



OVERTIME- POLICY

UMHLABUYALINGANA OVERTIME POLICY

1. PREAMBLE

The purpose of this policy is to regulate and 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)

2. DEFINITIONS

All terminology of this policy shall bear the same meaning as in the applicable legislation.

"Employer" means the uMhlabuyalingana Local Municipality

"Employee" means any person other than an independent contractor, who:-

- (a) Works for another person or for the State and who receives, or is entitled to receive, any remuneration; or
- (b) In any manner assist in carrying on or conducting business of an any other person who in any manner assists in carrying on or conducting the business of an employer. "Any other person who in any manner assists in carrying on or conducting the business of an employer"

"Emergency work": means any work to be done without delay in respect of the interruption of essential services, arising from fire, an accident, a mishap, a storm, an epidemic, an act of violence, theft, failure of equipment or machinery or any other unforeseen event, or work in connection with repairs to equipment and machinery which cannot be done during working [REDACTED]

According to BCEA means any work required to be done without delays owing to circumstances for which the employer could nothave expected or which could not be performed by employees during their ordinary hours of work.

"SALGBC" means South African Local Government Bargaining Council.

"Act" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)

"Overtime" means that portion of any period that an employee works for the Council during a working week or any working day, as the case may be, which exceeds the working hours as agreed by the Council and its employees from time to time, provided that it shall not include any period worked by an employee on a Sunday or Public Holiday or during his/her free period of 24-hours, unless such Sunday or Public Holiday is a normal working day for such employee.

According to BCEA means the time an employee works during a day or week in excess of the employee's ordinary hours of work.

"Six day uninterrupted week" means a period of six (6) consecutive calendar days, from Monday to Saturday inclusive;

"Working day" means any calendar day of the week on which an employee must normally report for work;

"Wage" means the same as salary;

"Stand-by service" means the period determine by the Council during which an employee shall be available for emergency work outside his normal working hours.

3. LEGAL FRAMEWORK

- Local Government Municipal Systems Act, 32 of 2000
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- SALGBC KZN Conditions of Service Collective Agreement

In the event that conflict exists in the interpretation of this Policy and legislation (which includes any by-laws made and administered by Umhlabuyalingana Municipality), the later (the Legislation) shall prevail over the former (the Policy).

4. SCOPE AND APPLICATION

The policy applies to all employees of Umhlabuyalingana Municipality except:

- The senior managerial employees as defined in the BCEA, and
 - Those employees earning more than the threshold amount as determined from time to time in terms of the BCEA, and
 - Employees who work less than 24 hours per month
- Employee earning more than the overtime earnings threshold in terms of the Basic Conditions of Employment Act 75 of 1997 as Ammended, will be remunerated on a time basis for overtime worked or will be provided time off for overtime work calculated on a time and a half time basis, subject to the provisions of this policy.

5. POLICY CONTENT

Overtime is regulated as per **Section 10 of the Basic Conditions of Employment Act 75 of 1997**. The

following principles and regulations are applicable at Umhlabuyalingana Local Municipality:

5.1 Principles

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

- More than 10 hours overtime per week except in cases of work related to emergency situations
- Overtime in accordance with BCEA Section 10 (1) A

No employee will be remunerated for overtime work unless such overtime has been pre-authorized by the Supervisor and relevant Head of Department, budgeted for, and on remuneration must be authorized by the Municipal Manager or delegated official or if required in terms of an emergency situation.

Overtime is to be approved in writing by the Municipal Manager or Managers reporting to the Municipal Manager prior to such overtime being worked. Overtime only commences after completion of ordinary daily or weekly working hours. Application for overtime must be fully motivated with convincing reasons why it should be worked.

Overtime only commences after completion of ordinary daily or weekly working hours. Overtime can only be claimed for actual hours worked, and exclude traveling time. Overtime starts from the time of call out. No overtime can be claimed should an employee work short time on a specific day. A full day's work (normal working hours and a lunch break of at least 30-min.) must first be worked before such employee is eligible for overtime. No overtime will be paid for attendance of workshops, meetings, functions, prize giving, etc. Overtime work must be restricted to the minimum and must not be seen as a mechanism to earn more money.

5.2 Remuneration for Overtime

5.1.1. 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).

5.1.2 Overtime worked on Saturday

An employee, who normally works 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).

5.1.3 Overtime worked on Sunday

An Employee, who normally works 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).

5.1.4 Overtime worked on public holidays

An employee, who normally works 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)

An employee, (Emergency worker will claim

5.1.5 Claims for Overtime

All claims for overtime payment shall be submitted on an overtime claim form, duly signed by the respective Supervisor and approved by Heads of Departments, to the Salaries section on the 15th day of each month.

TIME OFF IN-LIEU OF OVERTIME

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

Application for leave / time off in lieu of overtime shall be done on a prescribed application form. Leave / time off in lieu of overtime cannot be encashed except on termination of services.

Leave in lieu of overtime will be forfeited if not taken within one (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 twelve (12) months by the Municipal Manager (or his / her nominee).

6. IMPLEMENTATION AND MONITORING

This policy will be implemented and effective once recommended by the Local Labour Forum and approved by Council.

7. COMMUNICATION

This policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

8. POLICY REVIEW

This policy will be reviewed annually and revised as necessary.

9. BUDGET AND RESOURCES

The financial and resource implication/s related to the implementation of this policy should be qualified and quantified.

10. ROLES AND RESPONSIBILITIES

The Municipal Manager or his/her delegate assignee accepts overall responsibility for the implementation and monitoring of the policy.

11. PENALTIES

Non-compliance of any of the stipulations contained in the Policy will be viewed as misconduct and will be dealt with in terms of the municipality's Disciplinary Code.

12. 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 must be incorporated into the policy.

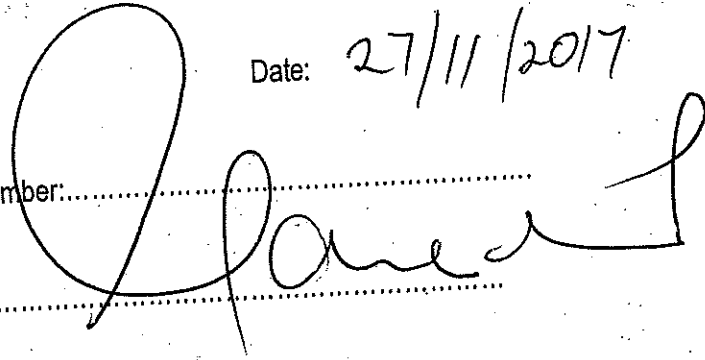
13. AUTHORITY

Council Approval:

Date: 27/11/2017

Council Resolution Number:.....

Acting MM' Signature.....

A large, handwritten signature in black ink, appearing to read 'James', is written over the dotted lines for the Council Resolution Number and Acting MM' Signature.