



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
CO-OPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS

Enq : Chauke RT

INTERNAL MEMORANDUM

TO : THE MEMBER OF EXECUTIVE COUNCIL

FROM : CHIEF DIRECTOR: SHRM

DATE : 11 NOVEMBER 2016

SUBJECT : REQUEST TO APPROVE REVIEWED OVER-TIME POLICY

1. PURPOSE

To request the Member of Executive Council to approve the reviewed overtime policy.

2. BACKGROUND

Strategic Human Resource Management has reviewed the overtime policy and all relevant stakeholders consulted. It was further discussed in Labour Management Forum adopted.

3. FINANCIAL IMPLICATIONS

The process of reviewing the over-time policy has no financial implications.

4. RECOMMENDATION

In view of the above facts, Strategic Human Resource Management Chief directorate recommends that:-

4.1 The Member of Executive Council approves the reviewed over-time policy.

4 . RECOMMENDATION

In view of the above facts, Strategic Human Resource Management Chief directorate recommends that:-

4.1 The Member of executive council approves over-time policy.

[Signature]
CHIEF DIRECTOR: SHRM

2016/11/11th
DATE

COMMENTS:

Supported

[Signature]
DIRECTOR: RESEARCH AND POLICY

2016/11/14
DATE

COMMENTS:

[Signature]

[Signature]
DEPUTY DIRECTOR GENERAL: CS

2016/11/14
DATE

COMMENTS:

Supported

[Signature]
CHIEF FINANCIAL OFFICER

2016/11/14
DATE

COMMENTS:

Recommended for approval

[Signature]
HEAD OF DEPARTMENT:

14/11/2016
DATE

4 RECOMMENDATION

In view of the above facts, Strategic Human Resource Management Chief directorate recommends that:-

4.1 The Member of executive council approves over-time policy.

APPROVED / NOT APPROVED:

Approved


MEMBER OF EXECUTIVE COUNCIL:

15/11/2016
DATE



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OVERTIME POLICY

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i. **ABBREVIATIONS AND ACRONYMS**

- a) **"BCEA"** Means, Basic Conditions of Employment Act, 1998
- b) **"COGHSTA"** Means, Co-operative Governance, Human Settlements and Traditional Affairs
- c) **"HOD"** Means, Head of Department
- d) **"MEC"** Means, Member of the Executive Council
- e) **"PSCBC"** Public Service Coordinating Bargaining Council

ii. DEFINITION OF CONCEPTS

In this Policy, unless the context otherwise indicates, an expression defined in the Public Service Act, 1994, bears the same meaning as -

“DAY OF REST” MEANS

- a) A Sunday or a public holiday in the case of an official who normally does not work on such a day;
- b) Such other day he/she is normally relieved from duty in lieu thereof in the case of an official who normally works on a Sunday or public holiday ; or
- c) A Saturday in the case of an official who observes a full-scale five-day working week.

“NIGHT” MEANS

The hours between 20:00 and 06:00

“OVERTIME DUTY” MEANS

Additional duty performed by an employee in excess of prescribed hours of attendance by the Head of Department or delegated officials.

- a) (i) On Sunday or on a public holiday in the case of an official who does not normally work on such a day ; or
- (ii) Who normally works on a Sunday or on public holiday and in lieu thereof is relieved from duty on another day, or on any such other day;
- b) Over and above the working week prescribed for him/her in terms of the Public Service Regulations and this Policy, in which she/he normally works

“WORKING WEEK” MEANS

The official period of service which an official is required to complete in respect of a period which extends from midnight between a Saturday and Sunday to midnight between the following Saturday and Sunday?

“REMUNERATED OVERTIME “MEANS”

Compensated additional duty which an employee performs in specific circumstances in excess of his/her prescribed hours of attendance by order or permission of the Head of Department or his /her delegate. Compensation can either be monetary or time off or any other compensatory measure that the Head of Department or his/her delegate may deem appropriate and reasonable.

“UNPAID OVERTIME DUTY” MEANS

Additional duty which an employee performs in urgent and or specific circumstances in excess of his/her hours of attendance by order of the Head Of Department or his/her delegate and for which no payment is offered.

