



EHLANZENI
DISTRICT MUNICIPALITY

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OVERTIME POLICY

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OVERTIME POLICY FOR EHLANZENI DISTRICT MUNICIPALITY

1. PURPOSE OF THE POLICY

- 1.1 The purpose of this policy is to supplement the Mpumalanga Division Collective Agreement on Conditions of Services by providing additional guidelines for the administration and management of overtime. Further to provide guidance in the performance of overtime worked by the District Council employees and the remuneration thereof as provided for in the Basic Conditions of Employment Act.
- 1.1 This policy will prescribe the overtime rates to be used to compensate Council employees who performed overtime work.

2 DEFINITIONS

Overtime:	Means the time the employee works during a day of a week in excess of the employee's ordinary working hours.
Emergency Work:	Refers to work that must be done without delay because of circumstances for which the employer would not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work (such as work required to be done immediately owing to disruption in essential services, fire, accident, storm, epidemic, act/s of violence or theft, breakdown of plant or machinery, or any other reasonable unforeseen circumstances).
Structured overtime:	refers to programmed/planned overtime over which the employer has control and for which prior approval is required [E.g. the performance of routine maintenance work outside normal working hours as well as Council, Committee and official meetings of which minutes have been kept] that continues or takes place after normal working hours;
Earnings:	Means gross pay before deductions.
Wage:	Means the amount of money paid or payable to an employee in respect of ordinary hours of work.
Remuneration:	Means compensation in money or time off for overtime worked.
Deductions:	Means the deductions required by law namely tax, pension, medical aid and UIF etc.
Council / EDM	Shall refer to Ehlanzeni District Municipality
Municipal Council	Shall refer to Municipal Council of Ehlanzeni District Municipality

3 SCOPE OF APPLICATION

- 3.1 Senior managerial and managerial employees, as defined in the Basic Conditions of Employment Act (Act No. 75 of 1997 as amended, do not qualify for any overtime payment in monetary value, but will be entitled to time off in compensation for overtime worked.
- 3.2 This policy shall apply to employees who are performing essential services as designated in terms of the Government Notice No. 18276 of 12 September 1997 except those employees earning more than the overtime threshold amount as published by the Minister for Employment and Labour from time to time.
- 3.3 Employees earning less than the threshold amount as determined by the Minister from time to time will be remunerated for overtime worked in monetary value.

4 SPECIAL CONDITIONS

- 4.1 Overtime work is subject to the provisions of the Basic Conditions of Employment Act, Collective Agreement on Conditions of Services for Mpumalanga Division and the provisions of this policy. In case of conflict between this policy, Collective Agreement on Conditions of Services for Mpumalanga Division and/or the provisions of the Basic Conditions of Employment Act, the provisions of the Act and/or Collective Agreement on Conditions of Services for Mpumalanga Division will prevail, whichever is more favorable.
- 4.2 Overtime work is subject to prior written approval by a competent authority and no overtime may be worked without such written approval being obtained, except in cases of work related to emergency situations where work has to be done without delay owing to circumstances for which the employer could not reasonably have expected to make provision for and which cannot be performed by employees during their ordinary hours of work. For emergency overtime the competent authority may give verbal approval to the working of such overtime provided such approval is followed-up with a written confirmation as soon as it is reasonably possible and before claim for overtime payment is submitted to payment.
- 4.3 Only officials with delegated authority may approve overtime work and overtime payment.
- 4.4 Overtime only commences after completion of an employee's ordinary weekly working hours, and in the case of employees working shift system, overtime shall commence after completion of the shift. Approved overtime will be regarded as part of the completed ordinary working hours and not as short time.
- 4.5 Overtime can only be claimed for actual hours worked and exclude time spent travelling to perform overtime work and after completion of overtime work
- 4.6 No overtime will be paid for attendance of functions, prize giving etc. by personal invitation except in cases of compulsory attendance as official representative of EDM and provided that

such overtime is authorized in advance by the Municipal Manager or delegated General Manager.

- 4.7 Where overtime in emergency situations cause an employee to work past midnight (00:00) on a day, the employee will be entitled to a break of at least 8 hours (a minimum of 8 hours and maximum of 10 hours) before the employee is required to report for normal duty, without negatively impacting on his salary.

