Basic Conditions of Employment Act (Act no. 75 of 1997).

## **PART 4**

### **POLICY APPLICATION**

The policy applies to all full-time employee of the municipality except those employees excluded by earning more than the threshold amount as published by the Minister of Labour, unless otherwise agreed.

## **PART 5**

### **BASIC POLICY REQUIREMENTS**

The following are the basic policy requirements that must be followed to enable council employee to perform overtime work. Responsibilities

- Every manager/divisional manager has the responsibility for the implementation, maintenance and management of the overtime system.
- The salary office is responsible for the calculation and pay out of overtime worked.
- Designated managers and supervisors are responsible for co-ordinating and controlling system implementation and maintenance at operational level.

### **Principles**

Employees may not work overtime except in accordance with an agreement signed with the municipality.

### **Limitations**

If an employee agrees to work overtime, the employee may not work:

- Overtime except in accordance with an agreement
- More than 15 hours overtime per week
- More than 3 hours per day.

### **Prior Approval**

No employee will be remunerated for overtime work unless such overtime has been,

1. budgeted for,
2. and authorized by the Overtime Approval Committee sitting weekly,
3. and Municipal Manager where overtime hours exceed the limited 15 hours per week or 3 hours per day, or required in terms of a work schedule. (Emergency situation)

### **Remuneration**

Employees will be:

- ❖ Paid one and one-half times the employee's ordinary wage for overtime worked, or
- ❖ Paid not less than the employee's ordinary wage for overtime worked and be granted at least 30 minutes' time off on full pay for every hour of overtime worked, or
- ❖ Granted at least 90 minutes' paid time off for each hour of overtime worked, during working days.

### **Time Frame**

- ❖ The employee will be granted paid time off within three months of the employee becoming entitled to it.
- ❖ The employer will pay the overtime pay on the employee's normal payday.

### **Operational Requirements**

- ❖ Due to the business and operational requirements of the municipality, employees will be required to work overtime on certain occasions.

- ❖ The employer may not require or permit an employee to work overtime on Sundays or Public Holidays except in accordance with an agreement.

### **Overtime worked on Saturdays**

Employees who normally work a five day week will be:

- ❖ Paid one and one-half times the employee's wage for overtime worked, or
- ❖ Paid not less than the employee's ordinary wage for overtime worked and be granted at least 30 minutes time off on full pay for every hour of overtime worked, or
- ❖ Granted at least 90 minutes' paid time off for each hour of overtime worked, during the week (Monday – Friday).

### **Overtime worked on Sundays**

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

- ❖ Paid double the employee's ordinary wage for overtime worked, or
- ❖ Paid not less than the employee's ordinary 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 time off for each hour of overtime worked during the week (Monday – Friday).

### **Overtime worked on public Holidays**

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

- ❖ Paid double the employee's ordinary wage for overtime worked, or
- ❖ Paid not less than the employee's ordinary 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 time off for each hour of overtime worked during the week (i.e. Monday – Friday).

### **Exemptions**

Top Management, Section 57, Senior Management (post level 1-3), Senior Managerial (post level 4-6) and administrative personnel, technical and professional personnel, if in receipt of a regular annual earnings of not less than the amount per annum as regulated by Government Gazette from time to time regarding the earnings threshold are exempted from this policy.

## **PART 6**

### **POLICY NORMS, VALUES AND PRINCIPLES**

- The whole process must be underpinned by among others, the following fairness, equity, honesty, transparency, qualitative, openness, unbiasedness and qualitative.
- The following statutes shall form the basis of the municipality's training and development policy:
  - Municipal Finance Management Act, no. 56 of 2003
  - Basic conditions of Employment Act no. 75 of 1997.
  - Labour Relations Act no. 66 of 1995.

- Occupational Health and Safety Act no. 85 of 1993.
- Municipal Systems Act, no. 32 of 2000
- Municipal Structures Act, no. 117 of 19998

## **PART 7**

### **BENEFICIARY POLICY TARGET**

Council employees are the beneficiary policy targets.

## **PART 8**

### **POLICY IMPLEMENTATION AUTHORITY**

Corporate Services Department through Human Resources Division.

## **PART 9**

### **POLICY ADVISORY AUTHORITY**

To be in line with principle of checks and balances, as provided for by the Kai !Garib Human Resource Unit.

## **PART 10**

### **POLICY AUTHORISATION AUTHORITY**

The Executive Committee of Council will remain the principal source of authority.

## **PART 11**

### **POLICY MONITORING AUTHORITY**

The Portfolio Committee Governance and Administration

## **PART 12**

### **POLICY COMMENCEMENT**

The policy takes effect on the date approved by Council.

## **PART 13**

### **POLICY AMENDMENT**

The majority members of the Council may only amend the policy.

**PART 14**

**SHORT TITLE**

The policy is called the Kai !Garib Local Municipality overtime policy.

**PART 15 CODE OF CONDUCT**

- All councillors shall abide by schedule 1 of the Local Government: Municipal System Act no 32 of 2000.
- All council employees shall abide by schedule 2 of the Local Government: Municipal System Act no 32 of 2000.

**PART 16**

**ANNEXURES**

Any separate but relevant information that may be made available from time to time will be annexed into this policy and forms part of the integral policy.

**PART 17**

**INTERPRETATION**

In the event of any inconsistency between this policy and any National and other Local Government related legislation, such legislations prevail.

**PART 18**

**TRANSITIONAL ARRANGEMENTS**

Anything which has been done in terms of any other policy prior to this one, and which may be done in terms of this policy, must be regarded as having been done in terms of this policy.

<b>DOCUMENT APPROVAL</b>				
<b>Policy Review Date</b>	<b>Council Resolution No</b>	<b>Date</b>	<b>Effective Date</b>	<b>Chairman signature</b>

