



OVERTIME POLICY

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1. INTRODUCTION

1.1 PREAMBLE

Employees are requested, at certain specific times, to work additional hours in excess of their normal working hours. It is therefore become necessary that employees are remunerated for working these additional hours at rates approved by management and also in terms of legislative rates. The policy also encompasses the processes that have to be followed before any overtime is worked. Overtime is therefore not a right but is worked out of necessity for the department to achieve specific needs.

1.2 PURPOSE

The purpose of this overtime policy is to compensate employees for additional duties, which the employees perform in specific circumstances, in excess of their hours of attendance by order of the MEC or Head of Department, or her/his delegate. Remunerated overtime is therefore paid in terms of this policy which encompasses department authorisation before overtime is worked and at rates as laid down by current legislation relating to overtime.

1.3 OBJECTIVES

To provide guidance in the performance of overtime worked by Department of Transport employees as provided for in the Basic Conditions of Employment Act.

1.4 PRINCIPLES

The following principle underpin the development and implementation of this policy

Objectivity : Each submission/request for overtime will be dealt with on its merit

Value for money: adequate control of remunerated overtime duty

Transparency: projects/assistants with regard to overtime worked should be distributed/requested fairly/evenly amongst different directorate/sections/sub unit etc.

Accountability : Responsibility Managers should account on money spent on overtime.

2. SCOPE OF APPLICABILITY

This policy applies to employees who are employed in terms of the Public Service Act, 1994, who also fall within the registered scope of the PSCBC, other than employees who are members of the SMS whose management of performance is separately provided for.

3. LEGISLATIVE FRAMEWORK

3.1 PUBLIC SERVICE REGULATION OF 2001

3.2 BASIC CONDITIONS OF EMPLOYMENT ACT, 1997

3.3 PUBLIC FINANCE AND MANAGEMENT ACT, 1999

3.4 PUBLIC SERVICE ACT, 1994

3.5 LABOUR RELATIONS ACT, 1995

3.6 RESOLUTION 1 JULY 2007

3.7 DETERMINATION ON WORKING TIME IN THE PUBLIC SERVICE, JULY 2010.

3.8 DPSA FINANCIAL MANUAL

3.9 DoT CIRCULAR NO 9 OF 2014

3.10 DPSA OVERTIME POLICY

4 CONTROL OF REMUNERATED OVERTIME DUTY

- a) It is the responsibility of the Manager/official in terms of PFMA Section 45 to ensure that :-
 - i. the system of financial management and internal control is established and carried out within the area of responsibility of that official;
 - ii. is responsible for the effective, economical and transparent use of financial and other resources within that official's area of responsibility;
 - iii. must take effective and appropriate steps to prevent, within that official's area of responsibility, any unauthorized expenditure, irregular expenditure and fruitless and wasteful expenditure ;

The Manager/official must ensure that there are adequate supervision and control measures at all times during the performance of remunerated overtime duty:

- b) Employees are not employed on overtime duty to such an extent that the quality of the work (productivity) performed during normal hours of attendance as well as during of overtime duty are adversely affected.
- c) In order to improve control, the Head of the Department or General Managers may consider determining beforehand the number of hours overtime duty to be performed each day, and as far as possible, setting production targets and /or aims as criteria.
- d) When considering overtime duty, the Managers should also take into account the following:
 - i) The circumstances which necessitated the performance of overtime.
 - ii) The steps, which were taken to prevent the performance of overtime duty, for example: redistribution of duties amongst available employees, reallocation of employees, temporary utilization of employees in other divisions, etc.
 - iii) Particulars of any voluntary (unpaid) overtime duty performed by employees in connection with:-
 - the task in respect of which the remunerated overtime duty is requested ;
 - the work in the division, sub-division or office in general during the preceding six months;
 - the estimated duration of the planned overtime duty;
 - The estimated expenditure on the planned overtime duty.
 - iv) When the performance of overtime duty is aimed at the completion of work that has fallen in arrears, the circumstances should be investigated and reported upon.
 - v) There should be monitoring of overtime hours performed for purposes of accountability, preferably by the Supervisor.

5 CONDITIONS FOR COMPENSATED OVERTIME

- a) In terms of limiting expenditure, overtime should be utilised mainly during normal overtime hours before considering Sunday and Public holidays, except for Officers performing overtime.
- b) The maximum number of overtime hours should not exceed 40 hours per month, except in exceptional cases.
- c) As far as possible overtime work should be controlled/ by a person of at least a level of a Deputy Director or delegated authority equivalent.
- d) An employee should be allowed a daily rest period of at least twelve consecutive hours between ending and re-commencing work, and a weekly reset period of at least 36 consecutive hours which unless otherwise agreed, must include Sunday.