5 RESPONSIBILITIES

- 5.1 The employer and employees both have the responsibility to ensure the whole process surrounding overtime is underlined with fairness, equity, honesty, transparency and integrity.
- 5.2 Each Manager is accountable to constantly monitor and review the provision for overtime in his/her Departmental budget and to ensure that these are noted early, funds are adequate, over expenditure is noted, justified and provided for timeously.
- 5.3 Each Department should keep attendance registers and time sheets which indicate the starting and ending times in respect of all employees who have performed overtime work for which they qualify for overtime payment.
- 5.4 Each Department to keep documented records in respect of all staff who qualify for time-off as part of compensation for overtime performed and the appropriate application form should be completed by the employee when requesting time-off for overtime worked.
- 5.5 The salary office (finance) is responsible for the calculations and payment of overtime worked after receipt of duly completed and approved overtime form and all overtime payments are duly authorized by a competent authority.
- 5.6 Employees who work overtime need to be allocated with the appropriate resources required to perform the overtime work.
- 5.7 The employer will pay the overtime pay on the employee's normal payday.
- 5.8 No overtime will be paid unless it has been approved by the Municipal Manager or delegated authority.

6 TIME OFF IN-LIEU OF OVERTIME

- 6.1 Time off in lieu of payment for overtime shall be granted only for unstructured and approved overtime.
- 6.2 Applications for time off in lieu of payment for overtime worked shall be made on a prescribed application form.

- 6.3 Time off in lieu of payment for overtime worked cannot be encashed.
- 6.4 The taking of time off by an employee will be forfeited if not taken within three (3) months' time of approval of such overtime but may for operational reasons be extended to a maximum of six (6) months on good motivational grounds by the responsible Manager or delegated authority.

7 EXEMPTIONS

- 7.1 Section 56/57 employees shall be entitled to time off of a maximum of 120 hours per year in respect of additional hours worked as overtime, provided that such overtime is approved by delegated authority before it is worked.
- 7.2 Any personnel in respect of regular annual earnings which is more than the earnings threshold determined by the Minister for Employment and Labour from time to time except essential services employees as per paragraph 10.1 of the policy below.
- 7.3 Any temporary appointed staff member. e.g Interns, Experiential Learning Students.

8 LIMITATIONS

- 8.1 If an employee agrees to work overtime, such an employee may not be required or allowed to work more than 10 hours of overtime per week and more than 3 hours of overtime per day.
- 8.2 No employee will be remunerated for overtime work unless where such overtime has been budgeted for and pre-authorized by the delegated Manager or where such overtime is required in terms of an emergency situation.
- 8.3 Overtime only commences after completion of ordinary daily or weekly working hours. In the case of shift worker, overtime shall commence after completion of an ordinary daily or uninterrupted shift period.

9 PAYMENT OF OVERTIME

The rate of overtime payment, except overtime expected to be remunerated through time-off, shall be as calculated in the Basic Conditions of Employment Act or applicable collective agreement, whichever is more favorable.

10 GENERAL

- 10.1 Employees who are earning more than the threshold amount as determined by the Minister for Employment and Labour shall qualify for payment of overtime worked subject to the following conditions:
- 10.1.1 Employees who are performing work designated as essential services in terms of the applicable Government Notice.
- 10.1.2 Employees whose job function is not designated as essential services, except where prior approval has been obtained from the responsible Departmental delegated Manager.

- 10.2 Each Department to send a list of all its employees it considers to be Essential services employees to Human Resources and Salaries sections.
- 10.3 The list can be updated accordingly by the Manager of the relevant Department.
- 10.4 In exceptional cases, the Municipal Manager or delegated Head of Department may consider approving overtime allowance based on the principle of unavailability.

11 TRANSITIONAL ARRANGEMENT

- 11.1 This policy replaces all previous policies guiding overtime work and payment of overtime work.

12 IMPLEMENTATION DATE

- 12.1 This policy will be implemented after consultative process with the Local Labour Forum and subsequent approval by Municipal Council.

13. POLICY REVIEW

- 13.1 The policy will be reviewed annually or as may be required from time to time as guided by the Ministerial Determination on overtime threshold as determined by the Minister of Employment and Labour and/or as may be required in terms of the applicable collective agreement whichever shall come first