

O. R. TAMBO DISTRICT MUNICIPALITY



O.R. TAMBO DISTRICT MUNICIPALITY

OVERTIME POLICY

TABLE OF CONTENTS

	CONTENTS	PAGE
	Preamble	3
	Legislative framework and purpose of the policy	3
1.	Definitions	4
2.	Scope of policy	5
3.	Interpretation and application of policy	6
4.	Responsibilities for implementation of the policy	6
5.	Overtime worked	6
6.	Remuneration or time off for overtime	7
7.	Claims for overtime	7
8.	Sundays	8
9.	Public holidays	8
10.	Municipal Manager and Directors	9
11.	Administration of policy and delegations	9
12.	Breach of policy	10
	Annexure A	

Preamble

- (a) The OR Tambo District Municipality is committed to a fair working environment and to ensuring that the basic conditions of employment for its staff are in compliance with national legislation and norms.
- (b) Accordingly, the OR Tambo District Municipality considers it necessary to adopt an Overtime Policy to govern the working of overtime and payment of remuneration in respect thereof.

Objective of the Policy

- (a) To provide a framework for the regulation of overtime, and adherence to legislation
- (b) To provide a framework for the remuneration of employees for work performed outside official working hours.
- (c) Overtime should not be regarded as a means of earning an extra money

Legislative framework and purpose of the policy

- (a) The working of overtime and payment of remuneration in respect thereof is addressed in terms of s.10 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- (b) Mindful of the foregoing, the purpose of this policy is to :
 - (i) facilitate compliance with the foregoing statutory obligations;
 - (ii) provide parameters for working and payment of overtime;
 - (iii) ensure that a fair working environment is maintained and promoted, with specific regard to overtime.

1. Definitions

1.1. In this policy, words in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates :

1.1.1. "**BCEA**" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) and any notices and regulations promulgated in terms thereof;

1.1.2. "**Code of Conduct**" means the code of conduct appended to the Local Government : Municipal Systems Act, 2000 as Schedule 2 and applicable to employees.

1.1.3. "**Council**" shall have a corresponding meaning to "municipality";

1.1.4. "**Employee**" means any person who works for the Municipality and who receives, or is entitled to receive, any remuneration, excluding any councillor;

1.1.5. "**Municipality**" means the OR Tambo District Municipality, established in terms of Section 12 of the Local Government : Municipal Structures Act, 1998 [Act No. 117 of 1998] and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this policy by virtue of a power vested in the municipality and

delegated to such political structure, political office bearer, councillor, agent or employee; and

1.1.6. "**Ordinary hours of work**" means the hours of work permitted in terms of section 9 of the BCEA or in terms of any contract of employment between the Municipality and the employee.

1.1.7. "**Overtime**" means work performed in addition to normal working hours.

1.1.8. "**Earnings**" means gross pay before deductions i.e. (before deducting) income tax, pension, medical and similar payments, but excluding similar payments (contributions) made by the employer in respect of the employee

1.2. Any word used in this policy, and in respect of which no definition has been provided, shall bear the meaning given to it in terms of the BCEA.

2. **Scope of policy**

2.1. This policy applies to all full time employees of the municipality, subject to the sub-paragraphs below.

2.2. The Municipal Manager, Directors and all other employees earning in excess of the earnings threshold, determined from time to time by the Minister of Labour in terms of s.6(3) of the BCEA, are excluded from the application of paragraph 6.

2.3. The Municipal Manager, and Directors are also excluded from the application of paragraphs 6 and 8.

- 2.4. For the purposes of this policy, the current threshold earnings figure with effect from 1st July 2012 is R 183 008.00 per annum, as published in terms of GNR 429 of the 1st June 2012 .
- 2.5. The above amount may be adjusted from time to time by the Minister of Labour, in which event the adjusted amount shall be used for purposes of this policy.

3. Interpretation and application of policy

- 3.1. The provisions contained in this policy must be interpreted and applied such that this policy is consistent with the provisions of the BCEA.

4. Responsibilities for implementation of the policy

- 4.1. Each Director shall be responsible for the proper and effective implementation of the principles contained in this policy.
- 4.2. The Budget and Treasury Office shall be responsible for the calculation and payments of remuneration for overtime worked.
- 4.3. Designated managers and supervisors shall be responsible for the management of this policy at an operational level.

