

**NORTHWEST PROVINCE:
DEPARTMENT OF HUMAN SETTLEMENTS, PUBLIC SAFETY & LAISON,
PUBLIC SAFETY & LIAISON BRANCH
HUMAN RESOURCES POLICY**

POLICY NO: HR2012/003
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PREAMBLE

The Department is committed to provide a policy framework for the managing of 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. ABBREVIATIONS AND DEFINITIONS

DPSA:	Department of Public Service and Administration.
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 Chamber
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 any other day on which he or she is officially relieved from duty, based on the shift schedule, in the case of an employee who normally works on a Saturday, Sunday or a Public Holiday.
Department:	Department of Human Settlements, Public Safety and Liaison, North West Province.
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. Section 3 Road Traffic Act, Criminal Procedure Act 51 of 77 (section 334 (1))
Employee Wellness Programme:	A programme designed to promote the physical and mental health as well as the well-being of employees.
Internship:	Refers to the systematic and formalized process of capacity building for high potential trainees that culminates in a national qualification in a specified field.

Experiential Learner:	Refers to the systematic and formalized process of capacity building for high potential trainees that is in the process to culminate in a national qualification in a specified field who is in need of practical experience related to the aspired qualification.
Learnership:	A Learnership is a vocational education and training programme. It combines theory and practice, culminating in a qualification that is registered on the National Qualifications Framework (NQF). A person who successfully completes a Learnership will have a qualification that signals occupational competence and is recognized throughout the country.
Shift worker:	Shift work is an employment practice/arrangement designed to make use of 24 hours, Monday to Sunday, and or the working day is divided into a number of shifts performed by a separate group of employees, rather than a standard working day. The term shift work includes both long-term night shifts and or work schedules in which employees change or rotate shifts. For the purpose of this Policy, Provincial Inspectors and Call Centre Staff are referred to as Shift Workers
Non-shift worker:	Non-shift work is regarded where hours actually worked during normal periods of work between Monday to Friday from 8:00 am to 16:30 pm.
Normal working day:	<p>Non-Shift worker: Weekdays from Monday to Friday except for Public holidays and during any approved leave category.</p> <p>Shift worker: Weekdays are from Monday to Sunday including Public Holidays and excluding any approved leave category.</p>
Official hours of Attendance /Normal office hours:	Hours during which an employee (full/part time) must be present at his or her work station for duty, that is, 40 hours, excluding lunch breaks, of service per week for full time employees and hours as it may be determined in each employment contract for any other employees.
Overtime:	Overtime refers to work in excess of, more than, the hours of work per week (40 hours, excluding lunch times) than an employee has contracted to perform.

Overtime duty	:	Official duty performed in excess/more than the required work week hours (40 hours, excluding lunch breaks) or on a Sunday or Public Holiday in terms of the Public Service Regulations, 2001 (as mended), BCEA & PSA
Public Holiday:		A day mentioned in the Second Schedule of the Public Holiday Act, 1952 (Act of 1952).
Senior Management:		Employees compensated on salary levels 13 and higher and or 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:		The number of hours or days people work in a particular industry or job work in a week.
Flexi-hours		Any period of time within the normal day when arrangement may be with permission from the HOD, when to start and stop working
Emergency overtime/Unplanned		Any working hour arising from any emergency /unplanned situation

2. PURPOSE AND OBJECTIVE

- 2.1 The purpose of this policy is to provide a workplace framework for the management, to regulate the compensation of authorised and unauthorised overtime work.
- 2.2 The objective of the policy is to enhance productivity and promote efficiency by providing working time responsive to the employer needs by providing measures according to which employees can be compensated for additional hours they performed in excess of their normal hours of work.

3. PRINCIPLES

The Policy is designed to:-

- 3.1 Create a sound and best practice module, when the need for overtime arises;
- 3.2 Maintain a maximum productivity network in the workplace;
- 3.3 Promote consistency with a standardized compliance procedure in dealing with the issues of additional work performed outside the normal hours of work; and

- 3.4 Enhance compliance with the Determination of working hours and Employee Health and Wellness Programme (EHWP).

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) Constitution
 - (b) The Public Service Regulations, 2001 (as amended) ;
 - (c) The Public Service Act, 1994 (as amended) ;
 - (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;
 - (h) Public Service Co-ordinating Bargaining Council (PSCBC) Resolutions 1 of 2007;
 - (i) DPSA Financial Manual.

5. SCOPE OF APPLICATION

The determination applies to the employer and the employees who:-

- (a) are employed in terms of the Public Service Act, 1994 (Proclamation No.103 of 1994), Road Traffic Act and Criminal Procedure Act
- (b) fall within the registered scope of the Public Service Coordinating Bargaining Council (PSCBC)
- (c) this includes employees in the Public Safety & Liaison Branch whose Conditions of employment are regulated by the above mentioned regulatory frameworks.
- (d) SMS Members (levels 13 and upwards), Internship and Learnership appointments and are excluded from this Policy

6. POLICY STATEMENT

Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 3 of 1999, part IV and the Public Service Regulations, part D.2.B mandates the development of a Departmental Overtime Policy.

