



# MBHASHE OVERTIME POLICY

OVERTIME POLICY

## POLICY STATEMENT

1. It is the policy of Mbhashe Local Municipality(MLM) to compensate Staff Members in the event they are required to work beyond their normal working hours.
  - 1.1 The compensation shall be time off given MLM employee, this shall be agreed before, and will be determined by the availability of funds.
  - 1.2 No employee shall work overtime beyond the hours stipulated in the Basic Conditions of Employment Act, 1997 and other relevant legislative framework.

### 1.2 The Purpose of the Policy

The main purpose of the policy is to regulate and restrict all over time worked by Council employees, such that it is reasonable and within the scope of work and budget.

- 1.2.1 To ensure accountability by all departments that commission overtime, such that employees are compensated properly and are also allowed time off to re-charge.

## 2. OBJECTIVES OF POLICY

- 2.1 To provide a framework for the regulation of overtime, and adherence to legislation.
- 2.2 To provide a framework for the remuneration of employees for work performed outside official working hours.
- 2.3 Overtime should not be regarded as a means of earning extra money.
- 2.4 To give effect to the objectives and precepts of the Basic Conditions of Employment Act, 1997 (BCEA).
- 2.5 To provide a set of regulations and measures for controlling overtime for general employees and employees earning in excess of the threshold determined by the Minister of Labour in terms of Section 6(3) of the BCEA, 1997.

## 3. APPLICATION OF POLICY

- 3.1 This policy is not applicable to Section 57/56 Managers and employees enarning above the threshold determined by the minister of Labour
- 3.2 This policy shall be applicable to all staff including temporary workers and casual employees employed by Mbhashe Local Municipality.

For the purpose of the Above, official working hours are as follows:

Office employees	Non office employees
07:30 - 13:00	07:00 – 13:00
14:00 – 16:30	14:00 – 16:00

- 4.1 Overtime shall be pre -authorised and approved by the Manager/Designee.
- 4.1.1 Pre-authorisation for overtime in respect of employees who ordinarily work overtime shall be done on weekly basis
- 4.1.2 Pre-authorisation of overtime for employees who occasionally work overtime shall be done on an ad hoc basis.
- 4.1.3 Under all circumstances an overtime pre-authorisation approval letter will bear a date preceding commencement of overtime concerned.
- 4.2 Overtime arrangement shall be agreed upon by the employee concerned and the Manager/Designee prior to the overtime being worked.
- 4.3 A formal overtime claim form shall be completed by each overtime claimant.
- 4.4 A memo of overtime pre authorisation together with the work attendance register / timesheet must be attached to the overtime claim.
- 4.5 Overtime claims shall be approved by the head of department
- 4.6 Overtime to be worked will not be in excess of maximum hours stipulated in the Basic Conditions of Employment Act, 1997.
- 4.7 Employees will be compensated for overtime in terms of the Basic Conditions of Employment Act, 1997.
- 4.8 The Municipality shall, prior to undertaking of overtime, agree with the employee on the method of overtime compensation which shall be one of the following:
- 4.8.1 Full cash payment for the overtime worked;
- 4.8.2 Payment of not less than employee's ordinary wage overtime and grant the employee at least 30 minutes of time-off on full pay every hour of overtime worked on a working day basis;
- OR
- 4.8.3 Granting of paid time-off of 90 minutes for each hour of overtime worked on a working day basis.
- 4.8.4 No overtime claim shall be processed without a copy of a pre-authorisation form, completed and signed time sheet/ work attendance register and a completed and approved overtime claim.
- 4.9 The time off in lieu of overtime must be granted within 12 months of the employee becoming entitled to it.
- 4.10 An employee shall be paid for the outstanding time off when employment is terminated.

**5. REGULATIONS FOR EMPLOYEES EARNING IN EXCESS OF THE AMOUNT DETERMINED IN TERMS OF SECTION 6(3) OF THE BCEA, 1997**

- 5.1 For the purpose of this sub-section, the following shall apply:
- 5.1.1 Overtime shall refer to working time falling outside the normal working hours incurred in terms of these regulations;

...time or shall mean an amount of time that can be used as leave of absence from work that an employee may apply for in terms of the leave application procedure.

