
ELIAS MOTSOLEDI LOCAL MUNICIPALITY-MASEPALA WA SELEGAE



OVERTIME POLICY

MUNICIPAL COUNCIL RESOLUTION NUMBER

C18/19-10

APPROVED AT THE 3RD SPECIAL COUNCIL SITTING OF 28TH AUGUST 2018

Table of Contents

	<i>Page</i>
1. PREAMBLE	3
2. DEFINITIONS	3
3. LEGAL FRAMEWORK	3
4. SCOPE AND APPLICATION	3
5. POLICY OBJECTIVES	3
6. POLICY CONTENT	4
6.1. Remunerated overtime	
6.2. Calculation of overtime payment	
6.3. Conditions for remunerated overtime	
6.4. Time off for emergency work	
6.5. Authorisation for remunerated overtime	
6.6. Control measures for remunerated overtime	
6.7. Administrative procedures	
7. IMPLEMENTATION AND MONITORING	7
8. COMMUNICATION	7
9. POLICY REVIEW	7
10. BUDGET AND RESOURCES	7
11. ROLES AND RESPONSIBILITIES	8
12. NON-COMPLIANCE	8
13. DISPUTE RESOLUTION	8
14. EFFECTIVE DATE	8
15. SIGNATORIES	8

1. PREAMBLE

The Elias Motsoaledi Local Municipality (hereinafter referred to as the “EMLM”) recognises that overtime work is regulated by law. The Municipality believes that this Policy sets out to mitigate risks of non-compliance with the applicable regulatory framework and laws and manage overtime work in a manner that is efficient and effective based on democratic values, fair labour practices and fundamental human rights. For EMLM) acknowledges that overtime work is a necessary element of service delivery and thereby makes necessary arrangements for employees to access the benefit. This Policy does not take precedence over applicable collective agreement which may be in force at the time of its approval.

2. DEFINITIONS

All terminology used in this Policy shall bear the same meaning as in the applicable legislation and the South African Local Government Bargaining Council (SALGBC) Collective Agreements.

3. LEGAL FRAMEWORK

- Local Government: Municipal Systems Act 32 of 2000;
- Local Government: Municipal Structures Act 117 of 1998;
- Local Government: Municipal Finance Management Act 56 of 2003;
- Basic Conditions of Employment Act 75 of 1997;
- Labour Relations Act 66 of 1995;
- Elias Motsoaledi Local Municipality - Delegations of Authority; and
- South African Local Government Bargaining Council (SALGBC) Collective Agreements.

4. SCOPE AND APPLICATION

The Policy is applicable to all employees of the Municipality (EMLM) with the exception of the senior managers and employees who work shifts in terms of their employment contracts. The provisions governing overtime as regulated by the Basic Conditions of Employment Act 75 of 1997 South African Local Government Bargaining Council (SALGBC) Collective Agreements shall apply. Emergency work shall be regarded as overtime and shall not require prior consent. Notwithstanding the above mentioned, in terms of Clause 8.2 of the SALGBC Collective Agreement on Conditions of Service for the Limpopo Division, the limitations as set by the Basic Conditions of Employment Act 75 of 1997 “... *shall not apply to emergency work*”.

5. POLICY OBJECTIVES

The objectives of this Policy are:

- to regulate overtime work;
- to ensure that overtime work is preauthorised, except in exceptional circumstances of emergency;
- to ensure that overtime work is in compliance with relevant applicable legislation.

6. POLICY CONTENT

6.1. Remunerated overtime

This is duty in excess of the prescribed hours of attendance. Remunerated overtime is therefore calculated based on hours worked in excess of prescribed hours of attendance. Duty performed by an employee during a period of leave is not considered for purposes of the payment of remunerated overtime.

6.2. Calculation of overtime payment

The rate for the purpose of remunerated overtime has been determined as one third times his / her hourly wage. The remuneration paid on weekends to an employee for overtime work is calculated by multiplying the total number of hours the overtime work is performed by the overtime rate. The overtime rates shall be determined as follows:

Normal Time: When an employee is required to perform official duties for more hours than his / her normal working hours during any week day.

Double Time: Any time worked on Sunday or Public Holiday by an employee, who does not ordinarily work on Sunday or Public Holiday, is calculated as overtime as well as overtime performed between 20h00 hours and 06h00 hours.

6.3. Conditions for remunerated overtime

Overtime work may be authorised for eligible employees in the Municipality on the following conditions:

- Employees shall not be required or permitted to work overtime for period exceeding:
 - ✓ Ten (10) hours in a week; and
 - ✓ Three (3) hours on any working day.
- No employee may perform overtime before the relevant person who has the authority in accordance with the office delegations to do so, has granted the necessary approval in writing.
- An employee's monthly compensation for overtime should not exceed thirty per cent (30%) of the employee's gross monthly salary.
- In cases where the monthly overtime compensation exceeds the above limits, the

Departmental Head where overtime is performed may grant the employee time-off or special leave in lieu of overtime, granted based on one hour for every excess hour worked. Time-off or leave in lieu of overtime can be taken and/or granted for purposes of activities of a registered trade union.

