

NAME OF POLICY : OVERTIME POLICY
DEPARTMENT : PUBLIC WORKS, ROADS AND TRANSPORT

PREAMBLE

The Department of Public Works, Roads and Transport ("the Department") is committed to provide a policy framework for managing overtime in an effective, transparent and cost effective manner.

RECOGNIZES the rights of each employee as enshrined in the South African Constitution, Labour Relations Act (LRA), Basic Conditions of Employment Act (BCEA) and other related regulations, legislation and policies;

COMMITTS itself to provide a sound workplace policy framework for an efficient, transparent and cost effective management and regulation of additional work performed after normal working hours.

1. PURPOSE AND OBJECTIVE

- 1.1 The purpose of this policy is to provide a workplace framework for the management, regulation and compensation of additional working hours, which an employee has to perform in excess of his/her normal hours of work.
- 1.2 The objective of the policy is to enhance productivity and promote efficiency by providing working time responsive to the employer and employees needs by providing measures according to which employees can be compensated for additional hours they performed in excess of their normal hours of work.

2. PRINCIPLES

The Policy is designed to:-

- 2.1 Create a sound and best practices when the need for overtime arises;
- 2.2 Maintain maximum productivity in the workplace;
- 2.3 Promote consistency and standard compliance in dealing with the issues of additional work performed after normal hours of work; and
- 2.4 Enhance compliance with the Employee Wellness Programme (EWP).

3. ABBREVIATIONS AND DEFINITIONS

DPSA:
Administration.

Department of Public Service and

BCEA:

Basic Conditions of Employment Act

EWP:	Employee Wellness Programme
HOD:	Head of Department.
LRA:	Labour Relations Act.
SMS:	Senior Management Service.
PSCBC:	Public Service Co-ordinating Bargaining Council
Days of rest:	A Saturday, a Sunday or a Public Holiday in the case of employees who normally do not work on such days or another day on which he or she is normally relieved from duty in the case of an employee who normally works on a Saturday, Sunday or a Public Holiday.
Department:	Department of Public Works, Roads and Transport, North West.
Employee:	An employee includes all employees of the Department employed in terms of the Public Service Act of 1994, the Basic Conditions of Employment Act of 1998, as amended and includes contract workers, interns, volunteers and prospective employees.
Employee Wellness Programme:	A programme designed to promote the physical and mental health as well as the well-being of employees.
Nights:	The hours between 19h00 to 07h00 or 18h00 to 06h00 .
Normal working day:	Weekdays from Monday to Friday except for Public holidays, and sick, special as well as vacation leave.
Official hours of attendance/Normal office hours:	Hours during which an officer (full/part time) must be present at his or her work station for duty, that is, 40 hours of service per week for full time employees and hours as may be determined in the employment contract for other employees.
Overtime:	Overtime refers to work in excess of the hours of work per week (40 hours) than an employee has contracted to perform.
Overtime duty : on a	Official duty performed by an employee Saturday, Sunday, or on a Public Holiday in the case of an employee who does not normally work on such a day, or who normally works on

Saturday, Sunday or a Public Holiday and is not relieved from duty on any other day, over and above the working week prescribed for him or her in terms of the Public Service Regulations, 2001 (as amended).

Public Holiday:

A day mentioned in the Second Schedule of the Public Holiday Act, 1952 (Act of 1952), in the case of an employee who does not normally work on such a day and/or the day following the Sunday on which a Public Holiday fell or was to be observed.

Senior Management:

Employees occupying posts on levels 13 and higher and designated as Senior Managers by the Minister.

Sunday:

A day in the South African Official calendar marked or declared as a Sunday or a day following Saturday on the calendar.

Working week:

An official period of service which an employee is required to complete in respect of a period which ended from midnight between a Saturday and a Sunday to midnight between the following Saturday and Sunday.

4. LEGISLATIVE FRAMEWORK

- 4.1 The principles that govern the management and regulation of overtime work, emanates from a number of policies and code of good practice from national laws.
- 4.2 The South African code is based on principle crystallized by the following laws and regulations:
- (a) The Public Service Regulations, 2001;
 - (b) The Public Service Act, 1994;
 - (c) Code of Good Practice on the Arrangement of Working Time;
 - (d) Basic Conditions of Employment Act;
 - (e) Public Finance Management Act, 1999;
 - (f) National Treasury Regulations, 2005;
 - (g) Public Service Co-ordinating Bargaining Council (PSCBC) Resolutions 3 of 1999 and 1 of 2007; and
 - (h) DPSA Financial Manual.

5. SCOPE OF APPLICATION

This policy is applicable to all the employees of the department.

6. POLICY STATEMENT

Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 3 of 1999, partIV and the Public Service Regulations, part D.2.B mandates the development of a Departmental policy on overtime.

