

UMZIMVUBU LOCAL MUNICIPALITY



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MUNICIPAL OVERTIME POLICY

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1. OBJECTIVES

- 1.1 To regulate circumstances under which overtime, undertime and flexitime are worked within the Municipality.
- 1.2 To give effect to the objectives and precepts of the Basic Conditions of Employment Act, 1997 (BCEA).
- 1.3 To provide a set of regulations and measures for controlling overtime for general employees and employees earning in excess of the threshold determined by the

Minister of Labour in terms of Section 6(3) of the BCEA, 1997.

2. REGULATIONS FOR GENERAL EMPLOYEES

- 2.1 Overtime shall be pre -authorised and approved by the Manager/Designee.
 - 2.1.1 **Pre-authorisation for overtime in respect of employees who ordinarily work overtime shall be done on a monthly basis in the month preceding the month on which overtime will be worked.**
 - 2.1.2 **Pre-authorisation of overtime for employees who occasionally work overtime shall be done on an ad hoc basis.**
 - 2.1.3 **Under all circumstances an overtime pre-authorisation form will bear a date preceding commencement of overtime concerned.**
- 2.2 Overtime arrangement shall be agreed upon by the employee concerned and the Manager/Designee prior to the overtime being worked.
- 2.3 A formal overtime claim form shall be completed by each overtime claimant.
- 2.4 A memo of overtime pre authorisation together with the work attendance register / timesheet must be attached to the overtime claim.
- 2.5 Overtime claims shall be approved by the Manager/Designee.
- 2.6 Overtime to be worked will not be in excess of maximum hours stipulated in the Basic Conditions of Employment Act, 1997.
- 2.7 Employees will be compensated for overtime in terms of the Basic Conditions of Employment Act, 1997.
- 2.8 The Municipality shall, prior to undertaking of overtime, agree with the employee on the method of overtime compensation which shall be one of the following:
 - 2.8.1 Full cash payment for the overtime worked;
 - 2.8.2 Payment of not less than employee's ordinary wage overtime and grant the employee at least 30 minutes of time-off on full pay every hour of overtime worked on a working day basis;

OR

 - 2.8.3 Granting of paid time-off of 90 minutes for each hour of overtime worked on a working day basis.
 - 2.8.4 **No overtime claim shall be processed without a copy of a pre-authorisation form, completed and signed time sheet/ work attendance register and a completed and approved overtime claim.**

- 2.9 The time off in lieu of overtime must be granted within 12 months of the employee becoming entitled to it.
- 2.10 An employee shall be paid for the outstanding time off when employment is terminated.

3. REGULATIONS FOR EMPLOYEES EARNING IN EXCESS OF THE AMOUNT DETERMINED IN TERMS OF SECTION 6(3) OF THE BCEA, 1997

- 3.1 For the purpose of this sub-section, the following shall apply:
 - 3.1.1 Overtime shall refer to working time falling outside the normal working hours incurred in terms of these regulations;
 - 3.1.2 Time off shall mean an amount of time that can be used as leave of absence from work that an employee may apply for in terms of the leave application procedure.
- 3.2 Employees may work directly and/or indirectly sanctioned overtime through inter alia:
 - 3.2.1 Attendance of meetings and official gatherings;
 - 3.2.2 Attendance of workshops or seminars or conferences;
 - 3.2.3 Execution of special tasks/assignments.
 - 3.2.4 This excludes time spent on training or workshops benefiting the employee.
- 3.3 Employees may not claim overtime for the first 10 hours of accrued overtime in each calendar month provided that:
 - 3.3.1 The first 10 hours did not accrue from one day;
 - 3.3.2 No part or whole of the first 10 hours pertains to a weekend day or a public holiday;
 - 3.3.3 Overtime due in terms of 3.3.1 and 3.3.2 above is pre-authorized.
- 3.4 Notwithstanding provisions of clause 3.3 the Municipality may not require employees to work overtime in excess of 40 hours per calendar month or the maximum hours that may be contained in the Code of Good Practice on regulation of working time issued in terms of Basic Conditions of Employment Act No 75 of 1997.
- 3.5 Employees who, due to the nature of their work cannot easily foresee working overtime in a given situation shall not be required to seek pre-authorization for overtime falling within the first 16 hours within a month.
- 3.6 Non-pre-authorized overtime will be post-authorized based on satisfactory explanation and full motivation.

