



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

**LIMPOPO PROVINCIAL TREASURY
DEPARTMENTAL HOURS & OVERTIME
POLICY**

TABLE OF CONTENT

Item no	Description	Page no
1	Preamble	3
2	Applicable legal framework	3
3	Scope of application	4
4	Overtime compensation and hours	4
5	Policy control	9
6	Effective date	9
7	Ratification	9

1. PREAMBLE

The purpose of this policy is to provide guidelines for working hours and a framework for the compensation of additional work, which an employee may perform after normal hours of work.

2. APPLICABLE LEGAL FRAMEWORK

This policy has been developed within the following applicable legal framework:

- Basic Conditions of Employment Act, 1997(Act no. 75 of 1997).
- DPSA Financial Manual effective from 1 July 2006.
- Public Service Regulations, 2001.
- PSCBC Resolution No. 03 of 1999, VII.
- Labour Relations Act, 1995 (Act no. 66 of 1995).
- PSCBC Resolution No.3 of 1999, part IV and the Public Service Regulations, 2001 as amended in part 5.D.5 which mandates the development of a Departmental policy on overtime.
- An executing authority shall establish an overtime policy in accordance with collective agreements, which shall determine:-
 - a) categories of employees that may not receive compensation for overtime due to the nature of their work and responsibilities.
 - b) the circumstances under which a supervisor may authorise overtime work for an individual employee.
 - c) if an employee shall receive payment or time off as compensation for authorised overtime.
 - d) how much overtime an employee may work in a given period.
 - e) how a supervisor should record authorisation for overtime.
 - f) other control measures, if necessary.

This Working Hours and Overtime Policy were established in accordance with the above mentioned provisions of the applicable legal framework.

3. SCOPE OF POLICY APPLICATION

This policy applies to:

- all full time employees on salary level 1 to 12, appointed under the Public Service Act, 1994 Act no. 103 of 1994 as amended; and
- fixed term contractors.

Members of the SMS and casual employees who work less than 24 hours in a month do not qualify for overtime payment.

4. OVERTIME COMPENSATION AND HOURS

4.1 CONDITIONS FOR WHICH OVERTIME WILL BE COMPENSATED

Normal working hours are from 07h30 to 16h30. Normal working hours do not exceed 40 hours per week or eight hours (excluding one hour meal break) per day from Monday to Friday. The total monthly working hours is 160 per month.

Overtime is time worked in excess of the employee's normal hours per day/ week/ month. Employees may be permitted to work overtime under the following circumstances:

- if the manager to whom the employee reports has identified a need for overtime work, has ascertained that sufficient funds are available to pay for overtime and has consulted with the employee on the matter before approval is requested from the Head of Department or Delegated Authority.
- if prior authorisation to work overtime has been granted by the Head of Department or Delegated Authority in writing.
- for special projects which cannot be accommodated during official/normal working hours.
- for the performance of any duties which, if not executed within a specific time-frame, will hinder the continuation of service delivery.
- an agreement must be entered into prior to working overtime on whether the overtime will be compensated or not.

Overtime hours should be kept to a minimum as far as possible, because the regular long hours can adversely affect the health of employees and the standard of performance.

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.

4.2 CONDITIONS FOR WHICH OVERTIME WILL NOT BE COMPENSATED

Managers should not consider overtime in the following circumstances:

- if there is enough staff to do the work and the staff have not been optimally used.
- when an employee attends courses and works overtime. Managers should prioritise training in such a way that it does not affect service delivery.
- when an employee works voluntarily during leave.
- employees will not be permitted to volunteer to work overtime and expect overtime payment in return.
- if, according to the manager's assessment, the work can be done during normal working hours.

4.3 MAXIMUM HOURS TO BE WORKED

According to the Basic Conditions of Employment Act, 1997 Departments may not require or permit employees to work:

- (a) more than ten hours' overtime a week.
- (b) overtime, except in accordance with an agreement.

A collective agreement may increase the maximum permitted overtime to 15 hours a week. The employee may not work more than 12 hours in a day.

4.4 OVERTIME COMPENSATION

If an employee is required to work more than the normal hours, the employer may provide compensation through time off or overtime pay.

4.4.1 TIME OFF

- 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 on prior to the commencement of overtime being worked.
- LPT 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.
- time off must be taken within the annual leave cycle.
- time off must be agreed on by the employee and his/her manager.

4.4.2 OVERTIME RATES

4.4.2.1 SUNDAY RATE

The employee will be paid two times her/his normal hourly remuneration for overtime worked on a Sunday or public holiday. The rates are calculated according to the following formula:

$$2 \quad \times \quad T \text{ (hourly rate)}$$

Hourly rate is calculated as follows:

$$\text{Hourly rate} = \frac{A}{365} \times \frac{Z}{B}$$

Where

A = the employee's salary notch.

B = the number of hours that the employee works per week.

4.4.2.2 NORMAL RATE

The employee will be paid one and a half x the normal hourly remuneration for overtime worked between Mondays and Saturdays. The DPSA financial manual prescribes the following formula:

$$\frac{4}{3} \times \text{hourly rate}$$

Since the Basic Conditions of Employment Act, 1997 has increased the overtime rate to at least one and a half x the hourly rate, it is suggested that this formula be applied:

$$\frac{3}{2} \times \text{hourly rate}$$

Hourly rate is calculated as follows:

$$\text{Hourly rate} = \frac{A}{365} \times \frac{7}{B}$$

Where

A = the employee's salary notch.

B = the number of hours that the employee works per week.

4.5 TRANSPORT BETWEEN RESIDENCE AND HOME WHILST WORKING OVERTIME

4.5.1 The manager must ensure that employees travel to and from work at a time when public transport is available. An employee may request a government 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 are not available,

4.5.2 Prior approval should be granted by the manager concerned if:

- 4.5.2.1 the employee uses a government vehicle.
- 4.5.2.2 overnight parking of a government vehicle is required by the employee. The employee must have a garage at her/his residence for the safe keeping of the government vehicle.
- 4.5.2.3 an employee works overtime over the weekend and public transport or a government car is not available and uses his/her own transport. Travel claims may be based on the Subsistence and Travel policy.

5. POLICY CONTROL**5.1 POLICY AUDIT**

Periodic audits will be conducted by the Directorate: Human Resource Management, when deemed necessary or as required from time to time, to ensure appropriate application and compliance with the Policy.

5.2 POLICY REVIEW

This policy is subject to annual review or when deemed necessary by the Department, to ensure that it is aligned to prevailing legislation and market conditions.

5.3 POLICY AMENDMENTS

No amendment(s) may be made to any section of this policy without such amendment(s) first being:

- negotiated with recognised Employee Organisations.
- duly approved and signed by the recognised parties to the Provincial Bargaining Council.

6. EFFECTIVE DATE

This policy will be effective from 22 June 2007 (date).

7. RATIFICATION

This policy was signed on the 22 (day of) June (month)
at Polokwane (place).

HEAD OF DEPARTMENT (HOD)

:  _____

MEMBER OF EXECUTIVE COUNCIL (MEC)

:  _____