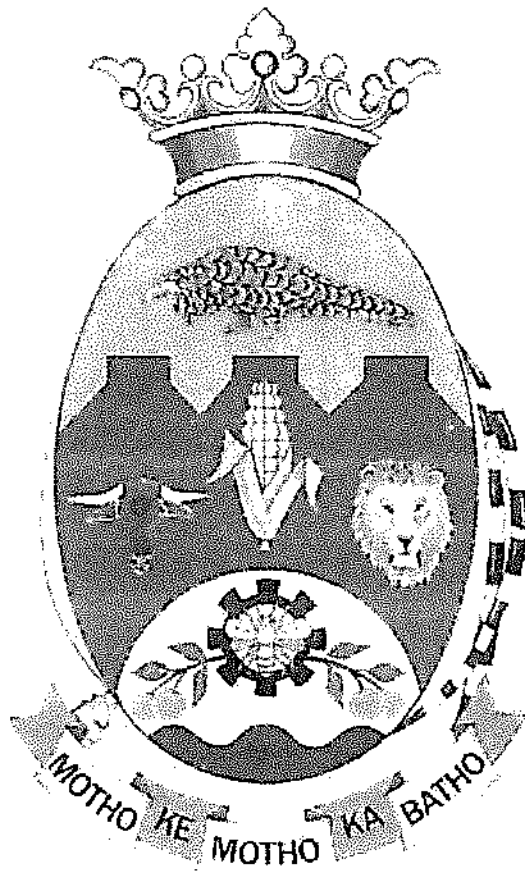


LEPELLE-NKUMPI LOCAL MUNICIPALITY



OVERTIME POLICY 2022/2023

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TABLE OF CONTENTS

ITEM NO	ITEM DESCRIPTION	PAGE NO
1.	OBJECTIVE	2
2.	DEFINITIONS	2
3.	SCOPE AND APPLICATION	2
4.	GENERAL	3
5.	LIMITATIONS	4
6.	PAYMENT	4
7.	OVERTIME WORKED ON SATURDAYS	5
8.	OVERTIME WORKED ON SUNDAYS AND PUBLIC HOLIDAYS	5
9.	RESPONSIBILITY	5
10.	PRINCIPLES	6
11.	AMENDMENT OF THE POLICY	6

1. OBJECTIVE

The objective of this policy is to regulate and provide guidelines for the performance and administration of overtime as required by the Basic Conditions of Employment and/or any Collective Agreement

2. DEFINITIONS

- 2.1 **Overtime** means as defined in the Basic Conditions of Employment Act (BCEA)
- 2.2 **Emergency work** means to work that must be done without delay because of circumstances for which the employer could not reasonable have been expected to make provision and which cannot be performed by employees during their ordinary hours of work. Emergency work excludes the performance routine maintenance work outside normal working hours.
- 2.3 **Unstructured overtime** means programmed/planned overtime over which the employer has control and for which prior approval is required that continue or take place after normal working hours.
- 2.4 **Structured overtime** means where payment is compulsory in terms of BCEA due to Sunday and Public holidays.
- 2.5 **Remuneration** means compensation in money for overtime worked
- 2.6 **Wage** means the amount of money paid or payable to an employee in respect of ordinary hours of work

3. SCOPE AND APPLICATION

- 3.1 Senior managers as defined in the Basic Conditions of Employment Act (BCEA) as well as employees earning more than the overtime threshold do not qualify for overtime payment as provided for in section 10 of the BCEA which states that "Employees earning above the threshold as determined by the Minister of Labour from time to time are excluded from this section."
- 3.2 Those employees must negotiate their overtime provisions and compensation for it, with the employer"
- 3.3 Employees earning less than the overtime earnings threshold provided for in the BCEA, will subject to the provision of this policy be remunerated for

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overtime or be given time off in lieu of overtime worked at the rate provided for in the Basic Conditions of Employment Act.

- 3.4 Overtime is subject to prior written approval by supervisor/manager except in cases of work related to emergency situations. For emergency overtime the manager may give verbal approval for the working of such overtime provided that such approval is followed up with written confirmation within 24 hours.

4. GENERAL

- 4.1 Only officials with delegated authority may approve overtime work, overtime payment and time off.
- 4.2 Overtime only commences after completion of ordinary daily or weekly working hours. Overtime can only be claimed for actual hours worked excluding travelling time except for standby staff. Overtime for the latter starts from the time of call out.
- 4.3 No overtime will be paid to employees when attending workshops, trainings and seminars
- 4.4 Where overtime in emergency situations cause an employee to work past midnight on a day, the employee will be entitled to a paid break of at least 8 hours before an employee is required to report for normal duty.

5. LIMITATIONS

- 5.1 If an employee agrees to work overtime, the employee may not work more than twelve (12) hours on any day and not more than ten (10) hours overtime a week subject to section six(6) a and b of the BCEA which states as follows:

"(a) A collective agreement may increase the maximum permitted overtime to 15 hours a week."

(b) A collective agreement contemplated in paragraph (a) may not apply for more than two months in any period of 12 months."

6. PAYMENT

- 6.1 Overtime will be remunerated either in monetary or by means of time off in lieu of the overtime worked.

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6.2 Payment of overtime will be based on the Ministerial determination for employees earning above the threshold (From level 5 to level 12).

6.3 Payment of overtime will be limited to 30% of the basic salary of the qualifying employees per month in line with the Cost Containment Measures. Any excess hours will be taken as time off.

6.4 Travelling time will not be considered as part of overtime and will be treated as non-recoverable expense.

6.5 Senior managers will not be remunerated for overtime in monetary value but will instead be given time off for any overtime worked.

7. OVERTIME WORKED ON SATURDAYS

Employees will be paid one and half (1.5) times the employee's rate of pay for overtime worked, or be granted at least 30 minute's time off on full pay for every hour of overtime worked.

8. OVERTIME WORKED ON SUNDAYS AND PUBLIC HOLIDAYS

Employees will be paid double the employee's rate of pay for overtime worked, or be granted at least 90 minutes paid time off on full pay for every hour of overtime worked.

8.1 Employees without car allowance who are required to work overtime during weekdays will be provided with a municipal vehicle if they are authorized drivers and those employees who are not authorized drivers will be delivered to their homes.

8.2 Employees without car allowance who are required to work overtime during weekends and holidays will be provided with a municipal vehicle if they are authorized drivers and those employees who are not authorized drivers will be collected from home to work and from work to home.

9. RESPONSIBILITY

9.1 It is the responsibility of every supervisor/manager to plan, monitor and manage any overtime work. Every overtime work performed must be approved by officials with delegated authority.

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9.2 Designated manager/supervisor are responsible for co-ordination, controlling and implementation at operational level of the overtime system.

9.3 The Finance Department is responsible for the calculation and payment of overtime.

9.4 Overtime claims must be submitted to Finance department seven days before salary payment run (payday system).

10. PRINCIPLES

10.1 The approved overtime shall be compensated, based on the rate set by the municipality and included in this policy.

10.2 The Municipality shall not use any rates less favorable to those set out in the Basic Conditions of Employment Act.

11. AMENDMENT OF THE POLICY

This policy shall be reviewed and amended if necessary at the end of every financial year or when legislative requirements change to cater for legislative requirements.

Document Name: OVERTIME POLICY

Signed by:




Date: 03/06/2022

JOYCE NKOBELA (SPEAKER)

RESOLUTION NUMBER:

61.6.05/2021/2022-2022/2023


Acting Municipal Manager
KG MANKGA