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2. OBJECTIVE

The objective of the Policy is to supplement the Conditions of the Service applicable to employees of Bitou Municipality.

3. LEGAL FRAMEWORK

This policy and its application must be in accordance with the following legislative prescripts:

- 3.1 The Constitution of the Republic of South Africa, 1996.
- 3.2 The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- 3.3 The Labour Relations Act, 1995 (Act No. 66 of 1995).
- 3.4 The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended
- 3.5 The Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- 3.6 The Approved Working Hours Policy
- 3.7 All relevant Collective Agreements.

4. DEFINITIONS

Earnings means the retirement funding income or regular annual remuneration before deductions, i.e. income tax, pension, medical and seminar payments but excluding similar payments (contributions) made by the employer in respect of the employee. Provide further that subsistence and transport allowance received, achievement awards and payments for the overtime worked shall not be regarded as remuneration for the purpose of this notice.

Emergency Work means work that must be done without delay because of circumstances for which the employer could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of

work. Emergency work excludes the performance routine maintenance work outside normal working hours.

Overtime means the time that the employees work during a day or a week in excess of normal work. Employees of Bitou Municipality work for 40 hours in a normal work week, as defined in the Approved Working Hours Policy of the Municipality. Some employees work shifts and / or on weekends and public holidays.

Public Holidays means any day that is a public holiday in terms of the Public Holidays Act, 1994 (Act 36 of 1994):

Senior managerial employee means an employee who has the authority to hire discipline and / or dismiss employees and to present the employer internally and externally and for purposes of this policy includes all employees remunerated on the TASK grading of **14 to 25**.

Shift worker means an employee engaged in a scheduled continuous process which actively is deemed to be one on which continued working by means of daily shift is necessary

Planned overtime means overtime where the overtime could have been and/or was foreseen and / or where overtime is worked in accordance with a schedule compiled beforehand. Such overtime includes the performance of routine maintenance; council and committee meetings where minutes must be kept and continues or take place after normal working hours, traffic and law enforcement work during season, etc.

Unplanned overtime means overtime where the overtime could not have been foreseen. This refers to emergency overtime.

5. SCOPE OF THE POLICY

The purpose of this policy is to regulate overtime worked by employees of Bitou Local Municipality outside their normal working hours.

The policy applies from being approved by the Municipal Council.

The policy will apply until amended and such amendment/s being recommended by the Municipal Manager for Council approval.

6. PRINCIPLES

- 6.1 Working overtime should be the exception rather than the rule. Supervisors and especially Directors must ensure that overtime work is minimized overtime.
- 6.2 Where overtime cannot be prevented, and where possible, the work to be done should be stipulated beforehand indicating what needs to be done and was performed in the most cost effective manner.

7. TIME OFF IN LIEU OF PAID OVERTIME

- 7.1 Time - off must always be preferred over paid overtime.
- 7.2 Payment in respect of **paid** overtime should only be applied where it is impractical or impossible to allow time off in lieu of overtime.
- 7.3 Time off in lieu of **paid** overtime worked must be taken within 6 months from the date of accrual. Time off not taken within 6 months will be forfeited. This 6 months period may, for operational reasons, be extended to a maximum of 12 months by the Municipal Manager.

8. OVERTIME WORKED ON PUBLIC HOLIDAYS

- 8.1 Work on Public Holidays must be remunerated at double the normal remuneration.
- 8.2 If a shift worked by an employee falls on a public holiday and another day, the whole shift is deemed to have been worked on the public holiday, but if the greater portion of the shift was worked on the other day, the whole shift is deemed to have been worked on the other day.

9. OVERTIME WORKED ON SUNDAYS

- 9.1 Overtime worked on a Sunday will be treated in terms of the Basic Conditions of Employment Act.

10. ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS

- 10.1 Each **Director** is responsible and accountable to constantly monitor and review the provisions for overtime on his/ her budget and to ensure that overtime is limited, trends are noted early, funds are adequate, over expenditure is noted, justified and provided for timeously.

- 10.2 The authorizing body must determine whether the information on the overtime form is accurate and correct before they authorize the form for payment / time off.
- 10.3 Attendance registers / **biometric time and attendance sheets**, time sheets and overtime approval forms, which should indicate dates, starting and ending times, must be kept as source for three (3) years in respect of all employees who qualify for the overtime payment or time off in terms of this policy.
- 10.4 Attendance registers / **biometric time and attendance** and time sheets should serve as source documents to complete overtime sheets.
- 10.5 All employees have to complete and sign an attendance register / **biometric time and attendance** and time sheet on a daily basis. Line managers / supervisors have to check and sign such attendance registers / **biometric time and attendance sheets** / time sheets on a weekly basis.
- 10.6 Attendance registers / **biometric time and attendance sheets** and time sheets which are signed / approved by the competent authority must be submitted to the pay office on a monthly basis.

