

WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY



OVERTIME POLICY

Approved by the COUNCIL on:

13 May 2022

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1. PREAMBLE

- 1.1. The Basic Conditions of Employment Act (BCEA) provides for the treatment of overtime for employees who earn below the “earnings threshold” in accordance with the ministerial determination as published from time to time. Winnie Madikizela Mandela Winnie Madikizela Mandela Local Municipality is therefore legally bound to recognise and reward employees earning below the earnings threshold strictly in terms of the provisions of the BCEA.

2. DEFINITIONS

- 2.1. **Overtime:** means the time the employee works during a day or a week in excess of the employee’s ordinary hours of work.
- 2.2. **Emergency work:** refers to work that must be done without delay because of circumstances for which the employer could not reasonable 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.
- 2.3. **Structured overtime:** means defined as programmed/planned overtime over which the employer has control (including Winnie Madikizela Mandela Municipality, Committee and official meetings which minutes have been kept) that continue or take place after normal working hours;
- 2.4. **Earnings:** means the retirement funding income or the basic salary for the post whichever is applicable.
- 2.5. **Threshold Earnings:** means 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 payments for occasional overtime.
- 2.6. **Emergency Personnel:** Means any persons paid or Volunteer who receive calls for dispatch of police, fire or emergency medical services personnel, and Includes law-enforcement including special traffic wardens designated pursuit.
- 2.7. **Short time:** means a temporary reduction in the number of ordinary hours of work owing to reasons including slackness of trade , shortage of raw material, vagaries of weather breakdown of plant machinery of building that are unfit for use or is in danger of becoming fit for use.
- 2.8. **Night work:** means work performed after 18h00 and before 06h00 the next day.

3. LEGAL FRAMEWORK

- 3.1. Basic Conditions of Employment Act 11 of 2002
- 3.2. The Main Collective Agreement entered into between the parties at the South African Local Government Bargaining Council (SALGBC);
- 3.3. Labour Relations Act, 66 of 1995

4. OBJECTIVES OF THE POLICY

- 4.1. To conform to the determination of earnings threshold as issued by the Minister of Labour in terms of Regulation Gazette as updated;
- 4.2. To ensure uniform application of conditions related to overtime for all employees of Winnie Madikizela Mandela Municipality;
- 4.3. To set the regulated period for overtime which could be performed in a month by an employee; and
- 4.4. To set the standard for control and administration of overtime.

5. SCOPE OF THE POLICY

- 5.1. This policy is applicable to permanent employees earning below the threshold as determined by the Minister of Labour in terms of section 6(3) of the Basic Conditions of Employment Act through a regulation gazette from time to time.
- 5.2. Employees appointed in terms of Section 56 of the Municipal Systems Act (Act 32 of 2000), and line managers are excluded from the application of this policy,
- 5.3. Contract, EPWP Casual workers and employees working less than 24 hours are excluded from the policy.
- 5.4. Emergency and security personnel are exempted from the terms and conditions of this policy even if their earnings are above the threshold as per Section 4.1 above.

6. ADMINISTRATION

- 6.1. Overtime work is subject to prior written approval by the HOD and no overtime may be worked without such written approval being obtained, except in cases of work related to emergency situation.

- 6.2. For emergency overtime, the HOD may give verbal approval to the working of such overtime provided such approval be followed up with written confirmation. Written standing approval may be granted where justified by operational requirements.
- 6.3. No Overtime will be paid for attendance of function e.g. price giving, by personal invitation except in cases of compulsory attendance as official representative of Winnie Madikizela Mandela Municipality, provided that such employee qualifies for Overtime in terms of this policy and provided further that such Overtime is authorised in advance by the Municipal Manager.
- 6.4. No employee shall be permitted to perform overtime for a period exceeding 3 hours during any working day and/or 10 hours during any working week, unless it would be in the best interest of Council to complete the given task. The exceeding of the stipulated period shall not be done without the prior approval of the Municipal Manager or his/her delegate.
- 6.5. Overtime only commence after completion of ordinary daily or weekly working hours;
- 6.6. Overtime can only be claimed for actual hours worked and exclude travelling time from home to the place of work.
- 6.7. No Overtime can be claimed should employee work short time on a specific day. A full day's work (normal working hours and lunch break at least 30 minutes must first be worked before such employee is illegible for Overtime.

7. PAYMENT OF OVERTIME

- 7.1. Where overtime is worked by an employee earning below the earnings threshold of the BCEA and such an employee elects to take time-off in lieu of payment for overtime worked, such employee will be granted paid time off, calculated at 1,5 times the number of hours worked by the employee.
- 7.2. For the work performed as overtime on a Sunday or Public Holiday an employee shall be compensated at double his/her hourly wage determined as per the formula mentioned herein under:

$$\text{Hourly wage} = \text{annual salary}/12/21.67/8$$

- 7.3. Night work should be performed and remuneration as determined by Section 17 of the BCEA
 - 7.3.1 In this section An Employer may only require or permit an employee to perform night work, if so agreed, and if-
 - (a) the employee is compensated by the payment of an allowance , or by a reduction of working hours; and

(b) transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's shift.

