



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
AGRICULTURE AND RURAL DEVELOPMENT

OVERTIME POLICY

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Recommended by:



Head of Department

(Maisela, RJ)

2018-02-14

Date

Approved by:



Honourable MEC for Agriculture (Acting)

Sekoati, SC (MPL)

14 Feb 2018

Date

Table of Contents	Page
1. Acronyms and abbreviations	1
2. Executive summary	2
3. Introduction	2
4. Purpose and Objectives	2
5. Authority of the Policy	2
6. Legal Framework	3
7. Scope of the policy	3
8. Definitions	3
9. Policy pronouncements	4
9.1 Authorized remunerative overtime work	4
9.2 Conditions for overtime work	4
9.3 Compensation for overtime work	4
9.4 Control of remunerative overtime work	5
10. Default/deviations from the policy	6
11. Inception date	6
12. Termination and review conditions	6
13. Enquiries	6

1. ACRONYMS AND ABBREVIATIONS

DPSA	DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION
EA	EXECUTIVE AUTHORITY
HOD	HEAD OF THE DEPARTMENT
HRM	HUMAN RESOURCE MANAGEMENT
HRS	HUMAN RESOURCE SERVICES
LDARD	LIMPOPO DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
MEC	MEMBER OF THE EXECUTIVE COUNCIL
MMS	MIDDLE MANAGEMENT SERVICES
PSC	PUBLIC SERVICE COMMISSION
PSCBC	PUBLIC SERVICE CO-ORDINATION BARGAINING COUNCIL
PSR	PUBLIC SERVICE REGULATIONS
SMS	SENIOR MANAGEMENT SERVICES

2. EXECUTIVE SUMMARY:

This policy on overtime work, addresses all matters regarding overtime, including the conditions of overtime work as well as the compensation thereof and the control of all overtime work.

The policy is developed according to specific legislation and it is clearly indicated in this policy. This policy intends to provide a framework for the compensation of employees for additional duties which they perform outside their prescribed hours of work.

3. INTRODUCTION:

Working overtime can become a very sensitive issue, since the Labour Law is very clear on working hours and compensation of employees working overtime. It is however, a matter that is of concern to any organisation/Department since service delivery is of importance and due to commitment to service delivery, some employees might be requested to perform overtime work from time to time.

4. PURPOSE AND OBJECTIVES OF THE POLICY

The purpose of this policy is to provide a framework for the compensation of employees for additional hours they work in specific circumstances in excess of their prescribed hours of work as work demands dictate.

The objective is to set out clear and non-confusing guidelines within which all overtime work in the LDARD will be subjected to.

The policy on Overtime has the following objectives:

- (a) To regulate the performance of overtime duty and the condition under which remunerative overtime should be performed; and
- (b) Generally regulate all issues pertaining to overtime duty in the Limpopo Department of Agriculture and Rural development

5. AUTHORITY OF THE POLICY

This policy is issued under the authority and functions under the custodianship of the Member of the Executive Council (MEC) as the Executive Authority and the Head of the Department (HOD) as the Accounting Officer in the Limpopo Department of Agriculture and Rural Development (LDARD).

6. LEGAL FRAMEWORK

- (a) Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- (b) Labour Relations Act, 1995 (Act No. 66 of 1995) as amended
- (c) Public Service Co-ordination Bargaining Council (PSCBC) Resolution No. 3 of 1999
- (d) Public Service Act, 1994 (Proclamation no. 103 of 1994) and
- (e) Public Service Regulations, 2016

7. SCOPE OF APPLICATION

This policy shall apply to all employees in the Limpopo Department of Agriculture and Rural Development (LDARD).

8. DEFINITIONS

In this Policy, unless the context indicates otherwise, the following definitions bear the meaning of:

Day of rest:

- (a) A Sunday or a public holiday in the case of an employee who normally does not work on such a day.
- (b) In case of an employee who normally works on a Sunday or public holiday, such other day the employee is normally released from duty.

Night overtime work: overtime of an employee who performs duties between 20H00 and 06H00.

Overtime work: additional official working hours and/or work an employee performs in excess of the employee's normal working hours.

Remunerative overtime: compensation for additional official working hours that an employee is on duty under specific circumstances in excess of the employee's normal working hours by order or permission of the Executive Authority or Executive Authority's delegate. Compensation can be monetary, time off or any other compensatory measure that the Executive Authority or his/her delegate may deem appropriate and reasonable.

Sunday overtime work: additional official working hours and/or work that an employee performs on a Sunday or public holiday if the employee does not normally work on such a day.

This Policy: The Limpopo Department of Agriculture and Rural Development Policy on Overtime.

9. POLICY PRONOUNCEMENTS

9.1 Authorized remunerative overtime work

- (a) For overtime work to be regarded as remunerative, the Executive Authority or his/her delegate must authorize the overtime in advance.
- (b) When considering overtime work, the Executive Authority or his/her delegate must take into account the following factors:
 - i) The circumstances that necessitated the performance of overtime work.
 - ii) The steps that the Supervisor took to prevent the performance of overtime work. For example: The relocation of staff; the temporary utilization of staff in other divisions; or any other relevant factors.
 - iii) In the event that no voluntary overtime work has been performed, the reason for it should be stated.
- (c) If an employee needs to travel to and from home to the workplace at a time that the employee would normally travel, the following will be applicable:
 - i) If the employee was not on authorised standby, the journey counts as an official journey but the time spent on the journey does not count as overtime.
 - ii) If the employee was on authorised standby duty, the time spent on the journey counts as overtime work.

