



LOCAL MUNICIPALITY

**OVERTIME POLICY
AND
STANDBY ALLOWANCE
2021-2022**

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PART 2- STANDBY POLICY

- 2.1 DEFINITIONS
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1. DEFINITIONS

The following terms are defined specifically for the purpose of this policy. All other words or phrases shall have the same meaning as defined in the Labour Relations ACT, the Basic Conditions of Employment Act or any applicable Collective Agreement negotiated at South African Local Government Bargaining Council.

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

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

1.3 “Remuneration” means any payment in money or kind, or both in money and kind, made or owing to any person in return for that person working for any other person, including the State.

2 SCOPE OF POLICY AND EXCLUSIONS

2.1 This policy is applicable to all employees of the Okhahlamba Local Municipality, except employees employed on a fixed term contract of employment in terms of Section 57 of the Municipal System Act, Act 32 of 2000.

2.2 Senior Management as defined in the Basic Conditions of Employment Act 75 of 1997 as amended will not be covered by this policy in respect of overtime payment, or time off in lieu of overtime.

2.3 Employees earning more than the overtime threshold in terms of the Basic Conditions of Employment Act 75 of 1997 as amended, will be remunerated on a time basis for overtime worked or will be provided time off for overtime work calculated on a time and a half, time basis, subject to the provisions of

this calculated on a time and a half, time basis, subject to the provision of this policy. The approving authority and the employee involved must agree beforehand on payment or time off for over time worked.

2.4 Employees earning less than the overtime threshold provided for in the Basic Conditions of Employment Act 75 of 1997 as amended, will, subject to the provisions of this policy, be remunerated for overtime or be given time off in lieu of overtime worked at the rates provided in the Basic Conditions of Employment, Act 75 of 1997 as amended. The approving authority and the employee involved must agree beforehand on payment or time off for overtime worked

3 GENERAL

3.1 An employee may for operational reasons be required to work overtime and any employee appointed into the service must enter into a contract to this effect with the Okhahlamba Local Municipality, duly represented by the Municipal Manager.

3.2 Overtime worked is subject to the provisions of the Basic Conditions of Employment Act 75 of 1997 as amended, and the provisions of this policy. In case of conflict between this policy and the provisions of the Basic Conditions of Employment Act 75 of 1997 as amended, the provision of the Act will prevail.

3.3 An employee may not be required or allowed to work for a longer period of overtime than 10 hours during any working week and 3 hours on any working day, except in case of work related to emergency situations.

3.4 Overtime work is subject to prior written approval by the Municipal Manager or a competent authority to which this authority has been delegated to by the Municipal Manager. No overtime may be worked without such written approval being obtained, except in cases of work related to emergency situations. For emergency overtime the Municipal Manager / competent authority may give verbal approval of the working of such overtime provided such approval be granted where justified by operational requirements.

3.5 Only officials with delegated authority may approve overtime work and overtime payment.

3.6 Application for overtime must be fully motivated with convincing reason why it should be worked.

3.7 Overtime only commences after completion of ordinary daily or weekly working hours.

3.8 Overtime can only be claimed for actual hours worked, and exclude travelling time. Overtime starts from the time of call out.

3.8 No overtime can be claimed should an employee work short time on a specific day's work (normal working hours and lunch break of at least 30 min.) must be worked before such employee is eligible for overtime.

3.9 No overtime will be paid for attendance for workshops, meetings, functions, prize giving, ect.

3.10 *Overtime work must be restricted to the minimum and must not be seen as a mechanism to earn more money.*

4 PAYMENT

4.1 Employees will only receive overtime remuneration if the appropriate overtime form/ time sheet is complete within specified time limits and such documents are signed and approved by a competent authority.

4.2 Where overtime is worked by an employee earning below the earnings threshold of the Basic Conditions of Employment Act 75 of 1997, as amended, and such an employee elects to take time off in lieu of payment for overtime payment for overtime worked, such employee will be granted paid time off, calculated at one and a half times the number of hours worked by the employee.

5 TIME OFF IN- LIEU OF OVERTIME

5.1. Leave / Time off in lieu of overtime shall only be granted for structured and approved overtime, Subject to paragraph 3.4.

