



**BREED VALLEY**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

# OVERTIME POLICY

REVISION	APPROVED BY COUNCIL	AUTHOR	REASON FOR CHANGE
1.0 2.0	24 JULY 2018	M NELL G COOK	REVISION REVISION

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## 1. **OBJECTIVE**

The objective of this policy is to supplement the Breede Valley Municipality's Collective Agreement on Conditions of Service by providing additional guidelines for the administration and management of overtime.

## 2. **DEFINITIONS**

Agreement (in terms of the BCEA) includes a collective agreement.

**BCEA** means the Basic Conditions of Employment Act (Act No. 75 of 1997 as amended).

**Competent authority** shall mean the official with a delegated authority, as per the Council System of delegations.

**Employees on standby** refers to employees that directly performs operational duties, meaning non-supervision tasks.

**Earnings threshold** shall mean the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act 1997, earnings threshold determination falls, as amended from time to time.

**Emergency work** (in terms of the BCEA) 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 not be performed by employees during their ordinary hours of work.

**Overtime** (in terms of the BCEA) means the time that an employee works during a day or a week in excess of ordinary hours of work.

**Senior managerial employee** (in terms of the BCEA) means an employee who has the authority to hire, discipline and dismiss employees and to represent the employer internally and externally.

**Shift worker** is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

**Structured overtime** is where payment is compulsory in terms of the BCEA due to Sundays and Public Holidays. Structured overtime is exclusively for shift workers.

**Unstructured overtime** is not programmed/planned overtime over which the employer has control and for which prior approval is required [e.g., the performance of routine maintenance work outside normal working hours as well as Council, Committee and official meetings of which minutes have been kept] that continues or takes place after normal working hours].

### **3. SCOPE AND APPLICATION**

- 3.1 Overtime shall be paid or time-off granted to all employees, except for senior managerial employees as defined in the BCEA and employees earning in excess of the threshold as determined from time to time, which may be provided only time-off in lieu of payment for overtime worked calculated on straight time basis (1 hour worked = 1 hour overtime), subject to the provisions of this policy. The approving authority and the employee involved to agree beforehand in writing on time off for overtime work.
- 3.2 Employees on standby shall receive overtime payment when called out, irrespective of the statutory threshold.

### **4. LEGISLATION**

- 4.1 Overtime work is subject to the provisions of the BCEA, the Conditions of Service Collective Agreement of the Western Cape Division and the provisions of this Policy.
- 4.2 In the case of conflict between this Policy and the provisions of the BCEA, provisions of the BCEA will prevail.

### **5. ALLOWABLE OVERTIME HOURS**

- 5.1 An employee may not be required or permitted to work for a longer period overtime than ten (10) hours during any working week, except if it is emergency work.

- 5.2 The ten (10) hours may only be increased to fifteen (15) hours by means of an agreement between the employee and the employer, provided that this agreement may not apply for more than two (2) months in any period of twelve (12) months.

## **6. EMERGENCY WORK**

- 6.1 Emergency work excludes the performance routine maintenance work outside normal working hours.
- 6.2 For emergency overtime the competent authority may give verbal approval to the working of such overtime provided such approval is followed-up with a written confirmation. Written standing approval may be granted where justified by operational requirements.
- 6.3 Where overtime in emergency situations cause an employee to work past midnight on a day, the employee will be entitled to a break of at least eight (8) hours before the employee is required to report for normal duty, without negatively impacting on his salary.

## **7. SPECIAL CONDITIONS**

- 7.1 Overtime work is subject to prior written approval by a competent authority and no overtime may be worked without such written approval being obtained, except in cases of work related to emergency situations.
- 7.2 Only officials with delegated authority may approve overtime work and overtime payment.
- 7.3 The performance of overtime duties must be rotated amongst the staff component within a section and be implemented properly by relevant line manager.
- 7.4 Overtime only commences after completion of an employee's ordinary weekly working hours. Approved/ Overtime will be regarded as part of the completed ordinary working hours and not as short time.
- 7.5 Overtime can only be claimed for actual hours worked and exclude travelling time except for standby staff who may claim from the time he/she leave their homes to attend to the overtime work until they return home.

- 7.6 No overtime will be paid for attendance of functions/prize giving, etc. by personal invitation except in cases of compulsory attendance as official representative of Council provided that such employee qualifies for overtime in terms this policy and provided further that such overtime is authorized in advance by the Executive Director.
- 7.7 Council will provide an employee with a meal, up to a maximum amount of R60.00, when an employee is expected to work overtime during an emergency situation and when such emergency overtime work continues for more than four hours after the employee's ordinary working hours.
- 7.8 Should an employee who is appointed on a part-time or 5/8<sup>th</sup> basis be required (and agree) to work overtime, payment or time off in lieu of payment would only be effected at overtime rates after eight (8) hours worked on that specific day. The hours worked in excess of such an employee's ordinary daily working days will be paid at straight time up to eight (8) hours and only thereafter at overtime rates.
- 7.9 No overtime can be claimed should an employee work less than the normal working hours. A full day's work must first be worked before such employee is eligible for overtime, except in case of essential services and life-threatening situations.

## **8. TIME-OFF IN LIEU OF PAYMENT FOR OVERTIME**

- 8.1 Time off in lieu of payment for overtime shall be granted only for unstructured and approved overtime.
- 8.2 Application for time off in lieu of payment for overtime worked shall be made on a prescribed application form.
- 8.3 Time off in lieu of payment for overtime worked cannot be encashed except on termination of services.
- 8.4 Time off in lieu of payment for overtime worked must be taken within 6 months from date of accrual. Time off not taken within 6 months will be forfeited. This 6 months' period may, for operational reasons, be extended to a maximum of 12 months by the Municipal Manager on good motivational grounds by the responsible Manager.

## **9. OVERTIME WORK ON PUBLIC HOLIDAYS**

Payment or time off in lieu of payment to eligible employees for work on Public Holidays will be dealt with in terms of the Basic Conditions of Employment Act.

## **10. OVERTIME WORK ON SUNDAYS**

Payment or time off in lieu of payment to eligible employees for work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act.

## **11. ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS.**

11.1 Each Director is responsible and accountable to constantly monitor and review the provisions 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 timeously.

11.2 A determination of the payment of overtime whether in cash or in time off must be made in line with the budget. This decision must be communicated and discussed with the employee prior to overtime being performed.

11.3 Each Director is responsible and accountable that only officials who are authorized in terms of the delegated powers approve overtime work and payment or time off in lieu of payment. The authorizing bodies must determine whether the information on the overtime form is accurate and correct before they authorize the form for payment/ time off.

11.4 Attendance registers, time sheets and overtime approval forms, which should indicate dates, starting and ending times, must be kept at source for three years in respect of all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers/time sheets serve as source documents to complete overtime sheets, as well as job card.

11.5 All employees have to complete and sign an attendance register/ time sheet on a daily basis. Line Managers/ Supervisors have to check and sign such attendance registers/time sheets on a weekly basis. Attendance registers/ time sheets which are

signed/ approved by the competent authority must be submitted to the pay office on a monthly basis.

## **12. TRANSITIONAL ARRANGEMENT**

This policy replaces all previous policies from date of implementation.

## **13. GENERAL**

Payment can only be granted when such payment is in line with the BCEA as amended, Collective Agreement on Conditions of Service as well as the approved Overtime Policy.

## **14. AUTHORITY**

This policy will come into effect on the date of approval by Council.