

# **CITY OF MBOMBELA**



# **OVERTIME POLICY**

Approval date: 31 May 2023

# CITY OF MBOMBELA OVERTIME POLICY

## 1. PURPOSE

Take into account the provisions of the Basic Conditions of Employment, Act 75 of 1997 regulates the conditions under which an employer may require an employee to work overtime, as well as the remuneration thereof.

Further to regulate the provision of remuneration to employees affected by salary limits set by the Minister of Labour (Ministerial Determination on Earnings Threshold) and employees over which overtime conditions as stipulated in Basic Conditions of Employment Act do not apply.

To grant permission to Council of City of Mbombela to enter and conclude Overtime Management Strategies and or Agreements as and when required.

## 2. OBJECTIVE

To provide uniform provisions and principles regarding the allocation of overtime work.

## 3. LEGISLATIVE FRAMEWORK

- 1.1 SALGBC Organisational Rights Agreement;
- 1.2 Collective Agreement on Conditions of Service for the Mpumalanga Division (SALGBC)
- 1.2 Basic Conditions of Employment Act, 75 of 1997;
- 1.3 Municipal Systems Act, 32 of 2000;
- 1.4 Labour Relations Act, 66 of 1995;
- 1.5 Municipal Finance Management Act, 56 of 2003.

## 4. DEFINITIONS

### 4.1 Overtime

*“Means the time the employee works during a day of week in excess of the employee’s ordinary working hours”*

### 4.2 Section 56 employees

*“Means managers directly accountable to the Municipal Manager” In the case of City of Mbombela, these are known as General Managers. This will include managers in an acting capacity directly accountable to the Municipal Manager.*

### **4.3 “Emergency work”**

1. *“Emergency work shall mean work which is required to be done without delay owing to circumstances for which the Municipality could not reasonably have been expected to make provision for and cannot be performed by employees during their ordinary hours of work such as, accidents and vis major”. Emergency work excludes the performance of routine maintenance work outside normal working hours.*
2. *“ Emergency work shall also mean any work which, owing to a disruption in essential services, or owing to fire, accident, storm, epidemic, act/s of violence, theft, breakdown of plant or machinery, or any other unforeseen circumstances is required to be done without delay.*

### **4.4 Remuneration**

*“Remuneration means any payment in money or in kind, or both in money or in kind, made or owing to any person in return for that person working for any other person, including the State, and “remunerate” has a corresponding meaning.*

### **4.5 Deductions**

*“Deductions means the deductions require by law viz., income tax, UIF and contributions to pension/ provident fund, medical aid, etc.”*

### **4.6 Ministerial Determination**

*Section 6 of the Basic Conditions of Employment Act makes provision for the Minister of Labour to publish a determination on the advice of the Commission that will exclude employees earning above a certain amount per year from sections of Chapter 2 of the Act. Chapter 2 primarily deals with the regulation of working hours of employees.*

## **5. APPLICATION**

5.1 The Policy shall apply to all full time employees of City of Mbombela, except those earning remunerations above the Department of Labour’s ministerial determination.

5.2 In the event of any inconsistency between this policy and any National and other Local Government related legislation and /or Collective Agreement, such legislation or collective agreement will prevail.

5.3 No overtime will be paid for attendance of functions/prize giving etc. by personal invitation except in the cases of compulsory attendance as official representative of City of Mbombela and provided that such overtime is authorized in advance by the Municipal Manager.

5.4 Departments shall be afforded an opportunity to submit motivations for approval for the abnormal scope of work.

## **6. RESPONSIBILITIES**

6.1 Each General Manger is accountable and responsible to constantly monitor and review the provision for overtime in their budget and to ensure that trends are noted early, funds are adequate, over expenditure is noted, justified and provided for timeously.

6.2 It is the responsibility of each Department to keep attendance registers and timesheets, which indicate the starting and ending times in respect of all employees who qualify for overtime payment.

6.3 The salaries office is responsible for the calculation and pay out of overtime worked. They ensure that all payments for the overtime is duly authorised by a competent authority and must compare the overtime forms' signatures with the authorisations list provided.

6.4 Overtime payment is made in arrears on the employee's normal payday.

## **7. TIME-OFF**

7.1 The employee will be granted paid time-off within one month of the employee becoming entitled to it.

7.2 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 General Manager.

7.3 Time-off cannot be cashed out and upon termination of service this specific leave can also not be cashed out.

## **8. OPERATIONAL REQUIREMENTS**

8.1 The employer may not require or permit an employee to work overtime on Sundays or Public Holidays except in accordance with an agreement with the General Manager.