5.2. Application for leave / time off in lieu of overtime shall be done on a prescribed application form.

5.3. Leave / Time off in lieu of overtime shall be done on a prescribed application form.

5.4. Leave in lieu of overtime will be forfeited if not taken within one (1) month provided that the time within which leave in lieu of overtime should be taken before it is forfeited, may, for operational reasons, be extended to a maximum of twelve (12) months by the Municipal Manager (or his / her nominee).

6 WORK ON PUBLIC HOLIDAYS

6.1 Payment or time off to eligible employees for overtime work on public holidays will be dealt with in terms of the Basic Conditions of Employment Act, 75 of 1997 as amended.

7 OVERTIME WORK ON SUNDAY

7.2 Payment or time off to eligible employees for overtime work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act of 1997, as amended.

8 OVERTIME WORK ON OCCASSIONAL MUNICIPAL PROGRAMMES

8.1 Overtime work is subject to prior approval of the programme by the Municipal Council.

8.2 The remunerated hours will be subject to prior written approval by Municipal Manager or a competent authority to which this authority has been delegated to by the Municipal Manager. No overtime may be worked without such written approval being obtained.

8.3 The above will apply to essential/minimum service employees subject to availability of budget and on certain instances employees will be required to take time off in lieu of overtime

9 ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME

9.1 Each Manager is responsible and accountable to constantly monitor and review the provision for overtime on his / her budget and to ensure that trends are noted early; funds are adequate; over expenditure does not occur, it is justified and provided for timeously:

9.2 Each Manager is responsible and accountable to provide the pay office with a list of officials or representatives (name, signature, department) who are authorized in terms of the delegated powers to approve overtime work and over time payment. It is the responsibility of each Manager (or nominee) to update and maintain the information on the list. The authorizing bodies must determine whether the information on the overtime form is accurate before they authorize the form for payment.

9.3 The Pay office or any other body or person executing overtime payment is responsible to ensure that all payments for overtime are duly authorized by a competent authority. The pay office is specifically responsible to compare the overtime signatures with the authorization list provided.

9.4 Attendance register / time sheets which should indicate starting and ending times, must be kept for all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers / time sheets serve as source documents to complete overtime sheets.

9.5 Overtime worked must be reflected on the employee's attendance register / time sheet. Line' Managers and supervisors are responsible to monitor and sign attendance register / time sheets on a monthly / weekly basis.

8.7 Employee's who work overtime need to be allocated with the appropriate resources required to perform overtime work.

PART 2- STANDBY POLICY

Standby policy will be implemented in terms of the applicable Collective agreement

2.1 DEFINITIONS

2.1.1 “*Standby duty*” means the period determined by the municipality during which an employee shall be available for emergency work outside his normal working hours

2.2 SCOPE OF POLICY AND EXCLUSIONS

2.2.1 This policy is applicable to all employees of the Okhahlamba Local Municipality, except employees employed on a fixed term contract of employment in terms of Section 57 of the Municipal System Act, Act 32 of 2000.

2.2.2 If a municipality requires an employee to be available for the performance of duty outside normal working hours the employee shall be entitled to a standby allowance.

2.2.3 The standby allowance shall be payable to an employee who is required to be available for duty for a period of at least 16 hours during a 24 hour period, based on a 40 hour work week,

2.2.3.1 from the normal closing time of the employee's place of work; or

2.2.3.2 on a day on which the employee would normally work

2.2.4 The standby allowance shall not affect or be effected by any remuneration for overtime worked by the employee.

2.2.5 Standby allowance will be calculated in accordance with the following formula.

$$\frac{\text{Annual Salary}}{250} = \text{daily salary}$$

$$\frac{\text{Daily Salary}}{8} = \text{this is normal standby allowance}$$

2.2.6 If the employee is required to be on standby on Saturdays, the employee shall pay that employee at least one and one-half times the normal standby allowance.

2.2.7 If the employee is required to be on standby on Sundays and Public Holidays, the employer shall pay that employee at least double the amount of the normal standby allowance.

2.3 However all standby should have a plan and signed by all relevant superior in the section and approved by the Director responsible prior working and such plan should be attached for the purpose of remuneration.

Approved date:-_____