



# **UMJINDI MUNICIPALITY**

## **OVERTIME POLICY**



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## OVERTIME POLICY


<b>Core Business Area</b>	Corporate Services Directorate
<b>Operational Area</b>	All Directorates

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Mayor	V R Lukhele		04.08.08
Municipal Manager	S F Mnisi		04/08/08
Director Corporate Services (Acting)	J M Ndlovu		04/08/08
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## **PART 1**

### **PURPOSE OF THE POLICY**

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

This policy will prescribe the overtime rates to be used to compensate Council employees who performed overtime work.

To provide control mechanisms on the performance of overtime by Council employees.

## **PART 2**

### **DEFINITIONS**

- Overtime:** means the time the employee works during a day of week in excess of the employee's ordinary working hours.
- 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 of routine maintenance work outside normal working hours.
- Structured overtime:** refers to planned overtime over which the employer has control that continue or take place after normal working hours and will include Council committee meetings.
- Earnings:** means gross pay before deductions.
- Wage:** means the amount of money paid or payable to an employee in respect of ordinary hours of work.
- Remuneration:** means compensation in money or time off for overtime worked.
- Deductions:** means the deductions required by law namely income tax, pension, medical aid, UIF etc.

## **PART 3**

### **SCOPE OF APPLICATION**

- The policy applies to all full time employees of Umjindi Municipality except those employees earning more than the threshold amount as published by the Department of Labour, unless otherwise agreed.
- In the vent of any inconsistency between this policy and any National and other Local Government related legislation, such legislation prevails.
- No overtime will be paid for attendance of functions/prize giving etc. by personal invitation except in the cases o compulsory attendance as official representative of Umjindi Municipality and provided that such overtime is authorised in advance by the Municipal Manager.

## **PART 4**

### **RESPONSIBILITIES**

- The employer and employees both have the responsibility to ensure that the whole process surrounding overtime is underlined with fairness, equity, honesty, transparency, integrity and openness.
- Each Director is accountable and responsible to constantly monitor and review the provision for overtime on his/her budget and to ensure that trends are noted early, funds are adequate, over expenditure is noted, justified and provided for timeously.
- It is the responsibility of each Directorate to keep attendance registers and timesheets, which indicate the starting and ending times in respect of for all employees who qualify for overtime payment.
- It is the responsibility of each Directorate to keep documented records in respect of all staff who qualify for time off and the appropriate application form should be completed by the employee when requesting time off.
- The Salary office is responsible for the calculation and pay out of overtime worked.
- The Salary Office is responsible to ensure that all payments for overtime is duly authorised by a competent authority and must compare the overtime forms' signatures with the authorization list provided.
- The employees who work overtime need to be allocated with the appropriate resources required to perform the overtime work.

## **PART 5**

### **TIME FRAME**

- The employee will be granted paid time off within one month of the employee becoming entitled to it.
- The taking of time off by an employee will be forfeited if not taken within one month's time but may for operational reasons, be extended to a maximum of six months by the employees Director.
- Time-off can not be en-cashed and upon termination of service this specific leave can also not be en-cashed.
- The employer will pay the overtime pay on the employee's normal payday.

## **PART 6**

### **OPERATIONAL REQUIREMENTS**

- The employer may not require or permit an employee to work overtime on Sundays or Public Holidays except in accordance with an agreement.
- Due to the operational requirements of Umjindi Municipality employees will be required to work overtime on certain occasions.
- Umjindi Municipality will provide an employee with a meal limited to an amount as determined by the Municipal Manager when an employee is expected to work overtime during an emergency situation and when such emergency overtime work continues for more than three hours after the employee's ordinary working hours.

## **PART 7**

### **EXEMPTIONS**

- Section 57 employees. It has been negotiated between the parties that these employees shall be entitled to "time-off" of 120 hours per year in respect of additional hours worked. The calculation of overtime in accordance with this policy shall therefore not apply in respect of Section 57 employees.
- Senior Management (post level 1-3).
- Any personnel in receipt of regular annual earnings which is more than the earnings threshold determined by the Department of Labour.
- Any temporary appointed staff member.

## **PART 8**

### **LIMITATIONS**

If an employee agrees to work overtime, the employee may not be required or allowed to work:

- More than 10 hours overtime per week
- More than 3 hours per day
- Overtime except in accordance with an agreement
- No employee will be remunerated for overtime work unless such overtime has been budgeted for, authorized by the Municipal Manager or if required in terms of an emergency situation.
- Overtime only commences after completion of ordinary daily or weekly working hours.

## **PART 9**

### **OVERTIME WORKED DURING THE WEEK**

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 the week (Monday – Friday).

## **PART 10**

### **OVERTIME WORKED ON SATURDAYS**

Employees who normally work a five day week, 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 the week (Monday – Friday).

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## **PART 11**

### **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).

## **PART 12**

### **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)