“BASIC SALARY” MEANS

Means the actual salary notch of the employees but not higher than the basic annual salary of R227 802.00 per annum.

“DAY” MEANS

Means a period of 24 hours measured from the time when the employee normally commences work, and daily has corresponding meaning.

“PUBLIC HOLIDAY” MEANS

Means a public listed in schedule 1 of the Public Holidays Act, 1994 (Act 36 of 1994), including the Monday following a public holiday that falls on a Sunday as contemplated in section 2 (1) of the said Act

“BCEA” MEANS

Means the Basic Conditions of Employment Act, 1998, as amended

1. PREAMBLE

The Department acknowledges that overtime work is a necessary element of service delivery and thereby makes arrangements for employees to apply for such work and access the benefits thereof. This policy does not take precedence over any collective agreement which may be in force at the time of its approval. The policy therefore must be read in conjunction with the National Determination and directive on Working Time in the Public Service, Public Service Regulations, and the departmental Policy on Leave of Absence Management as well as the Basic Conditions of Employment Act (BCEA)

2. PURPOSE AND OBJECTIVES

The purpose of this policy is to provide a framework through which matters related to overtime work are regulated and managed. It is the express intention of this policy to establish a consistent set of guidelines by which overtime work is done and eventually compensated.

2.1. OBJECTIVES OF THE POLICY

- i. To provide a framework for the compensation of employee for additional duties they perform in specific circumstances in excess of their prescribed hours of work by order of the Head of Department or his /her delegate
- ii. To regulate the performance of overtime duty and the conditions under which unpaid overtime should be performed and compensated.

3. SCOPE OF APPLICATION

(a) This applies to the employer and employee in terms of the Public Service Act, 1994 as amended and falls within the registered scope of the Public Service Coordinating Bargaining Council (PSCBC).

(b) The Head of Department may require of any official to perform duty on any day of the week or at any time during the day or night or to be present at his/her place of work or elsewhere for such duty. Should the HOD require an official to perform overtime duty, which exceeds his/her official hours of attendance, the official has no right to claim

overtime remuneration for such duty unless otherwise agreed to. However, the official may be granted time-off or non-monetary compensation.

(c) Only duty in excess of the prescribed hours of attendance authorized by the Head of Department or his/her delegate beforehand may be considered for overtime compensation or time-off.

(d) Employees who belong to the Senior Management Services do not qualify for compensation for overtime as a rule but may be considered under extreme circumstances explained in section 6.5 (d) of this policy.

(e) This policy applies to all employees of CoGHSTA unless otherwise stated in this policy.

4. LEGISLATIVE FRAMEWORK

- i. The Constitution of the Republic of South Africa, 1996
- ii. Labour Relations Act, Act 66 of 1995 (as amended)
- iii. Public Service Act, 1994 as amended
- iv. Basic Conditions of Employment Act, Act 75 of 1997
- v. Memorandum of understanding on conditions of services, 1994
- vi. Office delegations
- vii. Public Service Co-ordinating Bargaining Council Resoluti

6. POLICY CONTENT

6.1. Roles and responsibility

The Head of Department or his/her delegate assignee accepts overall responsibility for the implementation and monitoring of the policy.

6.2. Conditions

6.2.1. Fully completed application in the attached prescribed form must be submitted prior to the performance of overtime work for approval by the HOD. No ex-post facto approval will be considered, unless under extreme circumstances but the normal procedure must be adhered to.

6.2.2. The hours approved are for the period indicated on the application form only. Should there be hours remaining after the expiry of the overtime period, the approval shall lapse and a new application must be completed.

6.2.3. Officials whose nature of the job and functions require that they will have to work overtime or overtime work is unavoidable for example, communication officers, project managers, officials working in Traditional Affairs directorate dealing with installation and burial of chiefs, qualify for the provisions of this policy. Care should however be exercised that the 30% cut-off is not exceeded unless only under extreme circumstances which must be well motivated by the Director concerned.

6.2.4. Overtime duty may be performed, from 16:30 to 20:30 of the same day, or for 8 hours during weekends and public holidays.

