

## THEMBELIHLE LOCAL MUNICIPALITY

### OVERTIME POLICY

#### 1. DEFINITIONS

- 1.1 “**BCOE**” means the Basic Conditions of Employment Act No 75 of 1997
- 1.2 “**Thembelihle Municipality**” means a Municipal Council referred to in Section 157(1) of the Constitution.
- 1.3 “**Heads of Departments**” shall mean the Managers directly accountable to the Municipal Manager in terms of Local Government Municipal Systems Act 32 of 2000.
- 1.4 “**Supervisors**” means a person who supervises his/her subordinates in terms of the TASK job Evaluation System.
- 1.5 “**Employees**” all persons in the employment of the Municipality whether full/part-time.
- 1.6 “**Earning Threshold**” refers to the earning threshold determined by Minister of Labour in terms of Section 6(3) of the Basis Conditions of employment Act 75 of 1997, as amended.
- 1.7 “**Earning**” means gross pay before deductions.
- 1.8 “**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 routine maintenance work outside normal working hours.
- 1.9 “**Overtime**” means the time that an employee works during a day or a week in excess of ordinary hours of work (8 hours) including Saturdays, Sundays and Public Holidays.
- 1.10 “**Essential Services**” means a service the interruption of which can endanger the life, personal safety or health of the whole or any part of the population.
- 1.11 “**Remuneration**” means compensation in money or time off for overtime worked.
- 1.12 “**SALGBC**” means South African Local Government Bargaining Council.

#### 2. GOAL

- 2.1 To respond to communities urgent needs in an effective, efficient and sustainable manner.



### **3. OBJECTIVES**

- 3.1 To ensure that overtime policy respond effectively to crisis and emergency situations with regards to the provision of services.
- 3.2 To ensure that the Departments do not overspend the allocation of overtime budget.
- 3.3** To define a clearly written procedure in performing overtime.
- 3.4** To eliminate the abuse of overtime.

### **4. SCOPE AND APPLICATION**

- 4.1 The policy should be applied by taking into consideration the stipulations in the BCOEA as well as the Divisional Conditions of Service Collective Agreement.
- 4.2 This policy to all Municipal employees but the payment of overtime does not apply to the following categories of employees:
  - Workers in senior management
  - Workers who earn more than the threshold per annum as determined by the Minister of Labour from time to time
  - Workers who work less than 24 hours in a month

### **5. REGULATION OF WORKING OVERTIME HOURS**

- 5.1 An employer may not require or permit an employee:
  - 5.1.1 To work overtime except in accordance with an agreement, either on a day on Which an employee would do ordinary work, Saturdays, Sundays or Public holidays.
  - 5.1.2 To work more that three hours overtime a day.
  - 5.1.3 To work more than ten hours overtime a week except the employees who perform/provide essential services e.g. electricity, water, health , environment health, traffic, radio call control, switchboard operator, cashiers, refuse removal and refuse disposal.
  - 5.1.4 A Collective Agreement may increase the maximum permitted overtime to fifteen (15) hours a week. (Section (10)(6)(a) of the BCOEA) for up to two(2) months a year.

5.2 Employees earning more than the threshold per annum are required to receive paid time-off in lieu of overtime worked.

5.2.1 If the agreement is reached at municipal level to pay overtime to employees earning the above threshold, then an application must be made to the SALGBC Division Exemption Committee to pay these employees.

5.2.2 Where no collective agreement exist to regulate the payment for employees earning in excess the threshold the parties could agree at municipal level in terms of the payment and such be regulated in a policy.

5.3 An employer must grant paid time-off within one month of the employee becoming entitled to it.

5.4 An agreement in writing may increase the period to six (6) months.

5.5 An agreement concluded with an employee when the employee commences overtime lapses after six (6) months.

## **6. PAY FOR OVERTIME ( MONDAYS TO SATURDAYS)**

An employer must pay an employee at least one and one-half times the employees wage for overtime worked.

## **7. PAY FOR WORK ON SUNDAYS**

An employer must pay an employee who is requested to work on a Sunday double the employees wage for each hour worked, unless the employee ordinarily works on a Sunday, in which case the employer must pay the employee at one and one-half times the employees wage for each hour worked.

## **8. PAY FOR PUBLIC HOLIDAYS**

An employer must pay an employee who is requested to work on a public holiday double the employees wage for each hour worked.

## **9. PROCEDURE**

9.1 Before the employees perform overtime work, supervisors/section Heads must identify the need for a particular task to be performed as well as the volume of the work in order to determine the number of hours, taking into account that employees do not deliberately leave work incomplete for the sake of getting overtime.



9.2 After the identification of the need for a particular task to be performed, Supervisors must fill-in a request for authority to work overtime form, indicating the name/s of employees to perform the task, nature of the job to be performed and a place.

9.3 Supervisors must make recommendation to the Section Heads/managers for approval and authorization.

9.4 No overtime may be worked without the express prior authorization of the Head of Department/Section Manager concerned.

9.5 No claim for overtime pay may be made unless a copy of the permission or instruction authorizing that overtime to be worked accompanies it.

## **10. EMERGENCY**

In cases of emergency, filling a form in advance may be practically impossible, and Supervisors must immediately after the execution of a task/(within 24 hours) ensure that the procedure in terms of overtime policy has been followed.

## **11. DETERMINATION OF EARNINGS THRESHOLD**

The increase of earnings threshold per annum will be determined by the Minister of labour from time to time.

## **12. FORMULA OF CALCULATING OVERTIME**

Annual salary divided by 250 days = daily rate divided by 8 = hourly rate x normal overtime (1.5) or double time (x2)

## **13. FORMULA OF CALCULATING STANDBY**

Annual salary divided by 250 days = daily rate divided by 8 = hourly rate x normal time including Saturdays and double time which is Sundays including Public Holiday's.

## **14. DISPUTES ABOUT THE APPLICATION AND INTERPRETATION OF THIS POLICY**

Any dispute regarding the application and interpretation of this policy will be dealt with in terms of SALGBC Constitution.

## **15. IMPLEMENTATION OF THE POLICY**

This policy will apply and be effective on the date to be determined and approved by the Council.

