

CITY OF MBOMBELA



OVERTIME POLICY

1. PURPOSE

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 this the Determination on Earnings Threshold by the Minister of Labour sets the limit on the salary notch beyond which overtime conditions as stipulated in Basic Conditions of Employment Act do not apply.

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 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 “Emergency work”

“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.

4.3 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.

4.4 Deductions

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

5. APPLICATION

5.1 The Policy shall apply to all 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 Umjindi Municipality and provided that such overtime is authorized in advance by the Municipal Manager.

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 It is also the responsibility of each Department to keep documented records in respect of staff who qualify for time off and the appropriate application form should be completed by the employee when requesting time off.

6.4 The salaries office is responsible for the calculation and pay out of overtime worked. To 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.

6.5 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 Director.
- 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 Supervisor.
- 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 City Manager 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.

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 Director 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;
- 9.7 Employees who are office bound must have the pre-approved overtime work; and

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9.8 In exceptional cases the Municipal Manager can authorize overtime.

10. EXCLUSIONS

- 10.1 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);
- 10.2 The calculation of overtime in accordance with this policy shall therefore not apply in respect of Section 57 employees;
- 10.3 Senior Management (post level 1-3;.
- 10.4 Any personnel in receipt of regular annual earnings which is more than the earnings threshold determined by the Department of Labour; and
- 10.5 Any temporary appointed staff member.

11. GENERAL POLICY PROVISIONS

- 10.1 Only staff earning an annual salary not exceeding the threshold set by the Minister of Labour from time to time qualifies for overtime remuneration.
- 10.2 Approval to work overtime must be obtained for at least two (2) days in advance.
- 10.3 Only emergency calls and official meetings are exempted from prior approval.
- 10.4 Staff who earn in excess of the ministerial determination, will be credited with a maximum of twelve (12) days overtime leave over and above their normal annual leave, subject to proof that they worked hours equivalent to twelve days.
- 10.5 Overtime leave shall be taken in such a manner so that at no time any accumulated overtime leave shall exceed 24 days.
- 10.6 Overtime leave cannot be converted into any other type of leave or cashed out.
- 10.7 An employee may not work more than 10 hours overtime a week.
- 12. Non-essential overtime such as litter picking, grass cutting, street sweeping, administrative support functions and road marking shall not be allowed on Sundays and Public holidays.
- 13. Overtime for the purpose of cleaning and preparation of community facilities such as halls and sport facilities, on occasions that these facilities are booked, may be allowed on

Sundays and Public holidays provided that prior approval is obtained from the relevant General Manager.

14. Overtime for the purpose of coordinating and facilitating of activities of Council including the deploying of resources such as public address systems, chairs and tables during community meetings may be allowed on Sundays and Public holidays provided that the overtime for these activities is in accordance with the Public participation program of Council and prior approval is obtained from the relevant General Manager.

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

15.1 Incident

15.2 Date

15.3 Time

10.4 Employee on standby or not; if not reason why he/she was called out.

10.5 Duration of call out

16. PROCEDURE:

16.1 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.

16.2 The duly completed form should be approved by the Head of Department.

16.3 In case of emergencies and meetings, where it is impossible to comply with the above, the Head of Department must indicate under "reasons" why the form is filled in after work has been done.

17. 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.

18. 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.

19. Employees who work overtime or who allow subordinates to work overtime in contravention with this Policy and the Basic Conditions of Employment Act, 75 of 1997 will personally be held responsible for any expenditure in this regard.

Annexure A

AGREEMENT TO WORK OVERTIME

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

EMPLOYEE	Name: Designation:	Pay No: Post level:			
	I, ID No hereby agree to work overtime as indicated below, provided that the intended overtime is approved by Management. SIGNED: DATE: <p align="center">EMPLOYEE</p>				
SUPERVISOR	I, herewith request permission for the above mentioned staff member under my supervision to work overtime on the following date/s:				
		Date	Envisaged Hours		

	<p>The reason for the overtime being as follows:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
	<p>SIGNED: DATE:</p> <p>.....</p> <p style="text-align: center;">SUPERVISOR</p>	
	<p>Overtime Authorised / Not Authorised: (Refer to Delegated Authority)</p> <p>MANAGER:</p> <p>GENERAL MANAGER/ SNR MANAGER:.....</p>	<p>DATE:</p> <p>DATE:</p>

Bj/shared data/data/policies/approved Overtime Policy June 2015 (A)4



CITY OF MBOMBELA

NAME:

DIRECTORATE:

Date	Overtime worked				Time taken off			Balance	Reason	Signature Supervisor
	From	To	Time	Converted	From	To	Time			

Signature of Employee: Balance overtime vote:

APPROVED / NOT APPROVED

.....
SIGNATURE: GENERAL MANAGER/SNR MANAGER

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