5. Control Measures

Managers / Supervisors should ensure that :

- 5.1 Overtime work is minimised;
- 5.2 There is adequate control of remunerated overtime duty, either Supervision or by controlling outputs;
- 5.3 Overtime remuneration is cost-effective;

- 5.4 Records of all circumstances which necessitated overtime and overtime performed must be kept;
- 5.5 A record of attendance is kept and duly signed by the Manager / Supervisor.

6. **Overtime Worked/Limitations**

- 6.1. The Municipality shall not require or permit an employee to work:
 - 6.1.1. overtime, except in accordance with an agreement between such employee and the municipality his or her contract of employment or the BCEA;
 - 6.1.2. more than ten (10) hours' overtime per week
 - 6.1.3. more than 3 hours per day
 - 6.1.4. Overtime only commences after completion of ordinary daily or weekly working hours.
 - 6.1.5. An agreement may not require or permit an employee to work more than 12 hours on any day.

7. **Claims for overtime**

- 7.1. No employee may claim remuneration or time off for overtime unless :
 - 7.1.1. prior written application to work overtime was made by the employee, accompanied by reasons;

7.1.2. prior written approval of the application was given by the Municipal Manager, or Director concerned;

7.1.3. subsequent written approval was obtained by the employee from the Municipal Manager, or Director in circumstances where it was impossible to make prior written application or obtain prior written approval; and

7.1.4. no employee will be remunerated for overtime work unless such overtime has been budgeted for,

7.2. The provisions of sub-paragraph 8.1.1 shall not apply to the Municipal Manager, or Directors.

8. Remuneration or time off for overtime

8.1. In respect of all overtime worked, the Municipality shall :

8.1.1. pay an employee one and one-half (1 ½) times the employee's wage; or

8.1.2. pay an employee not less than the employee's ordinary wage and grant the employee at least 30 minutes' time off on full pay for every hour of overtime worked; or

8.1.3. grant an employee at least 90 minutes' paid time off for each hour of overtime worked.

8.1.4. Payment for overtime worked shall be made on the employee's normal payday.

9. **Sundays**

- 9.1. The Municipality shall pay an employee, who works on a Sunday, at double the employee's wage for each hour worked, subject to the sub-paragraph below.
- 9.2. If an employee ordinarily works on a Sunday then the terms and conditions of his or her contract of employment shall apply with regard to remuneration.

10. **Public holidays**

- 10.1. The Municipality shall pay an employee, who works on a public holiday which falls on a day on which the employee would ordinarily work, an amount equal to :
 - 10.1.1. double the employee's ordinary daily wage; or
 - 10.1.2. if it is greater, then the employee's ordinary daily wage plus the amount earned by the employee for the time worked on that day.
- 10.2. The Municipality shall pay an employee, who works on a public holiday which falls on a day on which the employee would not ordinarily work, an amount equal to :
 - 10.2.1. the employee's ordinary daily wage; plus
 - 10.2.2. the amount earned by the employee for the time worked on that day.

11. **Municipal Manager, and Directors**

- 11.1. The Municipal Manager, or a Director shall be entitled to claim a maximum of one (1) day's paid time off where he or she works overtime in any month.
- 11.2. The paid time off, referred to above, shall not be construed as leave.
- 11.3. The Municipal Manager, or a Director shall take the paid time off within no more than three (3) months of the end of the month in respect of which it was claimed, unless reasonable circumstances exist to prevent him or her from doing so.
- 11.4. Any accumulated paid time off, not taken during an annual leave cycle, shall be forfeited.
- 11.5. No paid time off, granted to the Municipal Manager, or a Director, shall be converted into payment.
- 11.6. At all times, the provisions of this paragraph must be applied subject to the terms and conditions of the relevant contracts of employment.

12. Administration of policy and delegations

- 12.1. The Municipal Manager is responsible for the administration of this policy.
- 12.2. The Municipal Manager, or a Director may delegate any power or function granted to him or her in terms of this policy, subject to the requirements of :
 - 12.2.1. the Municipality's Delegation Policy; and

12.2.2. section 59 of the Local Government Municipal Systems Act, 2000 as Amended (Act No. 32 of 2000).

13. **Breach of policy**

Any breach of this policy shall constitute a breach of the Code of Conduct.