5.2 Employees may work directly and/or indirectly sanctioned overtime through inter alia:

5.2.1 Attendance of meetings and official gatherings;

5.2.2 Attendance of workshops or seminars or conferences;

5.2.3 Execution of special tasks/assignments.

5.2.4 This excludes time spent on training or workshops benefiting the employee.

5.3 Notwithstanding provisions of clause 3.3 the Municipality may not require employees to work overtime in excess of 40 hours per calendar month or the maximum hours that may be contained in the Code of Good Practice on regulation of working time issued in terms of Basic Conditions of Employment Act No 75 of 1997.

5.4 Employees who, due to the nature of their work cannot easily foresee working overtime in a given situation shall not be required to seek pre-authorisation for overtime and that overtime will be post-authorised based on satisfactory explanation and full motivation.

5.5 Employees may not seek authorisation for working overtime, nor incur overtime on routine operations of the Municipality e.g. voluntary working through lunchtime and after hours, and due regard must be given to Section 7 of the Basic Conditions of Employment Act.

5.6 Employees will be compensated for approved overtime by grant of time off worked out in terms of Basic Conditions of Employment Act, 1997 on a working day basis.

5.7 The authorising official shall take into account procedures contained in this policy when approving overtime claims and compensation thereof.

5.8 Unclaimed overtime and unused time-off credits shall lapse at the end of a one-year period, reckoned from the date of inception and approval respectively.

5.9 Notwithstanding clause 5.8 unclaimed overtime and unused time-off shall lapse with effect from the first day of a notice period for termination of service served by either party in terms of the Conditions of Service.

## 6. CONDITIONS FOR WORKING OVERTIME

6.1 In terms of Section 10 of the Conditions of Employment Amendment Act of 2002, employees of Mbhashe Local Municipality may only work overtime as follows:

(a) "Not more than 12 hours on ANY day (including normal working hours).

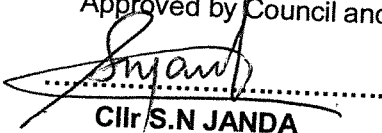
(b) Not more than 15 hours a week, provided that it does not happen for more than 2 months in a period of 12 months."

6.2 Employees will not be required to work overtime when they are on ANY KIND of leave.

6.3 No employee will be allowed/permitted to work overtime if that employee for any reason did not perform his/her work during the normal working hours.

- 6.4 Should circumstances require that an employee who has not worked/ performed his/her duties during the normal working hours dictate that such employee work overtime, special pre approval must be sought in writing from the Municipal Manager it must be accompanied by exceptionally good reasons/and or motivation of each case.
- 6.5 Duration of overtime is calculated from normal knock-off time during working days.
- 6.6 Application for working overtime must be made by means of completing appropriate form and be approved by the relevant head of department before claiming for overtime.
- 6.7 Application letters for overtime must be signed by all heads of departments, these letters must be sent to Corporate Services before any overtime is worked.
- 6.8 That submission of documents mentioned above be accompanied by attendance register duly signed by the employee and bearing the start and finish time of the actual time worked.
- 6.9 Employees earning above the threshold determined by the Minister of Labour will not be remunerated for working overtime such employee shall pre-arrange with supervisor and head of department and will be given time off in lieu of hours worked
- 6.10 Supervisors must keep a record of all work done and attendance register during overtime; these must be submitted to the head of department for claims purposes.
- 6.11 Should overtime be submitted without any schedules signed registers, such overtime will not be compensated.
- 6.12 Mbhashe Local Municipality may provide transportation where required, for overtime performed after hours were necessary and when possible, but employees shall make own arrangements for meals.
- 6.13 Compensation for overtime can either be in terms of monetary remuneration or time off. This must be clarified prior commencement of overtime.
- 6.14 Where budgetary provision for overtime has be expended and exhausted, the overtime compensation shall necessarily be in the form of time-off.

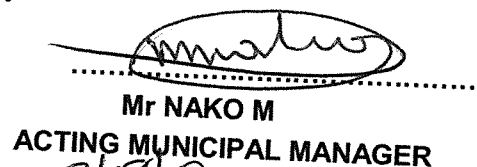
Approved by Council and Signed by:

  
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Cllr S.N JANDA

MAYOR

07/08/2017  
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DATE

  
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Mr NAKO M

ACTING MUNICIPAL MANAGER

07/08/2017  
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DATE