- 3.7 Employees may not seek authorisation for working overtime, nor incur overtime on routine operations of the Municipality e.g. voluntary working through lunchtime and after hours, and due regard must be given to Section 7 of the Basic Conditions of Employment Act.
- 3.8 Employees will be compensated for approved overtime by grant of time off worked out in terms of Basic Conditions of Employment Act, 1997 on a working day basis.
- 3.9 The authorising official shall take into account procedures contained in this policy when approving overtime claims and compensation thereof.
- 3.10 Unclaimed overtime and unused time-off credits shall lapse at the end of a two-year period, reckoned from the date of inception and approval respectively.
- 3.11 Notwithstanding clause 3.10, unclaimed overtime and unused time-off shall lapse with effect from the first day of a notice period for termination of service served by either party in terms of the Conditions of Service.
- 3.12 The Municipal Manager may waive the provisions of this policy except clause 3.4, by agreement with the employee concerned.

4. UNDERTIME AND FLEXTIME

- 4.1 Undertime and flexitime arrangements may be agreed upon between an employee and the Manager/designee with due regard to the interests of the Municipality.
- 4.2 Undertime and flexitime must be arranged strictly with due regard to health and safety and family responsibilities of employees.
- 4.3 Undertime and flexitime to be granted may not exceed 1.5 hours per day and 5 hours per week.
- 4.4 Undertime and flexitime, mentioned in 4.3 above, shall be arranged on an informal basis.
- 4.5 Any undertime worked shall be offset by flexitime or underpayment where necessary.

5. PUBLIC HOLIDAYS AND SUNDAYS

- 5.1 Employees who do not ordinarily work on Public Holidays and Sundays shall not be required to work on Public Holidays and Sundays, other than the normally working hours.
- 5.2 Employees who have been requested to work on a Public Holiday or Sunday will be compensated in terms of the Basic Conditions of Employment Act, 1997.
- 5.3 Employees who work for the Municipality for more than 24 hours per month shall be paid for a Public Holiday falling on a normal working day.

5.4 Employees who ordinarily work on a Public Holiday and Sunday shall be compensated in terms of the Basic Conditions of Employment Act of 1997.

5.5 Employees who do not ordinarily work on a Public Holiday and Sunday shall work on these days by agreement.

6. COMMENCEMENT OF THIS POLICY

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

7. INTERPRETATION OF THIS POLICY

7.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.

7.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

7.3 The Municipal Manager shall give a final interpretation of this policy in case of a written dispute.

7.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ Arbitration.

8. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

8.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis, after consultation with Management and Trade Unions.

8.2 Notwithstanding clause No. 8.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

9. AMENDMENT AND/OR ABOLITION OF THIS POLICY

This policy may be partly amended or repealed by the Council after consultation and interaction with Management and Trade Unions.

10. COMPLIANCE AND ENFORCEMENT

10.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

10.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

APPROVAL OF THE POLICY

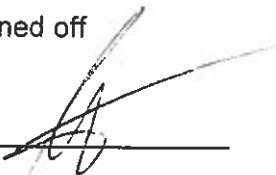
The Municipal Council has approved this policy and amendments thereof.

AUTHENTICATION

The amendments of the policy and or the new policy was adopted by the Council on the
23 / 01 / 2020

As per Council Resolution number 215 / 19 / 20

Signed off



Mr. G.P.T. Nota

Municipal Manager



Cllr. N.F Ngonyolo

Speaker of the Council