7. POLICY PROVISIONS AND ROLES/RESPONSIBILITIES

7.1 Normal Working Hours (Ordinary hours of work)

The HOD shall, in terms of the Public Service Regulation, 2001 (Government Notice No. R.332 of 20 March 2009 with effect from 20 March 2009) determine the following:

- The work week and daily hours of work for employees; and
- The operating and closing times of places of work under his/her control to ensure service delivery to the public.

The HOD shall, in determining the ordinary working hours of an employee, take into account –

- The needs of the public in the context of the department's service delivery improvement programme;
- The health and safety of employees;
- The Code of Good Practice on the Regulation of Working Time issued in terms of section 87 of the BCEA; and
- The needs and circumstances of employees are considered, including family obligations and transport arrangements.

Working hours for full time employees (non-shift workers):

Monday to Friday, 8:00 – 16:30 calculated to a 40 hour work week and 8 hour work day, excluding lunch times.

Working hours for full time employees (shift workers):

Monday to Friday calculated to a 40 hour work week, 16 hours per day (6h00-14h00) and (14h00 -22h00) through a managed shift system, excluding lunch times.

7.2 CONDITIONS FOR GRANTING APPROVAL FOR RENUMERATIVE OVERTIME

- (a) Only duties in excess of the prescribed hours of work authorized by the Head of Department, must be considered for overtime compensation.
- (b) Fully completed request in the prescribed Overtime application form must be submitted timely for recommendations by the responsible programme/unit manager and approved by the Head of Department before staff can work remunerated overtime coupled with a detailed Project Plan to support the work requirements and progress control.
- (c) No approval will be considered for any payment after the fact. In cases of emergencies, telephonic approval must firstly be obtained from HOD after which approval must be formalized.
- (d) The hours approved are for the period indicated on the application form only. Should there be hours remaining after the expiry of the overtime period it shall lapse and a new application will have to be completed.

- (e) All categories of employees(shift and non shift workers) will not be allowed to perform overtime of more than three (3) hours overtime per day; or more than ten (10) hours overtime per week as per applicable definition of normal working day, except in exceptional cases and approval must firstly be sought from the Head of Department.
- (f) Except in exceptional circumstances, monthly overtime compensation, linked to the overtime hours claimed, should not constitutes to more than 30% (percent) of the employee's monthly salary capped at the minimum notch of salary level 8. Prior approval to exceed 30% must firstly be sought from the Head of Department. Exceptional circumstances in this matter includes:
- Unplanned mandates or events from National and other stakeholders.
 - Additional weekends as well as public holidays after the approved overtime has been exhausted.
 - National operational instructions
- (g) Any other activity that is not listed above must be reflected in the Overtime submission and first be approved by the Head of the Department before payment.
- (h) In the event where there was no prior approval to perform overtime or due to budget constraints the Head of Department shall grant an employee at least 90 minutes paid time off of each hour of overtime worked as 1 day off.
- (i) Paid time -off must be granted within one month from entitlement.
- (j) Supervisors must ensure that accurate records are kept in terms of overtime hours worked.
- (k) The reason for overtime remuneration must be clearly motivated on the prescribed form.
- (l) Before overtime applications are considered management must look at other alternatives to manage additional tasks.

7.3 CRITERIA FOR OVERTIME APPROVAL

- (a) Prior approval to work overtime rests with the Head of Department.
- (b) Submissions requesting for remunerated overtime duty must encompass/contain the following factors:
- b.1 the circumstances, which necessitated the performance of overtime duty;
- b.2 the steps which were taken to prevent the performance of overtime duty, for example redistribution of duties among available staff, reallocation of work, temporary utilization of staff in other divisions, etc.;
- b.3 the task in respect of which the remunerated overtime duty is requested;

- b.4 the number of employees who will be required to perform overtime duty and set performance targets and/or aims as criteria.
- b.5 the estimated duration of overtime duty;
- b.6 the estimated expenditure for overtime

8. Compensation of the different Authorized Overtime Rates

- (a) The Department shall compensate prior authorized completed overtime work, by paying the employee concerned the relevant rate as determined by the Department of Public Service Administration (DPSA) capped at the minimum notch of salary level 8 for compliant claims as per conditions stipulated in paragraph 7.2. Annexure B must be used when claiming authorised overtime.
- (b) In the event there was no prior approval to perform Overtime, employees who perform duty over and above their official hours of duty shall be granted paid time-off equivalent to the time worked.

9. Overtime Classifications and compensation rates applicable to employees who qualify:

- a) The remuneration awarded in respect of normal overtime duty, as prescribed per PSCBC Resolution 3/99 as well as the Determination on working time in the Public Service 2008, is calculated by multiplying the total number of hours of overtime duty performed with one and half of an employee's normal hourly remuneration.
- b) The remuneration awarded in respect of overtime duty performed on a Sunday or a Public Holiday, is calculated by multiplying the total number of hours of overtime duty performed with two of an employee's normal hourly remuneration.
- c) The basis for the calculation of overtime worked shall be the actual salary notch of the employee, provided that it shall not be higher than a basic salary of salary level 8 per annum. This amount will be increased by the percentage of the annual general salary adjustment.
- d) The rate of payment for an employee in the public service who, ordinarily works on a Sunday shall be $1,5 \times$ actual salary notch of the employee, provided that it shall not be higher than a basic salary of salary level 8 annum. This amount will be increased by the percentage of the annual general salary adjustment.

