



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

PROVINCIAL TREASURY

WORKING HOURS AND OVERTIME POLICY

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ACRONYMS

The following acronyms are used in this Policy:

DPSA	-	Department of Public Service and Administration
LPT	-	Limpopo Provincial Treasury
MEC	-	Member of Executive Council for Finance
MPL	-	Member of Parliament
PSBC	-	Public Service Bargaining Council
PSCBC	-	Public Service Commission Bargaining Council

1. INTRODUCTION

- (a) The Limpopo Provincial Treasury has the responsibility to comply, within prescribed limits, to the provisions pertaining to working times and arrangement of overtime performance as stipulated in the applicable legislations including PSCBC resolutions as shall be determined for time to time. This policy provides the necessary guidelines and measures that must be adhered to in order to ensure appropriate application of the legal framework.

2. PURPOSE AND OBJECTIVES OF THE POLICY

- (a) The purpose of this policy is to provide guidelines for working hours and a framework for the remuneration for additional work, which an employee has to perform after normal hours of work.

3. AUTHORITY OF THE POLICY

- (a) This policy is issued under the authority of the MEC as the Executive Authority and the Head of Department as the Accounting Officer for the Limpopo Provincial Treasury.

4. LEGISLATIVE FRAMEWORK

- (a) This policy is guided by the following legal prescripts:

No	LEGISLATION
1	Basic Conditions of Employment Act, No. 75 of 1997 as amended
2	Financial Manual effective 1 July 2005 (DPSA)
3	Public Service Act (1994) as amended by Act 30 of 2007 and Regulations, 2016 as amended
4	PSCBC Resolutions Labour Relations Act , No 66 of 1995 as amended

5. SCOPE OF APPLICATION

- (a) This policy, except where otherwise indicated, is applicable to all employees of Limpopo Provincial Treasury, as a department.

6. DEFINITIONS

- (a) **An employee:** Is any person employed by LPT on permanent, contract or casual basis. This will also include persons employed in terms of Learnership or Internship contracts.
- (b) **Manager:** Head of sub – directorate / directorate / chief directorate / branch.
- (c) **Overtime:** Time worked in excess of the employee's normal working hours per day / week.
- (d) **Remuneration:** Any payment in money or in kind or both in money and in kind

7. POLICY PROVISIONS

7.1 NORMAL WORKING HOURS

- (a) Normal working hours from Monday to Friday is from 07h30 to 16h30, excluding public holidays
- (b) One hour is allocated for lunch in each working day from 13h00 to 14h00 or if the needs of the public with due regard to the department's service delivery improvement plan and/or operational requirements require, any other time agreed to with management.

7.2 OVERTIME

- (a) Overtime is time worked by an employee, other than a member of the Senior Management Service, in excess of the employee's normal hours per day/ week or month. Normal working hours will be as determined in 7.1 and will not exceed forty (40) hours per week or eight (8) hours (excluding one-hour meal break) per day from Monday to Friday as determined in the Basic Conditions of Employment Act and PSCBC Resolutions.

7.3 CONDITIONS FOR WHICH OVERTIME WILL BE RENUMERATED

- (a) Employees may be permitted to work overtime under the following circumstances:
- (i) The manager to whom the employee reports has identified a need for overtime work.
 - (ii) The manager has ascertained that sufficient funds are available to pay for overtime.
 - (iii) The manager has consulted with the employee on the matter before approval is requested from the Head of Department or his/her delegate.
 - (iv) Authorization to work overtime must be granted by the Head of Department or his/her delegate in writing before actual commencement.
 - (v) For special projects which cannot be accommodated during official/normal working hours.
 - (vi) An agreement must be entered into prior to working overtime on whether the overtime will be remunerated or not,
 - (vii) Steps have been taken to prevent the need to work overtime, for example, redistribution of work amongst available staff and temporary use of staff in other divisions.

- (b) All overtime must as far as possible be performed at the employee's normal place of work. However, in exceptional circumstances, the manager can approve that overtime be performed at another place, provided that he/she is satisfied that the number of hours worked were necessary to perform the required task. The manager must check if targets were reached

7.4 CONDITIONS FOR WHICH OVERTIME WILL NOT BE RENUMERATED

- (a) Managers should not consider overtime in the following circumstances:
 - (i) When an employee attends courses and works overtime.
 - (ii) When an employee works voluntarily during leave.
 - (iii) Employees will not be permitted to volunteer to work overtime and expect overtime payment in return.