- e) During a meal interval, the employee may be required or permitted to perform only duties that cannot be left unattended and cannot be performed by another employee.
- f) An employee may not be required or permitted to work more than 3 hour of work a day or 10 hours a week as per the DPSA Overtime policy.
- g) Unless a specific agreement is concluded with an individual or collectively, the department must provide paid compensation for overtime without the option of granting time.
- h) The approved submission must be sent to HRM so that information is fed into Persal timeously, prior to the overtime being worked, and communicated to Finance Section for claim processing.
- i) The Responsibility Manager of the unit with employees working overtime should record all the overtime duties and keep them on overtime register attached as **Annexure A**.
- j) Each employee who worked authorised overtime should complete overtime claim attached as **Annexure B**. These control sheets must be handed in with the overtime claim.
- k) HRM must keep record of all approval pertaining to authorised overtime done and that they be filled in a relevant file.
- l) The overtime worked must be properly monitored and controlled by Supervisor.
- m) Payment of compensated overtime is in accordance to the determination and directive on working time in the public service attached as **Annexure C**.
- n) Submission for approval must be from Programme Manager to HOD for approval enroute General Manager: Corporate Services

6 AUTHORISATION AND APPROVAL OF OVERTIME

- a) The HOD or General Manager or District Manager in the case of District or his/her delegated authority must approve in writing, the proposed overtime before employees can work remunerated overtime, as per delegations.
- b) After the performance of the overtime, HOD or General / Responsible Manager or his/her delegated authority must submit an application for payments for approval, with the assistance of the relevant employees, subject to provisions of the Standard operating procedure.
- c) 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 must be completed.
- d) Overtime duty may be performed any time between 16h30 to 08h00 of the next working day, and any time during weekends and Public holidays.

- e) Employees are not entitled to work overtime when on :
 - i. Sick leave/maternity leave
 - ii Special leave and
 - ii. When attending courses
- b) In the event of exceptional cases where overtime has to be worked due to urgent and exceptional cases and no pre-authorisation was obtained, the overtime worked must be formalised by the relevant manager on the first day the said employee returns to work. The Manager must substantiate the reasons for this overtime on the application form (memorandum) in detail.

7. OVERTIME RATES

- a) For employees who are required from time to time overtime, they will be remunerated at 30% of monthly basic salary of the hourly rate of the employee.
- b) In respect of overtime duty performed on Sundays and Public holidays and employees to whom Sundays and Public Holidays is not part of their normal work, and who are required from time to time to work on Sundays and Public Holidays, they will be remunerated at double time, calculated at a determined formula using the applicable rate.
- c) Officers who normally work overtime also qualify for 30% of their basic salary. In exceptional cases like Easter Holidays, Festive Season etc, they shall qualify for 100% overtime.
- d) In cases of unplanned / emergencies, payment of overtime must be 100% e.g. accidents, snowfalls etc.
- e) Approval of 100% will only be granted for exceptional cases. e.g Easter Holidays, Festive Season, accidents, snowfalls.

8. CALCULATION OF OVERTIME REMUNERATION

- a) The remuneration awarded in respect of overtime duty is calculated by multiplying the total number of overtime hours performed (including portions of an hour expressed as a fraction) with the applicable overtime rate.
- b) If overtime duty is performed on a relatively continuous basis or if the regular control thereof is problematic (as in the case of one person offices), a fixed amount may be paid monthly as overtime duty performed over a period of six months to monthly average and multiplying it with the applicable overtime rate and should be claimed monthly.

- c) For purpose of the calculation of the applicable overtime rate, the applicable initial notch of level 8 will be used in the event that an employee performing overtime is above the initial notch of level 8. The employee's annual pensionable salary notch at the time of the performance of the overtime duty should be used, particularly those below level 8. Any under or overpayment of overtime remuneration as a result of an adjustment of his or her salary retrospectively should be rectified.
- d) For purposes of determining the number of hours overtime duty is performed, waiting-time (that is a period during which an officer or employee cannot start with the performance of overtime duty at his or her place of work or continue herewith as a result of circumstances beyond his or her control) as well as meal breaks should be considered as overtime duty.
- e) If an officer or employee performs compulsory overtime duty at a place other than his or her normal place of work the travelling time of his or her transport between the two places may be regarded as overtime duty.

PAY FOR EMPLOYEES WHO ORDINARILY WORK ON SUNDAYS AND PUBLIC HOLIDAYS

If an employee is required to work an ordinary shift on a Sunday, Executive Authority must pay the employee for such ordinary work on a Sunday at a 1.5 rate.

CURRENT FORMULA FOR CALCULATIONS OF OVERTIME

NORMAL

NOTCH X 7 / 365 / 40 X 1.5

SUNDAY / PUBLIC HOLIDAY

NOTCH X 7 / 365 X 2 / 40

NEW FORMULA AS PER DETERMINATION FOR CALCULATION OF OVERTIME WORK

C X 1.5 X T

T is calculated as follows:

$$T = \frac{A \times 7}{B}$$

A is equal to the smallest of the basic salary of the employee (entry notch of level 8 for employees above level 8)

B is equal to 40 hours

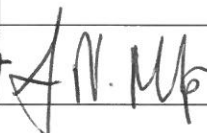

C is equal to the number of overtime hours worked

T refers to tariffs

9. POLICY REVIEW

This policy shall be assessed every three years from its effective date to determine its effectiveness and appropriateness. This policy may be assessed before that time as necessary to reflect substantial organisational changes or any change required by law and regulations.

10. RECOMMENDATION AND APPROVAL OF POLICY

DISCUSSED AND ADOPTED	DATE	APPROVED BY HEAD OF DEPARTMENT	DATE	MEMBER OF THE EXECUTIVE COUNCIL	DATE
MANAGEMENT MEETING	02.03.2017		28/03/2017		27-03-2017