7. POLICY PROVISIONS AND ROLES/RESPONSIBILITIES

7.1 Normal Hours

- (a) The official hours of work will start and end as may be determined by the Employer in consultation with the representative labour unions, after they have considered the needs of the Department, the clients as well as those of employees.
- (b) Full time employees are expected to be on duty on each working day for a minimum of eight (8) hours and to work a minimum of forty (40) hours per week in terms of the Labour Relations Act as may be amended. The normal working week is from Monday to Friday. For shift workers the normal working week will be regarded as from Monday to Sunday but not exceeding forty (40) hours per week.
- (c) Temporary, Part-Time and Casual employees will work the number of hours per day or week as specified in their employment contract/letters.

7.2 Overtime Determination

- (a) Only duties in excess of the prescribed hours of work authorized by the Head of Department (or delegated authority), may be considered for overtime compensation. Duties performed by employees during periods of leave are not considered for purposes of the overtime compensation, unless an employee recalled from leave works more than eight (8) hours.
- (b) The availability of funds must at all times be taken into consideration.

7.3 Categories of Employees that shall not Receive Monetary Compensation for Overtime Performed

The Department may not compensate employees for overtime under the following conditions and circumstances:

- (a) The employee is a member of the SMS;
- (b) The employee performs the duty during the period of leave; and
- (c) There is no written authorization in advance for the paid overtime.

7.4 Categories of Employees that may receive monetary compensation for Overtime performed

All full time employees on salary level 1-12 of the Department appointed in terms of Public Service Act, 1994 as amended.

7.5 Compensation of authorized Overtime

The Department shall compensate authorized overtime by paying the employee concerned the relevant rate as prescribed in the Determination on Working Time issued by the Department of Public Service Administration (DPSA) per PSCBC Resolution 1 of 2007, if provision was made in the budget. No option of granting time-off.

7.6 Conditions for which Overtime will be compensated

Employees may be permitted to work overtime under the following circumstances:

- (a) Authority for approval lies with the Head of Department (HOD) or delegated authority;
- (b) If the manager has identified a need for overtime work and has consulted with the employee on the matter before written approval is granted to work overtime;
- (c) Employees may motivate or identify in writing the need for overtime subject to the written approval of his or her direct supervisor or manager;
- (d) If prior written authorization to work overtime has been granted by the relevant Delegated authority, no verbal agreements should be made under any circumstances;
- (e) For special projects which cannot be accommodated during official or normal working hours;
- (f) For the performance of any duties which, if not executed within a specific time-frame, will hinder the continuation of service delivery;
- (g) 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;
- (h) Overtime hours should be kept to a minimum as far as possible because the regular working of long hours can adversely affect the health of employees and standard of performance;
- (i) 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 there is direct supervision; and
- (j) The period of overtime for specific projects should be specified and only under exceptional circumstances will project members be allowed to exceed the allocated period.

7.7 Conditions for which Overtime will not be authorised

Overtime should not be authorized in the following circumstances:

- (a) If there is enough staff to do the work and the staff have not been optimally utilized;
- (b) Training should be arranged in such a way that it does not affect service delivery;
- (c) When an employee works voluntary during leave;
- (d) Employees will not be permitted to volunteer to work overtime and expect overtime payment in return; and

- (e) If according to the manager's assessment, the work can be done during normal working hours.

7.8 Maximum Hours to be worked

- (a) The Department may not require or permit employees to work:
 - i. more than three (3) hours overtime in one day;
 - ii. more than ten (10) hours overtime per week; or
 - iii. overtime, except in accordance with an agreement.
- (b) A collective agreement may increase the maximum permitted overtime to fifteen (15) hours a week for up to two months a year. The employee may not work more than twelve (12) hours in a day.

7.9 Overtime Compensation

- (a) Requests or applications for remunerated overtime must be fully motivated and all other ways and means to avoid the working of overtime mentioned in this policy should be included in the motivation. The cost should also be calculated as well as the names and estimated hours each person will work. Furthermore, the monitoring mechanisms and the name and rank of the manager who will supervise or manage the working of overtime should also be identified.
- (b) Only employees who appear on the approved submission will be compensated for overtime worked.
- (c) Requests or applications must be submitted to the relevant delegated authority together with the prescribed pro forma application form attached as "Annexure A".
- (d) The remuneration to be awarded in respect of overtime duty is as prescribed per PSCBC Resolution 1 of 2007.
- (e) Except in exceptional circumstances, the monthly compensation for overtime must constitute less than 30 per cent of the employee's monthly salary.

7.10. Rest, Meals and Travelling

If an Executing Authority or delegate authorizes overtime, she or he shall ensure that there are:

- (a) fair and acceptable limits on the extent of overtime;
- (b) periods for rest and meals, and
- (c) where possible, employees travel to and from work at a time when public transport is available.
 - i. the responsibility of public transport availability will also rest with the employee performing overtime;
 - ii. An employee may request a government vehicle for overtime purposes, if he or she is expected to start and/or finish at times when the usual means of transport between home and place of work is not available; and
 - iii. Prior approval should be granted by the manager concerned if the employee uses a government vehicle and overnight parking of a government vehicle is required.