7.3.2 An Employer who requires an employee to perform work on a regular basis after 23:00 and before 06:00 the next day must -

(a) inform the employee in writing, or orally if the employee is not able to understand a written communication, in a language that the employee understands-

(i) of any health and safety hazards associated with the work that the employee is required to perform; and

(ii) of the employee's right to undergo a medical examination in terms of paragraph (b);

(b) at the request of the employee, enable the employee to undergo a medical examination, for the account of the employer, concerning those hazards-

(i) the employee suffers from a health condition associated with the performance of night work; and

(ii) It is practicable for the employer to do so.

7.3.3 for the purpose of subsection (2), an employee work on a regular basis if the employee works for a period of longer than one hour after 23:00 and before 06:00 at least five times per month or 50 times per year.

7.3.4 The minister may, after consulting the Commission, make regulations relating to the conduct of medical examinations for employees who perform night work.

7.4. All employees overtime should not exceed 30% of their basic salary, if happens the Head of Department and Chief Financial Officer should be informed prior to the payment.

7.5. Claim for payment of overtime shall be submitted in a form prescribed by Council on or before the submission of exceptions deadline 6-. The immediate supervisor of an employee who has performed such overtime shall ensure that such claims are signed by the relevant authority prior to submission to the salaries section.

8. TIME OFF IN – LIEU OF OVERTIME

8.1. Leave /time off in lieu of overtime be granted only for structured and approved overtime

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

8.3. Leave in lieu of overtime will be forfeited if not taken within 1 month provided that the time within which leave in lieu of overtime should be taken before it is forfeited, may for operational reasons be extended to a maximum of 12 months by Municipal Manager (or his/her nominee)

8.4. Employees working on Sunday and Public holidays shall be paid double in time off.

9. PUBLIC HOLIDAYS

9.1. Working on public holidays must be of agreement only

9.2. Workers must be paid double the normal wage for working on a public holiday with in terms of the Basic Conditions of Employment Act 75 (1997) as amended.

9.3. Public holiday cannot be counted as annual leave or sick leave, this means that the public holiday hours will not be taken away from the employee's amount of built up paid leave

10. ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OVERTIME

10.1. It is the responsibility of each Head of Department to authorise overtime for his/her staff, Heads of departments must ensure that there is available budget for overtime.

10.2. The employee earning over the threshold amount must approach the employer, negotiate and reach agreement on how many normal hours and overtime work will be required from the employee. Once this has been established the parties must agree on remuneration for the overtime worked. Such remuneration may be less than the minimum prescribed by the Act or as per the discretion of the Municipal Manager.

10.3. The pay office or any other body or person authorising overtime payment is responsible to ensure that all payments for overtime are duly authorised by a competent authority. The pay office is specifically responsible to compare the overtime forms signatures with the authorization list provided.

10.4. Attendance registers/time sheets, which should indicate starting and ending times, must be kept for 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.

10.5. Overtime worked must be reflected on the employees attendance register/time sheet. Line managers and /or supervisors are responsible to monitor and sign attendance register/time sheets on a monthly/weekly basis.

10.6. Employees who work over time need to be allocated with the appropriate resources required to perform overtime work.

10.7. The department concerned must submit the information for overtime claim sheet on monthly basis to the Human Resources Section in the Corporate Services before the submission deadline

date of all payroll exceptions , overtime sheet submitted after the deadline will be paid on the following month.

11. ENFORCEMENT

- 11.1. The duty of the enforcement of this policy lies with the Municipal Manager. Delegation of any duty to this policy does not exonerate the Municipal Manager from the overall responsibilities of this policy.
- 11.2. This policy shall come into effect on the date determined by the Winnie Madikizela Mandela Local municipality
- 11.3. Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 11.4. It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

12. INTERPRETATION OF THIS POLICY

- 12.1. All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 12.2. Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 12.3. The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute. If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ or Arbitration.

13. POLICY REVIEW AND REPORT

- 13.1. The policy document shall be reviewed annually and/or when deemed necessary especially if there is a change in Collective agreement or legislation and submitted as part of the budget approval process.

Signed on the 22 day of 06 2022


MUNICIPAL MANAGER



ANNEXURE 1

OVERTIME CLAIM FORM

WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY

Name of employee: Employee code:

Designation: Name of supervisor:

Total hours worked per month:

Day of the week	Date	From	Overtime To	1.5 X Normal Salary – Weekday & Saturday	2.0 X Normal salary Sunday/Public Holiday
WEEK 1					
Mon					
Tues					
Wed					
Thurs					
Frid					
Sat					
Sun					
WEEK 2					
Mon					
Tues					
Wed					
Thurs					
Frid					
Sat					
Sun					
WEEK 3					
Mon					
Tues					
Wed					
Thurs					
Frid					
Sat					
Sun					
WEEK 4					
Mon					
Tues					
Wed					
Thurs					

Frid					
Sat					
Sun					

Claimant signature:

Approved / Not Approved

Supervisor's signature:

Senior Manager:

