

# OVERTIME POLICY

<b>Policy: Overtime</b>	<b>Effective Date:</b>
<b>Approved:</b>	<b>Review Date: 31 March 2020</b>

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and be reviewed on an earlier date if necessary.

## **1. SCOPE**

This policy is applicable to all Nketoana Local Municipality (NLM) employees, except those excluded by a collective agreement and the Basic Condition of Employment Act of 1997 as amended (BCEA), who do overtime work when required and qualify for remuneration and / or compensation for such work. This policy must, where applicable, be read together with the Working Hours and the Collective Agreement on Condition of Services as amended.

## **2. PREAMBLE**

All NLM employees excluding senior management, emergency service, security services and those working less than 24 hours a month, are by laws and operational requirements of business expected to work 40 hour a week excluding weekends and Public Holidays. However, in exceptional circumstances, it may be required of employees to work overtime on weekdays or on Weekends and Public holidays. Consequently NLM has, as a requirement of corporate governance, taken upon itself to develop a policy that will regulate overtime and remuneration / compensation thereof.

### **3. OBJECTIVE**

- 3.1 To provide rules applicable to NLM employees regarding overtime duty and remuneration / compensation arising from such overtime work.
- 3.2 To give a framework that will ensure that overtime worked is regulated in terms of the Collective Agreement on Condition of Services and other related legislation.

### **4. POLICY**

#### **4.1 WORKING HOURS AND OVERTIME ON WEEKDAYS**

- 4.1.1 Designated NLM employees, in terms of the working hour's policy are required to work a 40 hour week converted to 8 hours a day, commencing from Monday to Friday (hereinafter referred to as weekdays).
- 4.1.2 Any hour over and above the 8 hours per day and over and above the 40 hours a week on weekdays, therefore qualifies as overtime for additional remuneration and employees who worked overtime should be remunerated accordingly.
- 4.1.3 Any overtime worked without prior approval of Line Manager will not be remunerated unless ratified by such Manager and approved by the Municipal Manager.

#### **4.2 WEEKEND DAYS AND / OR PUBLIC HOLIDAY WORK**

It may be necessary to require NLM employees to execute work during Weekends and on Public Holidays. This is to be considered as overtime for compensation. Any overtime scheduled to be worked on weekend days and / or Public Holidays are subject to the prior approved of the Line Manager in the relevant Department.

### **4.3 REMUNERATION AND COMPESATION FOR OVERTIME**

- 4.3.1 Maximum permissible overtime is 3 hours on any one day or 15 hours in any one week and remuneration for overtime worked in terms of this policy will be as follows.
- 4.3.2 Remuneration shall be at 1.5 (one and half) the normal salary / wage rate, except for Sunday work and on Public Holidays.
- 4.3.3 Remuneration for Sunday and Public Holidays work is as follows:
  - 4.3.3.1.1 An employee who does overtime on Sunday shall be remunerated at double his/her normal time salary / wage rate, unless he/she ordinarily works on Sunday, in which case he/she shall be remunerated at 1.5 (one and half) his/her normal salary / wage rate for each hour worked; and
  - 4.3.3.1.2 And employee who does overtime on a Public Holiday shall be remunerated at double his/her normal time salary / wage rate, unless he / she ordinarily works on Public Holidays, in which case he / she shall be remunerated at 1.5 (one and half) his / her normal salary / wage rate for each worked and,
  - 4.3.3.1.3 Time off, calculated on the same formulae as 4.3.2, 4.3.3.1.1 and 4.3.3.1.2 may be granted for overtime worked instead of monetary payment, however, this arrangement must only be determined by agreement between NLM and its employees
  - 4.3.3.1.4 Employees who earn over present salary threshold, as determined, from time to time

by the Minister, Department of Labour, are not subject to provisions regulating overtime in the Basic Condition of Employment Act. Employees falling under this category cannot, therefore, demand to be paid for overtime worked, nor can they demand to be granted paid time off in view of remuneration. Employees on standby in terms of clause 9 (BCEA) shall receive overtime payment when called out irrespective of the statutory threshold.

4.3.3.1.5 Time off in terms of this policy is subject to approval of the Line Manager, taking in to account operational requirements at the time of intended time off. The Line Manager may not unreasonably refuse to approve time off in terms of this policy.

4.3.3.1.6 Employees working or assisting in the political and tourism offices during weekends or public holidays shall be entitled to overtime payment equivalent to one day's salary provided that the number of hours worked are in excess of the minimum five (5) hours in a day. Should the minimum hours be less, normal overtime as per this agreement will be applicable but in the event that an employee is working in excess of eight (8) hours the concerned employee shall be entitled to the equivalent of two days salary.

#### **4.4 OVERTIME ON SHORT NOTICE**

4.4.1 Overtime is not compulsory and employees cannot demand to work overtime, in the same note NLM cannot force employees to work overtime.

4.4.2 However, no employees shall refuse to work overtime if the work required to be executed must be done without delay owing to the operational requirements and circumstances for which NLM could not reasonably have been expected to make provision for such work to be performed during normal working hours.

#### **4.5 QUALIFYING HOURS**

Overtime is payable from the first hour actually worked, excluding travel time to and from work.

### **5. AUTHORITY**

<b>Formulated Policy</b>	<b>: Head of Corporate Services</b>
<b>Authorisation Policy</b>	<b>: Council</b>
<b>Maintenance Manager</b>	<b>: Manager: Human Resources</b>