10. REST, MEAL AND TRAVELLING

If the Head of Department 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 that
- c) where possible employees travel to and from work at a time when public transport is available
- d) consider providing transport assistance to employees (full time employees, contractual employees) who are required to perform remunerated overtime duty in cases where there is no public transport available and there are safety risks to employees.

11. CONTROL OF REMUNERATIVE OVERTIME

- (a) Requests for remunerative overtime can only be approved if the necessary funds are available. To ensure a continuous review of projects, operations and functions in respect of overtime remuneration, approval granted in this regard will only be valid within a financial year, without the option of overtime authorizations overlapping between financial years.
- (b) It is the responsibility of the programme manager to ensure that:
 - b.1 There is adequate supervision and control during the performance of remunerative overtime;
 - b.2 the authorization for overtime should be reviewed when the time frame or limit of overtime is reached in order to avoid the amount or time allocated being exceeded
 - b.3 The remunerative overtime duty is not authorized for less busy periods, wherein the workload does not warrant such;
 - b.4 The records of all overtime duty are kept;
 - b.5 An attendance register is kept; and
 - b.6 Employees are not subjected to overtime duty to such an extent that the quantity and quality of the work (productivity) performed during normal working hours is adversely affected.

12. GENERAL MEASURES

- 12.1 When the necessity for remunerative overtime duty arises, approval should always be firstly sought from the Head of Department . The availability of funds must at all times be taken into consideration.
- 12.2 Applications have to be made in advance and approval granted in this regard is only valid within a financial year.
- 12.3 Approved overtime cannot be carried over into a new period. A new application is required in such instances.

- 12.4 Claims for remunerated overtime duty will be rejected if the period of overtime duty claimed falls outside the start and end date.
- 12.5 Claims for remunerated overtime will be rejected if the amount that has been authorised is exceeded.
- 12.6 In order to improve control, the Head of Section where overtime is to be performed must determine beforehand the number of hours overtime duty to be performed each day and set performance targets and/or aims as criteria.

13. POLICY AMMENDMENT

This policy shall be amended as and when a need arise to ensure that is aligned to prevailing legislation and market conditions.

14. RELATED POLICIES

The application of the policy should be in conjunction with the Basic Conditions of Employment Act (BCEA), the current Public Service Regulations and the prevailing Collective agreements. Provision for overtime compensation will only be made in the instance where there is authorization in writing by an Executing Authority or delegated person.

15. COMMENCEMENT OF THE POLICY

This policy shall be implemented by the Department with effect from the date of approval and signature by the HOD.

APPROVED


MR B MAHLAKOLENG
ACTING HEAD OF DEPARTMENT

01/06/2012
DATE

Enquiries: _____

Contact number: _____

APPLICATION TO PERFORM REMUNERATED OVERTIME

Approval for the payment of remuneration as set out hereunder in accordance with the Overtime Policy is requested:

Office: _____

Section: _____

Period for which the approval is requested (specific dates):

From: ____/____/____

To: ____/____/____

NORMAL HOURS	SUNDAY HOURS

Overtime hours per day:

Week:

Month:

Year:

Total hours required:

Total number of Officials involved:

Name	Persal No	Target

(Attach Separate Sheet where necessary)

Funds under the allocation:

Responsibility:	Is available	Is not available
Objective:	Is available	Is not available

Full motivation: (If space is not sufficient, kindly complete and additional page)

The steps which were taken to prevent the performance of overtime duty:

Overtime to exceed 30% of basic Salary? Please motivate :

Particulars of any voluntary (unpaid) overtime duty performed by staff in connection with

- a) The task in respect of which the remunerated overtime duty is requested; and
- b) The work in the division or office in general during the preceding six months.

(if no voluntary overtime duty has been performed, the reasons therefore)

The estimated expenditure on the planned overtime duty: R_____

Should this application for remunerated overtime be approved the following control measures will be implemented in terms of Paragraph 12 of Overtime Policy:

- i) There is adequate supervision and control measures at all times during the performance of remunerated overtime duty in order to ensure high productivity; the authorization for overtime should be reviewed when the time frame or limit of overtime is reached in order to avoid the amount or time allocated being exceeded and remunerated overtime duty should be postponed during trifling periods
- ii) overtime remuneration is efficient and cost-effective;
- iii) records of all overtime duty are kept and signed by the Head of Department
- iv) an attendance registry is kept; and
- v) funds are available to finance the expenditure which will be incurred;
- vi) employees are not employed on overtime duty to such an extent that the quantity and quality of work (productivity) performed during normal hours of attendance as well as during periods of overtime duty are adversely affected;