9.2 Conditions for overtime work

- a) An employee may perform overtime work to a maximum of three hours on a working day or eight hours on weekends and Public holidays.
- b) An employee may not work more than ten hours' overtime a week – including Saturdays, Sundays and Public Holidays.
- c) An employee may work overtime on a Sunday or public holiday, if an Executive Authority or his/her delegate requires the employee to work
 - i) On those days which the employee does not normally work
 - ii) If the employee normally works on those days (Sunday and Public Holiday), but the employee is off from work on the specific day
- d) Overtime payment for driver/messenger serving Executive Authorities shall be dealt with in accordance with financial manual as determined by the Minister of Public Service and Administration from time to time.
- e) Except in exceptional circumstances, the monthly compensation for overtime constitute less than 30% of the employees' monthly salary.
- f) Approval should be obtained for any overtime payment above the 30% of the employee's monthly salary on the basis of exceptional circumstances.

9.3 Compensation for overtime work

The employer may grant an employee time off equal to the time worked or compensate authorised overtime work by paying an employee in case of

- a) Sunday overtime work: two times (2x) the employee's normal hourly remuneration
- b) Ordinary overtime work is calculated at 1.5x of the employee's basic salary.
- c) Night overtime: two times (2x) the employee's normal hourly remuneration.
- d) Compensation for overtime will be implemented only after the report on the work/duties performed overtime has been received by HR.
- e) Compensation in the form of "time-off" should also be approved by the HOD and needed to be applied for in writing in advance.
- f) Compensation in the form of "time-off" should be equal to the hours worked overtime and should not exceed the hours worked overtime. This "time-off" should be monitored by the line manager and may not be accumulated. It should be taken as soon as possible after the overtime has been performed.

9.4 Control of remunerative overtime work

9.4.1 In order to exercise proper control on remunerative overtime work, the supervisor shall:

- a) Minimize overtime work
- b) Ensure that there are adequate supervision and control measures at all times during the performance of remunerative overtime work in order to ensure high productivity
- c) Review the authorization of overtime when the employee reaches the time frame or limit of overtime in order to avoid exceeding the amount or time allocated
- d) Be held accountable for all matters regarding the performance of overtime work
- e) Ensure that overtime remuneration is cost-effective
- f) Keep records of all overtime work
- g) Keep and monitor an attendance register and ensures that employees and the supervisor duly sign
- h) Make funds available to finance the expenditure that will be incurred as a result of approval for rendering remunerative overtime work
- i) Ensure that employees are not employed on overtime work to such an extent that the overtime work adversely affects the quantity and quality of work employees perform during normal working hours
- j) If possible employees perform all overtime at the employee's normal place of work
- k) Clearly motivate reasons for remunerative overtime work

- 9.4.2 In order to improve control, the supervisor must determine in advance the number of hours for overtime that an employee has to perform each day and, as far as possible, set production targets.
- 9.4.3 All overtime work need to be motivated by the supervisor and with a proof why the work can not be performed during normal working hours.
- 9.4.4 On completion of overtime work, the supervisor need to be able to provide evidence (means of verification) of the overtime work completed by employees.
- 9.4.5 The Director responsible for Human Resources must quarterly provide the Head of the Department with information regarding the number of hours for authorised overtime work employees have performed, expenditure involved as well as number of "days/hours off".
- 9.4.6 Employees in the Senior Management Services may not request or claim remunerative overtime work.

10. DEFAULT/DEVIATIONS FROM THE POLICY

This Policy clearly sets out all matters regarding Overtime and no deviation from this policy will be allowed. Should circumstances dictate that a specific case might need consideration other than being treated according to the policy, it should only happen with the written permission of the Accounting Officer.

11. INCEPTION DATE

The date of inception is the date on which this policy is approved by the MEC for Agriculture and Rural Development.

12. TERMINATION AND REVIEW CONDITIONS

This Policy will be reviewed every three years (3) or as and when a need arise. Should the Policy still be in the review process by the time it lapses, an extension period is applicable and the approved Policy remain valid until the reviewed version is approved.

13. ENQUIRIES

Enquiries regarding this Policy on Overtime should be directed towards:

HRM

Limpopo Department of Agriculture and Rural Development

Private Bag X9487


POLOKWANE

0700


Tel: 015 294 3000

HRM is responsible for the timeous review, circulation, advocacy, availability and feed-back regarding this Policy document. HRM is also responsible for reporting towards oversight bodies in the event of enquiries with regards to this Policy document.

Recommended:


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Head of Department
(Maisela, RJ)
Approved

2018-02-14
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Date


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Hon Member of Executive Council (Acting)
Sekoati, SC (MPL)

11 Feb 2018
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Date