- An employee performing overtime duty is not compensated for travelling time. Overtime should be arranged in such a manner that the start and end times coincide with the times during which public or other alternative transport is available.
- If an employee performs authorised overtime duty at a place other than his / her normal place of work, the travelling time between the two places shall be regarded as overtime duty.
- Remunerated overtime may not be approved for a continuous period of more than four months.
- An employee cannot do overtime as per conditions below, unless in cases where circumstances prevent the employee to meet these conditions and the relevant Departmental Head has ensured that such circumstances are brought to the Manager Human Resources when a claim form for these hours is submitted. The Municipal Manager will then be approached to approve the deviation from these conditions:
 - ✓ If an employee did not book overtime duty on a Saturday, the employee will not be allowed to book overtime duty for Sunday.
 - ✓ If an employee took vacation, sick or special leave on a Friday, that employee shall not be allowed to book overtime duty for either the Saturday or Sunday.
 - ✓ If an employee did not start overtime duty immediately following normal knockoff time during the week.

6.4. Time off for emergency work

- In terms of Clause 6.3 of the SALGBC Collective Agreement on Conditions of Service for the Limpopo Division, emergency work means an unexpected emergency owing to circumstances for which an employer would not normally have made provision for and which should be done immediately.
- In cases where employees are expected to perform overtime duty before approval is obtained due to circumstances beyond the Municipality's control; such duty shall for the purpose of this policy be viewed as emergency work.
- In such cases employees must be granted time off in respect of the first day that such overtime duty was performed prior to obtaining approval.

- The time off will be granted on the basis of one hour for every excess hour worked. Departmental Heads will be responsible for managing of these hours.

6.5. Authorisation for remunerated overtime

- Authorisation for remunerated overtime duty shall be in accordance with the office delegations.
- The following information should be provided when an application for overtime is submitted for approval:
 - ✓ Circumstances that necessitated the performance of the overtime duty.
 - ✓ Steps, taken to prevent performance of overtime duty such as redistribution of duties among employees or temporary utilisation of employees.
 - ✓ Information on any voluntary unpaid overtime duty performed by employees with regard to the task in respect of which remunerated overtime duty is performed and about general work in the department.
 - ✓ Clearly defined and measurable outputs for the overtime work in respect of every individual employee for which overtime is requested.
 - ✓ Names and ranks of employees who will be required to perform overtime duty.
 - ✓ Duration of the overtime duty.
 - ✓ Estimated expenditure and total hours on the planned overtime duty, as well as clear differentiation between normal and double-time, indicating the amount that will be needed next to each of the above-mentioned.
 - ✓ If the performance of overtime is aimed at the completion of work, which has fallen in arrears, an investigation of the circumstances should be done before overtime is authorised.
 - ✓ Specific indication about the responsible manager who would supervise the remunerated overtime, if authorised.

6.6. Control measures for remunerated overtime

It is the responsibility of Departmental Heads to ensure that:

- There is adequate supervision and control measures at all times during the performance of remunerated overtime duty.
- Remunerated overtime is not performed for a continuous period of more than four months.

- Overtime remuneration is efficient and cost effective.
- Record of all overtime duty is kept.
- When the overtime claim is submitted for payment, the output produced during the period covered by the claim form is clearly provided.
- All claim forms and a copy of overtime authorisation should be submitted to the Manager Human Resources instead of directly to the Chief Financial Officer.

6.7. Administrative procedures

- A request for remunerated overtime must be approved by the Departmental Head before submission to Manager Human Resources for further processing.
- All claim forms for approved remunerated overtime duty must be submitted to the Manager Human Resources to certify that all information provided, is correct as well as to place a copy of the overtime claim on the employee's personal file for record purposes.

7. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once approved by the Council.

8. COMMUNICATION

This Policy will be communicated to all employees using the full range of communication methods available to the Municipality.

9. POLICY REVIEW

This Policy shall be reviewed and revised as and when necessary.

10. BUDGET AND RESOURCES

The financial and resource implications related to the implementation of this Policy should be qualified and quantified by Human Resource Management.

11. ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her delegated assignee accepts overall responsibility for the implementation and monitoring of the Policy. The relevant supervisors and Heads of the Department accept the accountability of for the implementation and monitoring of this Policy

12. NON-COMPLIANCE

Non-compliance to any of the stipulations contained in this policy will be regarded as misconduct, which will be dealt with in terms of the applicable Disciplinary Code.

13. DISPUTE RESOLUTION

Any dispute arising from this Policy due to ambiguous wording or phrasing must be referred to the Local Labour Forum for adjudication. Resolutions from the Local Labour Forum shall be incorporated into the policy.

14. EFFECTIVE DATE

The Policy shall be effective forthwith from the date approved by the Municipal Council of the EMLM.

15. SIGNATORIES

Municipal Manager
Mrs RM Maredi

Date

The Mayor
Cllr. Mathebe JL

Date