

## **PAYMENT OF OVERTIME**

### **A. INTRODUCTION:**

Any employee required to carry out emergency work or who is required to carry out any work outside normal working hours which is approved by Municipal Manager should be compensated for such hours worked at a rate not less than the rates specified in the **Basic Conditions of Employment Act, 1997**.

### **B. LEGISLATION:**

Section 10 to 18 of the aforesaid **Basic Conditions of Employment Act**.

### **C. POLICY STATEMENT:**

1. The Council recognises that it is at times necessary for its employees to work overtime and it is therefore willing to compensate employees for such overtime provided such payments remain within the confines of legislation and the budget.

2. However, the Council, fully realising the financial constraints under which it has to operate, clearly states that any overtime worked must be absolutely necessary and vitally for the efficiency of its operations.

3. The Municipal Manager is hereby authorized to approve all overtime on the prescribed form and the Council requests him/ her to be extremely prudent in the approval of such overtime. In considering such approval the Municipal Manager shall always consider the following factors:

- 3.1. Why must overtime be worked?
- 3.2. What will happen if overtime is not worked?
- 3.3. What is the nature of the duties to be performed?
- 3.4. Is it not possible to perform the said tasks in normal office hours?
- 3.5. If not, why not?
- 3.6. Is he/she certain that staff requesting overtime did a full day's work and did not hold back simply to work overtime?

**D.THE POLICY:**

1. Any applications to work overtime must overtime must be made on form PA 001 and be approved by the Municipal Manager prior to the commencement of such overtime work.
2. Clause D.1 does not apply where any employee has been called out after hours for emergencies. In such instance form PA 001 must completed as soon as possible and be sign retrospectively by the Municipal Manager.
3. No payment for overtime worked may be made without form PA 001 having been completed and signed by the Municipal Manager.
4. All overtime claims must be paid out monthly together with the employee's salary and the Director of Financial Services must establish a system to make this possible.
5. Any employee may not be required or permitted to work more than:
  - 5.1. three (3) hours overtime per day, or
  - 5.2. ten(10) hours overtime per week.
6. Any employee must be paid at least one and one- half times his/her wage for overtime worked.
7. Despite clause 6 an agreement may provide for the Council to:
  - 7.1. pay any employee not less than the employee's ordinary wage for overtime worked and grant the employee at least 30 minutes time off on full pay for every hour of overtime worked, or
  - 7.2. grant a employee at least 90 minutes paid time off for each hour of overtime worked.
8. The paid time off described in clause 7 must be granted to an employee within one of the employee becoming entitled to it.
9. An agreement in writing (filed in the employee's file) may increase the period contemplated by clause 8 to 12 months.
10. An agreement concluded in terms of clause 5 with an employee when the employee commences employment or during the first three months of employment, lapses after one year.
11. All overtime worked must be recorded in a register (Form PA 002) and be checked by the Director of Finance every time payments are made. In checking the register the approval forms(PA 001) must be reconciled with the register and the end of every payment /checking period must be clearly indicated in the register by drawing a line under the last entry.

12. An agreement in writing (copy on employee's file) may require or permit an employee to work up to twelve hours a day, inclusive of the meal intervals require in terms of section 14 of the ACT without receiving any overtime pay.
13. An agreement in terms of clause 12 may not require or permit an employee to work:
  - 13.1. more than 45 ordinary hours of work in any week;
  - 13.2. more than ten hours overtime in any week; or
  - 13.3. on more than five days in any week.
14. Despite clause 5 the ordinary hours of work and overtime of an employee may be averaged over a period of up to four months in terms of a collective agreement.
15. The Council may not require or permit an employee who is bound by a collective agreement in terms of clause 14 to work more than:
  - 15.1. an average of 45 ordinary hours of work in a week over the agreed period.
  - 15.2. an average of five hours overtime in a week over the agreed period.
16. A collective agreement in terms of clause 14 lapses after 12 months.
17. Clause 16 only applies to the first two collective agreements concluded in terms of clause 14.
18. An employee who works continuously for more than five hours must be given a meal interval of at least one hour.
19. During a meal interval the employee may be required o permitted to perform only duties that cannot be left unattended and cannot be performed by another employee.
20. An employee must be remunerated:
  - 20.1. for a meal interval in which the employee is required to work or is required to be available for work; and
  - 20.2. for any portion of a meal interval that is in excess of 75 minutes, unless the employee lives on the premises at which the workplace is situated.
21. Work is continuous unless it is interrupted by an interval of at least 60 minutes.
22. An agreement in writing may.
  - 22.1. reduce the meal interval to not less than 30 minutes.
  - 22.2. dispense with a meal interval for an employee who works fewer than six hours on a day.
23. An employee who works on a Sunday must be paid at double his/her wage for each hour worked, unless the employee ordinarily works on a Sunday , in which case the Council must pay the employee at one and one-half times the employee's wage for each hour worked.
24. An agreement may permit the Council to grant an employee who works aon a Sunday paid time off equivalent to the difference in value between the pay received by the employee for working on the Sunday and the pay that the employee is entitled to.

25. The Council must grant paid time off within one month of the employee becoming entitled to it.
26. An agreement in writing (copy on the employee 's file) may increase the period contemplated in clause 25 to 12 months.
27. The Council may not require an employee to work on a public holiday except in accordance with an agreement.
28. If a public holiday falls on a day on which an employee would ordinarily work, the Council must pay:
  - 28.1. an employee who does not work on the public holiday, at least the wage that the employee would ordinarily have received for work on that day;
  - 28.2. an employee who does work on a public holiday:
    - 28.2.1. at least double the amount referred to in clause 28.1; or
    - 28.2.2. if it is greater, the amount referred to in clause 28.1 plus the amount earned by the employee or the time worked on that day.
29. If an employee works on a public holiday on which the employee would not ordinarily work, the Council must pay that employee an amount equal to:
  - 29.1. the employee's ordinary daily wage ; plus
  - 29.2. the amount earned by the employee for the work performed that day, whether calculated by reference to time worked or any other method.
30. The Council must pay an employee for a public holiday on the employee's usual pay day.

#### **E. CONTRAVENTIONS:**

Any contraventions of this chapter must be dealt with in terms of the chapter dealing with disciplinary offences and if found guilty, an employee shall be subject to the penalties contained therein.-