

# NDLAMBE MUNICIPALITY



## POLICY ON OVERTIME 2024/2025

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## **1. PURPOSE OF THE POLICY**

The purpose of this policy is 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 the Council employees.

## **2. DEFINITIONS**

In this policy unless otherwise indicated:

**“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. The Employer may not have control over this form of overtime.

**“Structured overtime”** refers to planned overtime over which the employer has control that continues 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.

### **3. LEGAL FRAMEWORK**

- 3.1 The Constitution of the Republic of South Africa
- 3.2 Labour Relations Act No. 66 of 1995 (Updated 2008)
- 3.3 Basic Conditions of Employment Act No. 75 of 1997 (Updated December 2008)

### **4. SCOPE OF APPLICATION**

- 4.1 The policy applies to all full time employees of Ndlambe Municipality except those employees earning more than the threshold amount (R211,596.30.) as published by the Department of Labour, unless otherwise agreed.
- 4.2 In the event of any inconsistency between this policy and any National and other Local Government related legislation, such legislation prevails.
- 4.3 No overtime will be paid for attendance of functions/prize giving etc. by personal invitation or in the cases of compulsory attendance as official representative of Ndlambe Municipality.

### **5. RESPONSIBILITIES**

- 5.1 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.
- 5.2 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 timely.
- 5.3 It is the responsibility of each Directorate to keep attendance registers and timesheets, which indicate the starting and ending times in respect of all employees who qualify for overtime payment.
- 5.4 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.
- 5.5 The Finance Directorate is responsible for the calculation and pay out of overtime worked.

- 5.6 The Finance Directorate is responsible to ensure that all payments for overtime is duly authorized by a competent authority and must compare the overtime forms' signatures with the authorization list and pre-authorization forms provided.
- 5.7 The employees who work overtime need to be allocated with the appropriate resources required to perform the overtime work.
- 5.8 No overtime will be worked without the approval of the Director or his delegate except in an emergency or exceptional cases and in such a situation the relevant Director must be informed within 12 working hours of the affected employee being in office. A pre-authorization form should be filled and signed to this effect except in emergency or exceptional cases.

## **6. TIME FRAME**

- 6.1 The employee will be granted paid time off with the arrangement of the supervisor of employee becoming entitled to it.
- 6.2 The taking of time off by an employee must be taken within prescribed time but may for operational reasons, be extended to a maximum of six months by the employees Director.
- 6.3 An employee taking a time off in lieu of overtime worked is required to fill a leave form.
- 6.4 Time-off cannot be en-cashed and upon termination of service as per conditions of services,.
- 6.5 The employer will pay the overtime in accordance with the employee's conditions of services

## **7. OPERATIONAL REQUIREMENTS**

- 7.1 The employer may not require or permit an employee to work overtime on Sundays or Public Holidays except in accordance with an agreement as prescribed (BCEA).
- 7.2 Due to the operational requirements of Ndlambe Municipality employees will be required to work overtime on certain occasions as agreed in terms of the Policy.
- 7.3 Ndlambe Municipality will provide transport for the employee/s who are expected to work overtime such that the times worked makes it impossible for the employee/s to have transport home.

## **8. EXEMPTIONS**

- 8.1 Senior Managers in terms of the Regulations are not entitled to overtime.
- 8.2 Any personnel in receipt of regular annual earnings which is more than the earnings threshold determined by the Department of Labour (R211,596.30.)

## **9. LIMITATIONS**

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

- 9.1 More than 40 hours overtime per month and other hours will be converted to leave
- 9.2 Hours worked during the months of December, January and periods of disasters and drought may not exceed 60 hours for essential services employees as others hours if exceeds 60 will be converted to leave days.
- 9.3 No employee will be remunerated for overtime work unless such overtime has been budgeted for, authorized by the Director or if required in terms of an emergency situation.
- 9.4 Overtime only commences after completion of ordinary daily or weekly working hours.

## **10. OVERTIME WORKED DURING THE WEEK**

Employees will be:

- 10.1 Paid one and one-half times the employee's ordinary wage for overtime worked,  
or
- 10.2 Be granted leave multiplied by 1.5 of the hours worked.

## **11. OVERTIME WORKED ON SATURDAYS**

Employees who normally work a five day week, will be:

- 11.1 Paid one and one-half times the employee's ordinary wage for overtime worked,  
or

11.2 Be granted leave multiplied by 1.5 of the hours worked.

## **12. OVERTIME WORKED ON SUNDAYS**

Employees who normally work a five day week, will be:

12.1 Paid double the employee's ordinary wage for overtime worked,

or

12.2 Be granted leave multiplied by 2 of the hours worked

## **13. OVERTIME WORKED ON PUBLIC HOLIDAYS**

Employees who normally work a five day week, will be:

13.1 Paid double the employee's ordinary wage for overtime worked,

or

13.2 Be granted leave multiplied by 2 of the hours worked.

## **14. WAIVING OF THE POLICY AND IMPLEMENTATION PROVISION**

14.1 This policy may be partly or wholly waived only by Council resolution in consultation with the Local labour Forum.

14.2 This policy shall take precedence over any decision or Agreement reached prior to its existence

14.3 Notwithstanding clauses 14.1 and 14.2, it shall be superseded by a collective agreement or a council resolution taken after its promulgation