- vi. When an employee works overtime over the weekend and public transport or a government vehicle is not available and uses his/her own transport he/she may claim mileage subject to approval.
- (d) Overtime shall generally include periods:
 - i. provided for rest and meal; and
 - ii. when an employee must stay at her or his place of work but cannot actually work due to circumstances beyond her or his control.
 - (e) In order to perform authorized overtime, an employee may travel from home to her or his normal place of work or from the normal workplace to home at a time when she or he usually would not travel. In this case,
 - i. if the employee was not on authorized standby duty"
 - (aa) the journey counts as an official journey; but
 - (bb) the time spent on the journey does not count as overtime work.
 - ii. if the employee was on authorized standby duty, the time spent on the journey counts as overtime work.
 - iii. If, in order to perform authorised overtime, an employee must travel to a place other than her or his normal place of work, the time spent on the journey shall count as overtime work.

7.11.Overtime Allowance

- (a) The Department may pay an employee a fixed monthly allowance to compensate for overtime if:
 - i. the employee performs reasonably similar amounts of authorized overtime, Sunday work or night overtime from month to month, and
 - ii. the employee agrees in writing.
- (b) The allowance shall equal the average monthly compensation the employee received for overtime in the six (6) months preceding the establishment of the allowance.
- (c) Supervisors and managers shall ensure that members perform the number of hours for overtime compensated as a fixed monthly allowance.
- (d) Furthermore, Managers or Supervisors shall ensure that the overtime allowance paid during the period of absence for an employee, as a result of him or her being on leave (vacation and/or sick leave) be accordingly monitored. Should an employee be absent for an extensive period of time for reasons such as temporary disability leave, abscondment, suspension, or any other reason, the Directorate: Financial Management must be informed in order to ensure that the overtime allowance in respect of such an employee be terminated. The overtime allowance will in such instances be re-instated on advice of the relevant manager when the employee resumes overtime duty.
- (e) Any additional overtime performed in excess of the number of hours per annum approved as overtime allowance, must be approved by the Head of Department

(HOD) prior to the performance of overtime. Such overtime will be claimed through the normal process as stipulated in Annexure "A" form, attached therein.

8. CONTROL OF REMUNERATIVE OVERTIME

- 8.1 Requests for remunerative overtime can only be recommended or approved if the necessary funds are available. To ensure a continuous review of projects and functions in respect of overtime remuneration, approval granted in this regard will only be valid for a period of one (1) month, and may be extended (on approval by the relevant delegated authority) up to a maximum period of six (6) months.
- 8.2 It is the responsibility of the immediate supervisor to ensure that:
- (a) There is adequate supervision and control during the performance of remunerative overtime;
 - (b) The remunerative overtime duty is not authorized for less busy periods, wherein the workload does not warrant such;
 - (c) The records of all overtime duty are kept;
 - (d) An attendance register is kept; and
 - (e) Employees are not subjected to overtime duty to such an extent that the quantity and quality of the work performed during normal working hours is adversely affected.

9. GENERAL MEASURES

- 9.1 Overtime duty is reserved for the performance of essential projects or functions, i.e. duties or functions that cannot be postponed or with serious consequences.
- 9.2 Applications have to be made in advance and approval granted in this regard is only valid for six (6) months.
- 9.3 Approved overtime cannot be carried over into a new period. A new application is required in such instances.
- 9.4 Claims for remunerated overtime duty will be rejected if the period of overtime duty claimed falls outside the start and end date.
- 9.5 Claims for remunerated overtime will be rejected if the amount that has been authorised is exceeded.

9.1.2 In the case of an employee recruited from abroad, the employer will pay for resettlement at the employee's place of origin.

9.1.3 The employer may meet the costs of transporting home the remains of an employee who died on official duty away from her or his normal place of work.

9.1.4 his provision is applicable to an employee whose service is terminated due to the following reasons:

- Discharge due to ill health in terms of Section 17.2(a) of Public Service Act, 1994.
- Discharge due to attaining the prescribed retirement age or on the grounds of old age in terms of Section 16(I)(a) of the Public Service Act, 1994.
- At death while in government service.
- Retirement in terms of Section 16 (5)(a) of the Public Service Act, 1994.

9.2 The costs associated with assistance of an employee at retirement or death or who is away from his/her normal permanent residence (including expenses for transporting home his/her remains but excluding funeral costs) may be paid for:

9.2.1 The move of the employee and her/his immediate family to their permanent home.

9.2.2 The reasonable actual transport costs of household and personal effects of the employee and her or his immediate family.

10. **IMPLEMENTATION MONITORING AND REPORTING**

The Head of Department or his/her delegate shall monitor the implementation process and ensure adherence to these policy provisions. He/she shall report on specific cases when required to do so.

If and when any provision of this policy is amended, the amended provision will supersede the previous one.

APPROVED



MS M. R. NTSHABELE
ACTING HEAD OF DEPARTMENT

9/3/10
DATE