- 8.2 Due to the operational requirements of the City of Mbombela employees will be required to work overtime on certain occasions.
- 8.3 City of Mbombela will provide an employee with a meal limited to an amount as determined by the Municipal Manager in line with the applicable Subsistence and Travelling policy approved by Council, when an employee is expected to work overtime during and emergency situation and when such emergency overtime work continues for more than three hours after the employee's ordinary working hours.
- 8.4 The General Manager of a department can also exercise his/her discretion and as an act of humanity provide a meal to those employees who have worked continuous and excessive uninterrupted overtime.
- 8.5 To grant permission to the Council of the City of Mbombela to enter and conclude overtime management strategies and or Agreements as and when required.

## **9. LIMITATIONS**

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

- 9.1 More than 10 hours overtime per week;
- 9.2 More than 3 hours per day;
- 9.3 Overtime except in accordance with an agreement;
- 9.4 No employee will be remunerated for overtime work unless such overtime has been budgeted for, pre-authorization by the General Manager or if required in terms of an emergency situation;
- 9.5 Overtime only commences after completion of ordinary daily or weekly working hours;
- 9.6 Employees on standby are deemed to be preapproved for overtime work;

## **10. EXCLUSIONS**

- 10.1 Section 56/54A employees.
- 10.2 The calculation of overtime in accordance with this policy shall therefore not apply in respect of Section 56 employees;
- 10.3 Any personnel in receipt of regular annual earnings which is more than the earnings threshold determined by the Department of Labour; and
- 10.4 Any temporary appointed staff member.

## **11. GENERAL POLICY PROVISIONS**

- 11.1 Only staff earning an annual salary not exceeding the threshold set by the Minister of Labour from time to time qualifies for overtime remuneration.
- 11.2 Approval to work overtime must be obtained for at least two (2) days in advance.
- 11.3 Only emergency calls and official meetings are exempted from prior approval.
- 11.4 Overtime leave shall be taken in such a manner so that at no time any accumulated overtime leave shall exceed 24 days.
- 11.5 Overtime leave cannot be converted into any other type of leave or cashed out.

12 Prior approval of Emergency calls is not necessary but approval form shall contain the following additional motivation and detail:

- 12.1 Incident
- 12.2 Date
- 12.3 Time
- 12.4 Employee on standby or not; if not reason why he/she was called out.
- 12.5 Duration of call out

## **13 PROCEDURE:**

- 13.1 Respective supervisors are to complete the attached “Agreement to Work Overtime Form” (Annexure A). The form should stipulate the reason for the task/s to be conducted outside of normal working hours, as well as the dates and times during which these tasks will be undertaken.
- 13.2 The duly completed form should be approved by the General Manager.
- 13.3 In case of emergencies and meetings, where it is impossible to comply with the above, the General Manager must indicate under “reasons” why the form is filled in after work has been done.

14 The actual overtime hours worked is to be recorded on the overtime sheet (Annexure B). The Supervisor must sign the overtime sheet as verification of the overtime hours worked by the official.

- 15 Remuneration of overtime worked shall be in accordance with the BCEA no. 75 of 1997, as well as any other South African Local Government Bargaining Council (SALGBC) or workplace agreements concluded from time to time.
- 16 Employees who work overtime or who allow subordinates to work overtime in contravention of this policy and the Basic Conditions of Employment Act, 75 of 1997 will personally be held responsible for any expenditure incurred in this regard.

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Annexure A

**AGREEMENT TO WORK OVERTIME**

(A separate form needs to be completed for each employee required to work overtime)

<b>EMPLOYEE</b>	Name: .....	Pay No: .....
	Designation: .....	Post level: .....
		I, ..... hereby agree to work overtime as per the instructions of Management.  <b>SIGNED: .</b>
<b>SUPERVISOR</b>		
		<b>Date</b>
	The reason for the overtime being as follows: ..... ..... ..... .....	
	<b>SIGNED: .....</b> <b>DATE: .....</b> <div style="text-align: center;"><b>SUPERVISOR</b></div>	
<b>Overtime Authorised / Not Authorised: (Refer to Delegated Authority)</b>  <b>MANAGER: .....</b>  <b>GENERAL MANAGER/ SNR MANAGER.....</b>	<b>DATE: .....</b>  <b>DATE: .....</b>	





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**SIGNATURE: GENERAL MANAGER/SNR MANAGER**

Bj/shared data/data/policies/approved Overtime Policy (A)4 May 2018

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