7.5 MAXIMUM HOURS TO BE WORKED

- (a) According to the Basic Conditions of Employment Act, Departments may not require or permit employees to work:
 - (b) More than ten hours' overtime a week.
 - (c) Overtime, except in accordance with an agreement.
 - (d) A collective agreement may increase the maximum permitted overtime to 15 hours a week.
 - (e) The employee may not work more than 12 hours in a day.

7.6 OVERTIME REMUNERATION

- (a) If an employee, other than a member of the Senior Management Service, is required to work more than the normal hours, the employer may provide remuneration through time off or overtime pay.

7.6.1 TIME OFF

- (a) In the case where an employee is requested by the manager to perform overtime work, and no overtime remuneration is paid to the employee, the manager may grant time off. This must be agreed-upon prior to the commencement of overtime performance.
- (b) The Department may grant time off equal to double the time worked for Sundays and Public Holidays and one and one half times the time worked on other days.
- (c) Time off must be taken within the annual leave cycle.
- (d) Time off must be agreed on by the employee and his/her manager.

7.6.2 PAYMENT OF OVERTIME

- (a) Overtime performance will be paid in terms of the Public Service Regulations and the compensation for overtime may not constitute more than thirty percent (30%) of the employee's monthly salary or the limitation determined by the Minister of Public Service and Administration, whichever is the lessor,
- (b) Overtime will be paid in terms of the formulas and rates as prescribed in the "Determination and Directive on Working Time in the Public Service" issued by the Minister of Public Service and Administration for time to time.

7.6.2.1 Compensation for Overtime work performed on a Sunday or public holiday

- (a) The employee will be paid two times her/his normal hourly remuneration for overtime worked on a Sunday or public holiday or as shall be determined by the Minister of DPSA in terms of the Act.
- (b) 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 a basic salary of R262 272 per annum. (This amount will be increased by the percentage of the annual general salary adjustment with effect from 1 July of each year, commencing 1 July 2007).
- (c) The overtime compensation will be calculated according to the formula provided in the "Determination and Directive on Working Time in the Public Service" issued by the Minister of Public Service and Administration for time to time.

7.6.2.2 Compensation for Normal Overtime

- (a) The employee will be paid one and a half x her/his normal hourly remuneration for overtime worked between Mondays and Saturdays or as shall be determined by the Minister of DPSA in terms of the Act.
- (b) 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 a basic salary of R262 272 per annum. (This amount will be increased by the percentage of the annual general salary adjustment with effect from 1 July of each year, commencing 1 July 2007).
- (c) The overtime compensation will be calculated according to the formula provided in the "Determination and Directive on Working Time in the Public Service" issued by the Minister of Public Service and Administration for time to time.

7.7 TRANSPORT BETWEEN RESIDENCE AND HOME WHILST WORKING OVERTIME

- (a) The manager must ensure that employees travel to and from work at a time when public transport is available. An employee may request the use of government or subsidized vehicle for overtime purposes, if she/he is expected to start and/or finish at times when the usual means of transport between home and place of work is not available.

7.8 DEVIATION/DEFAULT

- (a) Any policy, procedure, or guideline that does not follow the procedures and processes outlined in this policy will not be approved by the relevant authority.
- (b) Any employee who contravenes the provisions of this policy which may lead to violations of the Public Service Code of Conduct or any rules or policies, that employee shall be charged with misconduct and the necessary disciplinary measures will be taken against him or her.

8. COMMENCEMENT DATE

- (a) The commencement date of this policy will be on the date of its approval.

9. TERMINATION AND REVIEW CONDITIONS

- (a) This policy will be reviewed by the Limpopo Provincial Treasury after two years or when necessary. The amendments resulting from the review will be processed in line with the Departmental Policy Development Framework. However, where it is

deemed not necessary to review the policy, evidence of the process leading to such decision should be provided.

(b) This policy will remain in force until and unless it has been withdrawn or amended by Executive Authority.

10. ENQUIRIES

(a) Enquiries regarding this policy should, in the first instance, be directed to the Human Resource Management directorate.

11. RECOMMENDATION AND APPROVAL


Recommended for approval by:



GC Pratt
HEAD OF DEPARTMENT

28/7/2017
Date

APPROVED BY:



RWN Tooley (MPL)
MEC for Finance

31/07/2017
Date