

**OVERTIME, STANDBY ALLOWANCE,
SHIFT ALLOWANCE AND PAY FOR WORK
ON SUNDAYS AND PUBLIC HOLIDAYS.
POLICY**



Effective Date: 20 June 2018

Resolution nr: 709/2018

1. INTRODUCTION

1.1 This policy shall apply to all employees employed by Naledi Local Municipality who fall within the registered scope of the Bargaining Council in the Republic of South Africa. This policy may also be applied to Contract workers where sufficient motivation is supplied, and authorised by the Municipal Manager.

2. PURPOSE OF THE POLICY

2.1 The purpose of this policy is to regulate and restrict all over time worked by Council employees, such that it is reasonable and within the scope of work and budget.

2.2 To ensure accountability by all directorates that commission overtime, such that employees are compensated properly and are also allowed time off to re-charge.

3. OBJECTIVES OF THE POLICY

3.1. To provide a framework for the regulation of overtime, and adherence to legislation.

3.2. To provide a framework for the remuneration of employees for work performed outside official working hours.

4. APPLICATION OF THE POLICY

4.1 This policy is applicable to all staff including contract workers employed by Naledi Local Municipality, with the following exceptions:

- i) workers in senior management;
- ii) workers who work less than 24 hours in a month;
- iii) workers who earn more than the earning threshold set out by the Minister

4.2 Application to be included in this policy, notwithstanding clause 4.1 must be directed to the Municipal Manager, who may on good grounds approve such an application.

5. OVERTIME

5.1 Overtime and ordinary hours of work are regulated as per the Basic Conditions of Employment Act, 1997.

5.2 Non-essential services staff may only claim to a maximum of 40 hours overtime per month.

5.3 Essential services staff may only claim to a maximum of 50 hours overtime per month.

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5.4 Overtime worked in excess of the above (5.2 and 5.3) may only be authorised for payment by the Municipal Manager under exceptional circumstances.

5.5 Should Overtime claims in excess of the 5.2 and 5.3 above be received, without authorisation as per 5.4, only the first 40 or 50 hours will be paid.

5.6 Overtime worked by temporary employees (Capital Workers, Interns and EPWP workers) must be given time off in lieu of overtime worked. In exceptional cases the Municipal Manager may authorise payment of overtime, if the temporary employee is not able to take time off in lieu of overtime worked.

6. Approval of Overtime

6.1 Overtime forms

6.1.1 Overtime can only be claimed on the approved Overtime Forms (Appendix A and B). Claim forms must be signed off by the Applicant, Supervisor and Head of Department.

6.1.2 Overtime Claims must then be consolidated on the Monthly Overtime Register (Appendix C), before submission to Human Resources. The Register must be signed by the Supervisor and/or Section Head and Head of Department.

6.2 Approval of overtime

6.2.1 The Head of the Department must ensure that:

6.2.1.1 Overtime must be approved in advance – Full responsibility must be taken for his/her budget on overtime and must approve the overtime within the limits of his/her budget. Other funds may not be diverted for payment of overtime.

6.2.1.2 Emergency work – Overtime must be approved verbally before emergency work is performed. Formal authorisation must take place the following working day.

6.2.1.3 Adequate supervision and control measures are enforced during the performance of overtime duty.

6.2.1.4 Record of overtime duty is kept in overtime registers indicating exactly the work done and quantity thereof.

6.2.1.5 Employees must sign in and out whilst working overtime.

6.2.2 The relevant supervisor must also approve the overtime form after satisfying himself that the overtime has indeed been worked.

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6.2.2.1 The relevant supervisor is also to explain to management the reasons why the overtime is needed and also if it exceeds the 40 hour limit for non-essential services and 50 hour limit for essential services.

6.2.3 Overtime forms

6.2.3.1 Forms/Claims must be accompanied with verified copies of overtime registers. The form must also be approved by Human Resources department for verification with compliance with the limitations contained in the approval of overtime.

6.2.3.2 Every form must contain the following:

- a. The claimant must certify that the overtime indicated has been performed
- b. A description of the duties performed on each occasion on which overtime was performed
- c. The claimant's immediate supervisor must certify that he/she has verified the overtime duties being claimed.

6.3 Remuneration of Overtime

6.3.1 Overtime is paid one month in arrears.

6.3.2 In terms of the Basic Conditions of Employment Act, 1997 the employee must be remunerated at 1,5 times income for overtime worked on weekdays and Saturdays and 2 times income for overtime worked on Sundays an Public Holidays.

6.3.3 Overtime rates for all staff members shall be calculated as follows

- ii) Weekdays + Saturdays: Rate per hour x total hours worked x 1.5
- iii) Sunday + Public Holidays: Rate per hour x total hours worked x 2

6.4 Time-off

6.4.1 Time-off may be used as an alternative to remunerating employees for overtime worked. In applying time off, the municipality must grant and employee at least one and a half hours paid time off for each hour of overtime worked on a normal day or Saturday and two hours off for each hour of overtime worked on a Sunday or a Public holiday.

