



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

CWDM DRAFT REVISED OVERTIME POLICY

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1. DEFINITIONS

- 1.1 **Overtime** means the time that the employee works during a day or week in excess of the employee's ordinary hours of work.
- 1.2 **Emergency overtime** means work that must be done without delay because of circumstances for which the employer could not reasonably have expected to make provision and which cannot be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours. It is however the prerogative of the Employer to decide if any overtime not included in this definition qualifies as emergency overtime.
- 1.3 **Structured overtime** is defined as programmed/planned overtime which the employer has control of and includes committee and official meetings of which minutes are to be kept, that continues or is scheduled after normal working hours. It includes the performance of routine maintenance work outside normal working hours.
- 1.4 All employees performing a duty as defined as an **Essential Services**, such services are:
- 1.4.1 Fire Services
 - 1.4.2 Disaster Management
 - 1.4.3 Municipal Health Services
- 1.5 **Earnings** refer to the retirement funding income or the basic salary for the post, whichever is applicable.
- 1.6 **Earnings Threshold** shall mean the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act, 1997 earnings threshold determination falls, as amended from time to time.

1.7 “Senior Manager” means the Municipal Manager or Acting Municipal Manager, appointed in terms of section 54A of the Municipal Systems Act and a Senior Manager or Acting Senior Manager directly accountable to the Municipal Manager appointed in terms of section 56 of the Municipal Systems Act.

2. OVERTIME

Preamble: The working of overtime is subject to very strict control measures and therefore only staff in a supervisory capacity who has been given written permission by his/ her “Senior Manager / Delegatee, shall be entitled to approve the performance of any overtime by subordinates. This authorisation shall be withdrawn in any suspected case of irregular or misuse thereof, without having to be given reasons for such withdrawal.

The Cape Winelands District Municipality acknowledges that overtime work is necessary element of service delivery and thereby makes necessary arrangement for staff members to access the benefit. This policy does not take precedence over any collective agreement which may be in force at the time of its approval.

Purpose

The purpose of this policy is to regulate overtime work and ensure that overtime work is pre-authorised, except in the case of an emergency and is in compliance with relevant legislation.

Scope of application

The policy applies to all staff members of the Cape Winelands District Municipality.

Legislative and Policy Framework

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003)

- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Employment Equity, 1998 (Act No. 55 of 1998)
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- All applicable South African Local Government Bargaining Council: Collective Agreements
- Collective Agreement on Conditions of Service of the Western Cape Division of the SALGBC, as amended from time to time
- In terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) any personal information of employees will only be processed for the specific purpose of complying with the prescriptions of this policy and/or applicable legislation.

3. EMERGENCY OVERTIME

- 3.1 Employees on standby in terms of clause 10 of the Collective Agreement on Conditions of Service of the Western Cape Division of the SALGBC shall receive overtime payment when called out, irrespective of the statutory threshold.
- 3.2 An employee may for emergency reasons, be required to work overtime and any employee appointed into these services must accept it as part of his/her contract to this effect with Council.
- 3.3 An employee may be required or allowed to work overtime for emergency purposes with the explicit approval of his/her appointed Supervisor. The Supervisor shall however record such approval at the Control Room of the Division: Fires Services, without delay where proper records of the call-out time and the completion time of the job shall be recorded in a log sheet. Written standing approval may however be granted by the relevant Senior Manager / Delegatee, where justified by operational requirements.
- 3.4 All hours exceeding 10 hours overtime worked, shall be approved by the Municipal Manager or his Delegatee and be recorded as outlined above. This approval shall also be confirmed in writing.

- 3.5 Only Senior Manager / Delegatee may approve overtime payment for his/her department or Directorate.
- 3.6 No overtime can be claimed should an employee work short time on a specific day. A full day's work (normal working hours and a lunch break (of at least 30 min) must first be worked before such employee is eligible for overtime.
- 3.7 Council will provide an employee with financial assistance to enable him/her to buy a meal, limited to an amount as determined by the Municipal Manager (or his/her Nominee), when an employee is expected to work overtime during an emergency situation **and** when such emergency overtime work continue for more than three hours after the employee's ordinary working hours.

4. STRUCTURED OVERTIME

- 4.1 An employee may be required to work structured overtime and any employee appointed into the service must accept it as part of his/her contract to this effect with Council.
- 4.2 Payment
 - 4.2.1 An employee shall be entitled to paid overtime when he is requested by written instruction by the Municipal Manager or his superior to perform duty outside his normal working hours.
 - 4.2.2 Overtime is generally regulated by the Basic Conditions of Employment Act (Section 10) and these provisions govern overtime payment.
 - 4.2.3 Overtime shall be paid or time-off granted to all employees except senior managerial employees as defined in the Basic Conditions of Employment Act, 1997 and employees earning in excess of the threshold as determined from time to time.

- 4.2.4 Time-off may be granted to senior managerial employees as defined in the Basic Conditions of Employment Act, 1997 and employees earning in excess of the threshold as determined from time to time by Council policy.
- 4.3 Written standing approval may be granted where justified by operational requirements, by the relevant Senior Manager / Delegatee.
- 4.4 Only Senior Manager / Delegatee may approve structured overtime payment for his/her Directorate or department.
- 4.5 No structured overtime can be claimed should an employee work short time on a specific day. A full day's work (normal working hours and a lunch break of at least 30 min) must first be worked before such employee is eligible for overtime.
- 4.6 Council will provide an employee with financial assistance to enable him/her to buy a meal, limited to an amount as determined by the Municipal Manager (or his/her Nominee), when an employee is expected to work structured overtime and when such overtime work continue for more than three hours after the employee's ordinary working hours.
- 4.7 An employee may not be required or allowed to work overtime for more than 10 hours during any working week and 3 hours on any working day unless explicitly approved by the Municipal Manager or his/her delegatee.

