



Policy Title		Policy Version	Role & Process	Responsible Individual	Name and/or Date	Corporate Services HOD	Policy Custodian	Policy Author	LLF Consultation Date	LLF Consultation Reference	Council Approval Date	Council Resolution No	Corporate Services HOD	Policy Approved	Policy Inception Date	Pre-implementation Checklist	Policy Maintenance	Review Cycle Period	Review Start Date	Review Completion Date	Legislative References	Policy Review "Triggers"	Comments
OVERTIME POLICY			Accepted								30 May 2023	C155/05/22			01 July 2022	Completed	Annually					Periodic Review	





1. PURPOSE

The purpose of this policy is to ensure that all employees are provided with a clear policy framework that provides for the requirements to work overtime as and when required by the Municipality, in accordance with the SALGBC Mipumalanga Division's Main Collective Agreement on Conditions of service.

2. DEFINITION

2.1 Overtime means the time that an employee works during a day or week in excess of ordinary hours of work;

2.2 Unstructured overtime is programmed/planned overtime over which the employer has control and for which prior approval is required [E.g the performance of routine maintenance work outside normal working hours as well as Council, Committee and official meetings of which minutes have been kept] that continues or takes place after normal working hours;

2.3 Structured overtime is where payment is compulsory in terms of the Basic Conditions of Employment Act, 1997 as amended due to Sundays and Public holidays

3. LEGAL IMPLICATIONS OF OVERTIME

Overtime is regulated by three sets of basic legislations, namely,

- a) The Basic conditions of Employment Act 1997
- b) The collective agreement on conditions of Service.
- c) Labour Relations Act, 1997 as amended.

4. SCOPE AND APPLICATION PURPOSE

This policy applies to all staff with the exception of section 56 employees and shall come into effect on the date of approval by Council.

5. OVERTIME AS A CONDITION OF SERVICE

Municipal employees are entitled to compensation for overtime worked through monetary and non-monetary (i.e. time – off for overtime worked) and the following shall be reflected in their letters of appointed,

NB: Refusal to work overtime because it would be remunerated through time-off constitutes misconduct and disciplinary action shall be instituted against any employee who refuses to overtime on such grounds.

If the agreement referred to above in paragraph 1, was not concluded with any staff member at the time of appointment, the agreement may be concluded with the relevant Director after she/he has satisfied him/herself as to whether the nature of the position and/or work requires the employee to work.

Essential services employees as defined in the Act will qualify for 100% remuneration for overtime worked.

6. WHO QUALIFIES FOR OVERTIME PAY

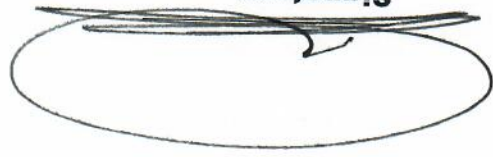
- Only employees who earns less than the Ministerial Determination issued from time to time by the Minister of Labour, qualifies for overtime payment in terms of the Basic Conditions of Employment Act (Act No. 75 of 1997) as per the SALGBC Mpumalanga Collective Agreement on Main Conditions of Service.

- Employees earning above the threshold indicated above qualifies for time off equivalent to the overtime period worked. Section 56 employees, i.e. the municipal Manager and managers directly accountable to the municipal manager, are not entitled to any overtime pay.

- Essential services employees as defined in the Act.

7. PRIOR APPROVAL FOR OVERTIME

- All overtime must be approved by the Municipal Manager and/or Director/HOD's prior to the overtime being worked.
- Pre-approval forms should be completed before overtime is worked, except in cases of work related to emergency situations where work has to be done without delay


Signature

30 May 2003
DATE OF Council Approval

This policy was signed by _____ in his capacity as the Municipal Manager of the Dipaleseng Local Municipality on the _____ and the policy takes effect as from 01 July 2022

The policy shall be reviewed in line with the regulations on overtime issued by the Minister of Labour as well as the collective Agreements on main conditions of service.

Review

- No Municipal employees shall be required or volunteer to work overtime period in excess of the statutory 10hrs per week or 40 hours per month regardless of the circumstances except for essential services employees.
- Equally so, no municipal employees shall be paid overtime payment exceeding the statutory payment rate (one and one half times normal rate) to such an extent that his/her salary account for 50% or more of his salary.
- No overtime will be paid for attendance of meetings, functions/prize giving, graduation etc.
- Time off for overtime worked must be taken within 6 months from date of accrual
- Time off not taken within 6 months will be forfeited.

8. LIMIT ON OVERTIME WORK AND PAY