11. APPLICATION / REMUNERATION

- 11.1 Senior managerial employees earning a basic remuneration package of the starting notch of Task Level 14 and above, excluding the **Municipal Manager** and **Directors** shall be eligible for time off in lieu of payment of overtime worked on the basis of an hour time – off for every hour worked.

- 11.2 The relevant **Director** and employee shall come to an agreement on the time-off arrangement.
- 11.3 Notwithstanding the above, where an employee in this category is on standby in terms of the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC, such employee will receive overtime payment when called out irrespective of the statutory threshold.
- 11.4 Employees earning more than the overtime threshold (top notch of T9), as provided for in the Basic Conditions of Employment Act, but less than the minimum basic remuneration of a Task Level 14, shall be eligible for time – off in lieu of payment for overtime worked on the basis of one hour time – off for one hour of overtime worked. The **Line Manager / Director** and the employee will come to an agreement on the time-off arrangement.
- 11.5 Notwithstanding the above, where an employee in this category is on standby in terms of the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC, such employee will receive overtime payment when called out irrespective of the statutory threshold.
- 11.6 Employees earning less than the overtime earnings threshold, as provided for in the Basic Conditions of Employment Act., shall be remunerated in terms of the of the provisions of the Basic Conditions of Employment Act.

12. INCREASE IN MAXIMUM PERMITTED OVERTIME

- 12.1 Operational requirements applicable to Bitou Local Municipality, especially over the December festive season period (between November and January) necessitates more man hours from the Public Safety Division and other disciplines.
- 12.2 A report and festive season plan must be tabled each year before the Local Labour Forum by responsible Line Managers prior to the festive season to consult and agree on the extension of the number of hours overtime applicable to employees for each discipline.
- 12.3 An agreement must be entered into between the employer and each individual employee who is identified for overtime in excess of the statutory determination after approval in 12.2. above.
- 12.4 Such agreement to perform overtime must limit the maximum permitted overtime to 15 hours per week and to a maximum of 12 hours a day, not exceeding 40 hours per month.

13. GENERAL

- 13.1 Overtime work is subjected to prior written approval by a competent authority and no overtime may be worked without such written approvals 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.

- 13.2 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 **within 72 hours to process**.
- 13.3 Written standing approval may be granted where justified by operational requirements and such approval may not endure beyond the existence of the operational requirement.
- 13.4 Only the respective departmental **Directors** must approve overtime work and overtime payment.
- 13.5 Overtime only commences after completion of an employee's ordinary weekly working hours.
- 13.6 Overtime can only be claimed for actual hours worked and exclude travelling time except for standby staff.
- 13.7 In respect of standby staff the overtime starts from the time of call out.
- 13.8 No overtime will be paid for attendance of functions / prize giving, etc. except in cases of compulsory attendance as official representative of Council provided that such employee qualifies for overtime in terms of this policy and such overtime is authorized in advance in terms of this policy.
- 13.9 Employees working overtime are not entitled to any benefits except the overtime payment (they do not qualify for meals, drinks, etc.).

13.10 Should unstructured overtime work result in an employee working past midnight on a day, the person authorizing such overtime must consider whether a break of at least eight hours should be enforced before the start of the next shift. Such time off will be regarded as time off in lieu overtime.

13.11 Should an employee who is appointed on less than a full day (5/8th basis) be required to work overtime, payment or time off in lieu of overtime payment will only be applied at overtime rates (should such a person qualify in terms of this policy) after 8 hours worked on that specific day.

13.12 The hours worked beyond the employee's normal working hours up to 8 hours will be remunerated at normal tariffs (on a straight line).

14. AMENDMENTS

The Council may from time to time amend this policy and introduce any measure(s) to ensure efficient, economic and effective management of Council resources.

15. EFFECTIVE DATE

The Overtime Policy will become effective upon approval thereof by the Bitou Municipal Council.

16. PRECEDING POLICIES RESCINDED

Please note that all previous policies in respect of this subject were **RESCINDED** and **REPLACED** with the adoption of the new policy.