5. EMPLOYEES ON STANDBY

- 5.1 Employees on standby in terms of clause 10 of the Collective Agreement on Conditions of Service of the Western Cape Division of the SALGBC shall receive overtime payment when called out, irrespective of the statutory threshold.

- 5.2 Only Senior Manager / Delegatee may approve overtime payment for essential services for his/her Directorate.
- 5.3 Overtime only commences after completion of ordinary daily or weekly working hours.
- 5.4 No overtime can be claimed should an employee work short time on a specific day. A full day's work (normal working hours and a lunch break of at least 30 min) must first be worked before such employee is eligible for overtime. A shift worker can only claim overtime after a full shift worked.
- 5.5 Overtime can be claimed for actual hours worked and includes traveling time for standby staff and such actual hours must be completed on an overtime register. Overtime starts from the time of call-out.
- 5.6 An employee may not be required or allowed to work overtime for more than 10 hours during any working week and 3 hours on any working day, as stipulated in section 6(2) of the Act on Basic Conditions of Services, unless explicitly approved by the Municipal Manager or his/her delegatee.
 - 5.6.1 Council will provide an employee with financial assistance to enable him/her to buy a meal, limited to an amount as determined by the Municipal Manager (or his/her nominee), when an employee is expected to work overtime and when such overtime work continue for more than three hours after the employee's ordinary working hours.
 - 5.6.2 Council will provide an employee with financial assistance to enable him/her to buy a meal, limited to an amount as determined by the Municipal Manager (or his/her nominee), when an Employee is expected to work overtime and when such overtime start after 10:00 (Saturday/Sunday) and continues for more than seven hours, provided that the Saturday/Sunday is not part of his/her ordinary working hours.

6. TIME-OFF IN LIEU OF OVERTIME

- 6.1 Leave/time-off in lieu of overtime shall be granted for emergency, structured and approved overtime.
- 6.2 Application for leave/time-off in lieu of overtime shall be done on a prescribed application form.
- 6.3 Leave/time-off in lieu of overtime cannot be encashed except on termination of services. If, due to operational need, it is impossible to take time-off within a reasonable time, such time-off could be encashed.
- 6.4 Leave in lieu of overtime will lapse if not taken within two months, however, this may be extended to six months by the Municipal Manager (or his/her nominee) provided that an application for such extension is lodged within the said two-month period.

7. OVERTIME WORK ON PUBLIC HOLIDAYS

Payment of time-off to eligible employees for overtime work on public holidays will be dealt with in terms of the Basic Conditions of Employment Act and the Collective Agreement on Conditions of Service of the Western Cape Division of the SALGBC, and any amendments to it.

8. OVERTIME WORK ON SUNDAYS

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 the Collective Agreement on Conditions of Service of the Western Cape Division of the SALGBC, and any amendments to it.

9. ADMINISTRATIVE MEASURES FOR SENIOR MANAGERS / DELEGATEE IN THE MANAGING AND CONTROL OF OVERTIME

- 9.1 Each Senior Manager is responsible and accountable to constantly monitor and review the provisions for overtime on his/her budget and to ensure that trends are noted early; funds are adequate; over expenditure is noted, justified and provided for timeously.

- 9.2 Each Senior Manager / Delegatee is responsible and accountable to provide the pay office with a list of officials or representatives (name, signature, cost centre) who are authorized in terms of the delegated powers to approve overtime work. It is the responsibility of each Senior Manager (or delegatee) to update and maintain the information in the list. The Senior Manager / Delegatee must determine whether the information on the overtime form is accurate and correct before they authorize the form for payment.
- 9.3 The Salary Office or any other body or person authorizing overtime payment is responsible to ensure that all payments for overtime are duly authorized by the relevant Senior Manager / Delegatee. The Salary Office is specifically responsible to compare the overtime forms' signatures with the authorization list provided.
- 9.4 Attendance registers, 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 serve as source documents to complete overtime sheets and shall correspond with the log sheets, where applicable.
- 9.5 Overtime worked must be reflected on the employee's attendance register/time sheet. Line managers and/or supervisors are responsible to monitor and sign attendance register/time sheets on a monthly basis.
- 9.6 No overtime will be paid for attendance of functions/prize giving, etc. by personal invitation, except in cases of compulsory attendance as an official representative of Council, provided that such employee qualifies for time-off in lieu of overtime and provided further that such overtime is authorized in advance by the relevant Senior Manager / Delegatee.
- 9.7 An employee performing in an acting capacity in a higher position and receiving an acting allowance will be remunerated overtime for emergency work only at his/her current post level.

- 9.8 An employee performing overtime duties in the capacity of a lower-level position than that of which the employees is currently occupying, and who qualifies to receive an overtime payment for such duties, such overtime payment will be remunerated at the lower-level position's salary rate.
- 9.9 An official who does not report for duty on standby will not be paid the allowance for that day. Disciplinary action will be taken against the official if the supervisor was not informed timeously with valid reasons for not reporting for duty.
- 9.10 A monthly report on all overtime worked plus expenditure involved, will be drafted by the Head of Expenditure and be tabled to the meetings of the Senior Managers Team for scrutiny and corrective measures to be taken.

10. DISPUTE RESOLUTION

Internal dispute resolution processes shall be followed first in the event of any grievances and disputes arising out of the implementation of this policy.

11. AMENDMENTS

The Council may from time to time amend this policy and introduce any measure(s) to ensure efficient, economic and effective management of Council resources.

12. EFFECTIVE DATE

The Revised Overtime Policy will become effective upon approval thereof by the Council of the Cape Winelands District Municipality.