6.2.5. As far as possible overtime should be performed to a minimum of one hour but to a maximum of 4 hours after working hours 16:30 to 20:30 and for 8 hours during weekends and public holidays.

6.2.6. Officers are not entitled to work overtime when on:

- (i) Sick leave
- (ii) Vacation leave
- (iii) Special leave

6.2.7. Overtime must be performed for a maximum of 4 hours per day or 10 hours per week unless otherwise agreed by all parties concerned.

6.2.8. In terms of the Basic Conditions of Employment Act, 1997 an agreement may be reached for the employer not to pay an employee for overtime worked but to grant the employee at least 30 minutes time off on full pay for every hour of overtime worked, or

6.2.9. Paid time off must be granted within one month from entitlement and cannot be accumulated.

6.2.10. Supervisors must ensure that accurate records are kept on overtime / time-off taken.

6.2.11. The reason for overtime remuneration must be clearly motivated on the prescribed form, as provided in Annexure A

6.2.12. Before applications are considered management must look at other alternatives to manage additional tasks.

6.2.13. Record of voluntary unpaid overtime must also be kept to motivate applications for overtime remuneration.

6.2.14. Monthly production sheets must reflect the quantity of work of the office.

6.2.15. The expenditure is calculated considering the official's rates and number of overtime hours worked reasons for backlogs are investigated and corrective action taken.

6.2.16. Overtime work must be duly monitored and recorded by an official nominated by the Director to perform this function. Starting and end times must be recorded and

signed for by officials performing overtime and checked by a supervisor nominated for this purpose.

6.2.17. Except in exceptional circumstances, which must be fully motivated prior to approval, the monthly compensation for overtime should constitute less than 30% of the employees' monthly salary.

6.3. Calculation of overtime remuneration

(a) An employee performing overtime duty shall not be compensated for travelling overtime. Overtime duty should be arranged as far as possible in such a manner that the commencement thereof and conclusion should coincide with the time during which public transport, normally used by an employee, is available.

(b) If an officer/employee performs overtime duty at a place other than his/her normal place of work, the travelling time of his/her transport between his/her normal place of work and place where overtime will be performed may be regarded as overtime duty. This is applicable subject to an agreement signed by the Head of Department or his/her delegate.

(c) If an officer/employee performs normal duty at a place other than his/her normal place of work and he/she has to go elsewhere to perform compulsory overtime duty, the travelling time between the place where normal duty is performed and the place where overtime is to be performed, may be regarded as overtime.

(d) Under no circumstances will an employee be transported from his/her home for working overtime but can be transported if the overtime goes beyond normal working time.

(d) For purposes of the calculation of the applicable overtime rate, an officer or employee's annual pensionable salary notch at the time of the performance of the overtime duty should be used, and under –or overpayment of overtime remuneration as a result of an adjustment of his or her salary should retrospectively be rectified.

(e) The basic salary for the calculation of overtime worked shall be the actual salary notch of the employee, provided that it shall not be higher than basic annual salary of R227 802.00 per annum. This provision excludes employees on commuted overtime.

(f) Overtime rates are calculated according to the following formula:

$$T = A \times 7 \times 1$$

- 365 - B

Where

(A) Is equal to the smallest of the salary notch of the person concerned or if the overtime duty is performed on a working level lower than the normal working level of the individual concerned, the maximum salary notch of the salary grading attached to the post class that is representative of the lower working level.

(B) Is equal to the weekly number of hours of attendance prescribed for the employee.

(T) Is equal to the total amount payable for overtime duties performed

(g) Overtime rates for Sundays and public holidays or during night time (20:00 to 06:00) are calculated according to the following formula:

$$2 \times T$$

(g) CALCULATION OF COMPENSATION FOR OVERTIME WORK PERFORMED ON A SUNDAY OR PUBLIC HOLIDAY

The compensation for overtime work performed on Sunday or a Public Holiday is calculated according to the following formula:

$$C \times 2 \times T$$

Where-

C is equal to the number of overtime hours worked:

$$T = A \times 7 + B$$

365

Where-A is equal to the smallest of the basic salary of the employee, as defined in paragraph 6.4. below, or if the overtime duty is performed on a working level lower than the normal working level of the individual concerned, the maximum

6.4. Control of remunerated overtime duty

(A) In order to exercise proper control on remunerated overtime duty, it is the responsibility of the HOD and therefore each Head of Office/component to ensure that:

(i) There are adequate supervision and control measures at all times during the performance of remunerated overtime duty in order to ensure high productivity;

(ii) Overtime remuneration is efficient and /or cost-effective;

(iii) Record of all overtime is kept.

