



KNYSNA MUNICIPALITY OVERTIME POLICY

HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

1 **INTRODUCTION**

The employees of Knysna Municipality work for 40 hours in a normal working week. Normal working hours *are as per approved Council Policy.* Some employees of Knysna Municipality are required to work on shifts, ~~on~~ weekends and on public holidays. ~~That is regulated separately from normal working hours.~~

Employees may from time to time be obligated to work outside their normal working hours.

2. **LEGISLATION**

Overtime is generally regulated by the Basic Conditions of Employment Act (BCEA-section 10) and the SALGA Collective Agreement and these provisions should govern overtime payment. ~~(thereof – remove)~~

3. **DEFINITIONS**

Overtime means the time that the employee works during a day or week in excess of the employee's ordinary hours of work.

Emergency Overtime means work that must be done without delay because of circumstances for which the employer could not reasonably have expected to make provision and which cannot be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours. It is however the prerogative of the Employer to decide if any overtime not included in this definition qualifies as emergency overtime.

4. **GUIDING PRINCIPLES**

The working of overtime should be subject to very strict control measures and therefore only staff in a Supervisory capacity who have been authorized by his\her Director, shall be entitled to approve the performance of overtime by subordinates.

A monthly report on all overtime worked and the expenditure involved should be submitted to the Section 80 Committee for Finance and Government.

An employee ~~will shall~~ be entitled to paid overtime when he\she is requested by written instruction by the ~~M~~municipal ~~M~~anager or the employee's ~~S~~uperior ~~who is duly authorized to do so~~, to perform duties outside his normal working hours.

Employees on standby in terms of clause 109 of the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC (South African Local Government Bargaining Council), shall re

ceive overtime payment, irrespective of the statutory threshold.

5. PURPOSE

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

6. PROCEDURE FOR REMUNERATIVE OVERTIME

6.1 Working overtime should be an exception rather than a rule, ssupervisors must ensure that overtime work is minimised.

6.2 Overtime shall be paid or time-off granted to all employees who qualify in terms of the BCEA.

6.3 Employees earning more than the overtime earnings threshold provided for in BCEA as amended and as determined from time to time, will be provided time-off for overtime worked calculated on straight time basis (1 hour overtime worked = 1 hour time off), subject to the provisions of this policy. The approving authority and the employee involved must agree be forehand on time-off for overtime worked.

6.4 In terms of Clause 10(1)(b) of the Basic Conditions of Employment Act, an employer may not require or permit an employee to:

(a) To work overtime except in accordance with an agreement

(b) To work more than:

(i) Three hours' overtime a day; or

(ii) Ten hours' overtime a week.

6.6 Supervisors must authorise overtime work only if ~~that~~the work is urgent and cannot be done during normal working hours.

6.7 The number of overtime hours required for such a task shall be agreed upon between the Supervisor and the employee, and shall not exceed the limits stipulated in Clause 6.4.

6.8 Where possible, work to be done should be stipulated before-hand indicating what needs to be done and for how long.

6.9 Attendance registers are signed by employees working overtime at the starting and finishing time and controlled by the Ssupervisor in charge.

6.10 Records of all overtime duties are kept.

6.11 Sufficient Funds must be available to finance overtime pay.

6.12 It is the responsibility of Ssupervisors to ensure that overtime claimed has:

i. actually been performed;

ii. ~~and~~ was necessary; and

iii. was performed in the most cost effective manner.

All overtime work should as far as possible be performed at the employees normal place of work.

Date of Issue: _____ Date Approved by Council: _____

If the above limits are exceeded the Ssupervisor shall be held liable.

Supervisors should look at innovative ways of reducing overtime, for example, using shifts and time-off for overtime worked, this must be agreed with employee, before the overtime is worked.

7. OVERTIME COMPENSATION

6.4 7.1 Overtime shall be paid for work done beyond 40 hours per week, provided that provisions in above have been met.

7.2 Hourly rates as per the Basic Conditions of Employment Act are as follows:

7.2.1.1 Overtime worked beyond normal working hours (remove (i.e. 7h30 to 16h30) and replace with (as approved by Council)) on a normal working day: one and a half (1,5) times an employee's hourly salary.

7.2.2 Saturdays: one and a half (1.5) times an employee's hourly salary.

7.3 Sundays:

An employer must pay an employee who works on a Sunday at double the employees' salary for every hour worked, unless the employee ordinarily works on a Sunday, in which case, the employer must pay the employee at 1,5 times the employees' salary for each hour worked.

7.4 Public holidays

An employer may not require an employee to work on a public holiday, except in accordance with an agreement. If a public holiday falls on a day on which the employee would ordinarily work, an employer must pay:

- a) An employee who does not work on the public holiday, at least the wage that the employee would ordinarily have received for work on that day
- b) An employee who does work on the public holiday :
 - i) at least double the amount referred to in paragraph (a); or
 - ii) if it is greater, the amount referred to in paragraph (a) plus the amount earned by the employee for the time worked on that day.
- c) If an employee works on a public holiday on which the employee would not ordinarily work, the employer must pay the employee an amount equal to:
 - i) The employee's ordinary daily wage; plus
 - ii) The amount earned by the employee for the work performed that day, whether calculated by reference to time worked or any other method.

The amount due, after statutory deductions, will be paid with the employee's salary in the month immediately following the month the overtime is worked.

7.5 The Municipality and the employee(s) concerned may agree that an employee be compensated with time off, as set out in section 10(3) (a) and (b) of the BCEA. Such time-off must be taken within one month after the overtime was worked. If, for operational reasons, the employee is not able to take the time off, the employer will pay the overtime according to the rates mentioned above.

8. NIGHT WORK

Date of Issue: _____ Date Approved by Council: _____

- 8.1 For the purposes of this policy night work means work performed after 18h00 and before 6h00 the next day.
- 8.2 An employer may only require or permit an employee to perform night work if so agreed and if:
- An employee is compensated by the payment of an allowance, which may be a remove (shift) replace with (night work) allowance, as per the Bargaining Council Agreement, or by a reduction of working hours.
 - Transport is available between the employees place of work and home at the commencement and conclusion of employees shift.
- 8.3 An employer who requires an employee to perform work on a regular basis after 23h00 and before 6h00 the next day must:
- (a) Inform the employee in writing or orally if the employee cannot read in a language the employee understands
 - of any safety and health hazards associated with the work that the employee is required to perform, and
 - of the employees right to undergo medical examination in terms of paragraph (b)
 - (b) at the request of the employee allow the employee to undergo medical examination, for the account of the employer, concerning those hazards:
 - before the employee starts, or within a reasonable period of the employee starting such work and
 - at the appropriate intervals while the employee continues to perform such work.
 - (c) transfer the employee to a suitable day work within a reasonable time if:
 - the employee suffers from a health condition associated with performance of night work, and
 - and if it is practicable for the employer to do so
 - (d) An employee works on a regular basis if s/he works for a period of longer than one hour after 23h00 at least five times a months or 50 times per year.

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