6.4.2 Time off must be taken within 12 months of the employee becoming entitled to it.

7 Standby Allowance

7.1 An employee is entitled to a standby allowance when he/ she is requested in a written instruction by the Municipal Manager or his / her delegate to be available for active service outside normal working hours.

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- 7.2 The standby allowance shall be payable on the following conditions only:-
- 7.2.1 An Employee shall not be on standby for more than two weeks per month, unless operational requirements dictate otherwise.
 - 7.2.2 The stand-by allowance shall not affect or be affected by any remuneration for overtime or emergency work worked by the employee during the period of standby duty.
- 7.3 Standby schedules from each unit must be done monthly and made available to Councillors, Managers and Control Room operators on the 1st day of each month.
- 7.4 Standby to be paid amounts to R 891.09 per full week of standby duties or
- 7.4.1 Monday to Friday - R 104.94 per day
 - 7.4.2 Saturday - R 157.25 per day
 - 7.4.3 Sunday and Public Holidays - R 209.66 per day
- 7.5 The above allowance shall increase with the same percentage as the annual salary and wages increase
- 7.6 An employee on Standby must:
- 7.6.1 Be available for active service outside normal working hours
 - 7.6.2 Be available telephonically for the full period of Stand By
 - 7.6.3 Be able to attend to call outs within 30 minutes.
 - 7.6.4 Conduct themselves as per the Code of Conduct.

8 SHIFT ALLOWANCE

- 8.1 In order for an employee to be paid a shift allowance, the supervisor must motivate shift work for the employee(s) for recommendation by the Director and approval by the Municipal Manager.
- 8.2 The allowance is equal to seven percent (7%) of the employees' annual basic salary and is payable monthly.
- 8.3 Shift allowances are paid as a fixed allowance per month whilst the employee is classified as a Shift Worker
- 8.4 Employees who exercise a choice to receive shift allowance will not qualify for night work allowance.
- 8.5 Shift allowances are paid as a fixed allowance per month whilst the employee is classified as a Shift Worker

9 NIGHT SHIFT ALLOWANCE

- 9.1 An employee is entitled to a night work allowance when he/she is permitted or required by the Employer in terms of Section 17 (2a) of the BCEA and approved by the Municipal Manager or his delegate to perform night-work.
- 9.2 All employees working night-work shall be compensated in the form of a night work allowance according to the following formula:-

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$6/100 \times (\text{annual pensionable salary} + 250 + 8) \times \text{actual number of hours working night-work}$. Should the 6% allowance be less than 11 rand per hour then It will be deemed as eleven rand. This amount will be increased annually in accordance with salary increases as agreed upon at the SALGBC national level.

9.3 Only employees whose working hours fall between 18:00 and 06:00 the next day shall qualify for night shift allowance.

9.4 When it is required of an employee to perform work on a regular basis after 18:00 and before 23:00 the next day, a Manager must Inform the employee in writing or orally if the employee is not able to understand a written communication in a language that the employee understands:-

9.4.1 Of any health and safety hazards associated with the work that the employee is required to perform; and

9.4.2 Of the employee's right to undergo a medical examination

9.4.3 At the request of the employee, enable the employee to undergo a medical examination, for the account of the Employer, concerning those hazards.

9.4.4 Before the employee starts, or within a reasonable period of the employee starting such work and at appropriate intervals while the employee continues to perform such work.

9.4.5 At appropriate intervals while the employee continues to perform such work.

9.5 Transfer the employee to suitable day work within a reasonable time if the employee suffers from a health condition associated with the performance of night-work; provided that it is practical for the Employer to do so and after due consultation has taken place.

9.6 An employee performs night-work on a regular basis if the employee works for a period of more than one (1) hour after 23:00 and before 06:00 at least five (5) times per month or fifty (50) times per year.

9.7 Employees who exercise a choice to receive night work allowance are not entitled to shift allowance.

10 PAY FOR WORK ON SUNDAYS AND PUBLIC HOLIDAYS

10.1 If an employee's shift falls on a Sunday, the employer must pay the employee for the day and 50% of the employee's daily rate in addition to the normal rate.

10.2 If an employee's shift falls on a Public Holiday, , the employer must pay the employee for the day and 100% of the employee's daily rate in addition to the normal rate

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11 DELEGATION OF POWERS AND AUTHORITY

11.1 Delegation

This policy should be applied with due observance of the municipality's policy with regard to delegated powers. Such delegations refer to delegations between the Council and Municipal Manager as well as between the Municipal Manager and other responsible officials. All delegations in terms of this policy document should be recorded in writing.

11.2 Authority

Any deviation from this policy for whatsoever reason must be authorized by the Municipal Manager and in the case of the municipal manager, the Mayor will authorize.

12 IMPLEMENTATION OF THIS POLICY

- 12.1 This policy will be effective from the date the policy is approved per council resolution.
- 12.2 The implementation of this policy cannot be backdated and all sections thereof will only be implemented from date of approval.