(iv) An attendance register for is kept, and

(v) Staff are not employed on overtime duty to such an extent that the quantity and quality of the work (productivity) performed during normal hours of attendance as well as during hours of overtime duty are adversely affected.

(vi) The names of employees who are to perform remunerated overtime, must be submitted with the request and claims of employees not listed, will not be honoured.

(B) In order to improve control, the Head of Department or delegate may consider determining beforehand the number of hours overtime duty to be performed each day and, as far as possible, setting production targets and/or aims as criteria.

6.5. Criteria for overtime duty approval

(a) When the necessity for overtime arises, each official is expected to perform on his/her own accord unpaid overtime duty within reasonable limits. However, for the sake of fair labour practice, Chief Director and Directors must as a rule, take fair and acceptable steps in connection with the extent and periods during which overtime duty is performed. Remunerated overtime, which exceeds 10 hours per week, may be claimed.

(b) An employee will perform a maximum of remunerative overtime of 10 hours per week over the agreed period of which overtime is approved, unless otherwise specifically indicated as an emergency or a matter of national interest or where a specific output needs to be achieved before a specific date. This fact must specifically be indicated in the application for remunerative overtime.

(c) Officials rendering remunerated overtime duty which extends directly from 16:30 (closing time of normal working hours) on any week day, except a week day which falls on a public holiday, may take a time of rest and/or meal break for a period of 30 minutes, before starting with such remunerated overtime duty, provided that such overtime duty is rendered away from the office/place of work.

(d) Management, as a rule, may not request or claim remunerated overtime duty, unless approved by the HOD or Executive authority, provided that it is in national/international interest. Specific motivation, in writing, need to be submitted in this regard and will be considered on an individual basis and will be approved according to the merit of the case. The compensation of overtime for Directors will constitute one percent or less of the salary bill on the relevant salary level. Directors performing overtime shall comply in all respects with this policy.

(e) When considering overtime duty the Head of Department must take into account the following:

(i) The circumstances, which necessitate the performance of overtime.

(ii) The steps which were taken to prevent the performance of overtime duty, for examples redistribution of duties among available staff, reallocation of staff, temporary utilization of staff in other division, etc.

(iii) Particulars of any voluntary (unpaid) overtime duty performed by staff in connection with –

(aa) the task in respect of which remunerated overtime duty is requested; and

(bb) the work in the division, sub-division or office in general during the preceding six months.

(iv) If no voluntary duty has been performed, the reason thereof.

(v) The numbers and ranks of the officers and employees who will be required to perform overtime duty.

(vi) The estimated duration of the overtime duty.

(vii) The estimated expenditure on the planned overtime duty.

(viii) When the performance of overtime duty is aimed at the completion of work that has fallen in arrears, the circumstances is investigated.

6.6. Compensation for overtime: Non-monetary

- i. If remunerative overtime is not possible, due to financial constraints, the Head of Department or his/her delegate may approve the granting of time-off/flexible hours to employees who performed overtime in specific circumstances in excess of their hours of attendance, provided that the employee does not perform the additional hours in order to arrange for time off to suit his/her own needs. The employee shall be granted time-off equal to the time worked.
- ii. The time-off granted must be made within one month of the employee becoming entitled to it unless if an agreement in writing is made to increase the period to a maximum of 12 months.

- iii. Time-off granted should be done on the basis of an agreement between the relevant employee and his/her immediate supervisor and may not prejudice the service delivery of the office.

6.7. Extent and period of overtime duty

The extent and period of remunerated overtime shall be determined by circumstances of work, nature or urgency of work to be undertaken and the targets set. Overtime approval will be limited to a maximum period of three continuous months and must be renewed before lapsing of the approval granted. Waiting time must be avoided.

6.8. Contract workers not eligible for overtime

Contract workers appointed for the execution of a particular task that results from specific circumstances and requires the completion of a specific task period, shall not be eligible for remunerative overtime unless in an emergency situation or if in national interest.

7. DEFAULT

Non-compliance with the policy shall constitute the violation of the policy and shall be dealt with in accordance with the relevant applicable Departmental disciplinary code and procedure.

8. ADOPTION OF THE POLICY

This policy shall be adopted by the HOD and approved by the MEC.

9. DISPUTE RESOLUTION

Disputes arising from this policy will be dealt in accordance with the Departmental dispute resolution mechanism.

10. INCEPTION DATE

The policy comes into effect from the date of approval by the MEC



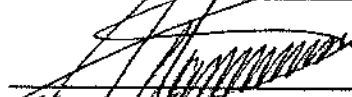

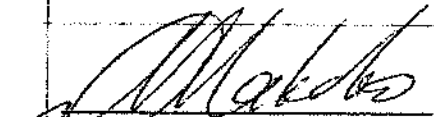
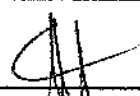
11. POLICY REVIEW

The policy shall be reviewed after three years.

12. ENQUIRIES

All enquiries shall be directed to the Chief Director: Strategic Human Resource Management

AUTHORITY

POLICY TITLE	OVERTIME POLICY	
COMPLIED BY	STRATEGIC HUMAN RESOURCE MANAGEMENT	
		2016/11/11 th
	CHIEF DIRECTOR: (SHRM)	DATE:
QUALIFIED BY:		
		2016/11/14
	DIRECTOR: RESEARCH AND POLICY CO-ORDINATION	DATE:
RECOMMENDED BY:		
		2016/11/17
	DEPUTY DIRECTOR-GENERAL (CORPORATE SERVICES)	DATE:
SUPPORTED BY :		
		2016/11/14
	CHIEF FINANCIAL OFFICER	DATE:
ADOPTED BY:		
		14/11/2016
	HEAD OF DEPARTMENT	DATE:
APPROVED BY:		
		15/11/2016
	MEMBER OF THE EXECUTIVE COUNCIL	DATE:

ANNEXURE A

DEPARTMENT OF CO-OPERATIVE GOVERNANCE, HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS

Enquiries:

Tel:

TO : HEAD OF DEPARTMENT OR DELEGATE

APPLICATION TO PERFORM REMUNERATED OVERTIME

APPROVAL FOR THE PAYMENT OF OVERTIME REMUNERATION AS SET OUT HEREUNDER IN ACCORDANCE WITH THE OVERTIME POLICY REQUESTED

1. Strategic Business Unit (SBU) :

.....

2. Division/Section:

.....

3. Period for which the approval is requested (Special Dates)

FROM:/...../.....

TO:/...../.....

4. Distribution of overtime requested for working days at normal tariff (Monday to Friday 16h00 to 20h30)

	NORMAL TIME	WEEKEND TIME
Overtime hours per day:		
Week:		
Month:		
Year:		
TOTAL HOURS NEEDED:		

5. Number of officials involved

6. Funds under the following are / are not available

Responsibility :.....

Objectives:

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10. If no voluntary overtime duty has been performed, the reason thereof.

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11. The estimated expenditure on the planned overtime duty:

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12. Should this application of remunerated overtime be approved the following control measures will be implemented in terms of Paragraph 6.4 of the overtime policy:

- (i) There will be adequate supervision at all times during the performance of the remunerated overtime duty;
- (ii) The remunerated overtime will not be authorized for trifling (small) periods.
- (iii) Overtime remuneration will be efficient and/or cost effective.
- (iv) Records of overtime duty will be kept;
- (v) An attendance register will be kept and
- (vi) Staff are not employed on overtime duty to such an extent that the quantity and quality of work (production) performed during normal hours of attendance as well as during periods of overtime duty are adversely affected.