



A Better Place for All

Main Street
Creighton, 3263
P.O Box 62
Creighton 3263
Phone: +27 39 833 1038
Fax: +27 39 833 1179
Email: mailbox@ndz.gov.za
www.ndz.gov.za

OVERTIME AND STAND-BY POLICY

Date Approved:	30 th MAY 2023
Date Implemented:	2023/2024

1. PURPOSE

To regulate overtime work by Council employees as provided for in the Basic Conditions of Employment Act (Act no. 75 of 1997).

2. SCOPE OF APPLICABILITY

The policy applies to all full time and contract employees of the municipality except those employees excluded by earning more than the threshold amount as published by the Minister of Labour, unless otherwise agreed.

3. DEFINITIONS

In this policy unless the context indicates otherwise:-

3.1 "Deductions" means income tax, pension, medical fund etc.

3.2 "Earnings" means gross pay before deductions;

3.3 "Overtime" means the time that a qualifying employee works during a day or a week in excess of the ordinary hours of work;

3.5 "Remuneration" compensation in money or time off for overtime worked.

3.6 "Wage" means the amount of money paid or payable to an employee in respect of ordinary hours of work.

3.7 "BCEA" means Basic Condition of Employment Act 75 of 1997

4. LEGAL FRAMEWORK

- 4.1 Basic Conditions of Employment Act No 75 of 1997 as amended
- 4.2 Labour Relations Act 66 of 1995
- 4.3 Collective Agreement

5. THE POLICY

- 5.1 Any applications to work overtime must be made on a prescribed form, and approved by the Head of Department, Municipal Manager or nominee prior to the commencement of such overtime work.
- 5.2 Clause 5.1 above does not apply where an employee has been called out after hours for emergencies. In such instance a prescribed form must be completed as soon as possible, be motivated by the Head of Department and be signed retrospectively by the Municipal Manager or nominee.
- 5.3 No payment for overtime worked may be made without a prescribed form having been completed, motivated and approved by Head of Department, signed by the Municipal Manager or nominee. Management must ensure that overtime are minimal within the Municipality.
- 5.4 Overtime not to be applicable to:
 - 5.4.1 Senior Managerial employees as defined in the BCEA
 - 5.4.2 Employee working less than 24 hours per month
 - 5.4.3 Employees earning in excess of **R 241 110,59** remuneration per annum as determined from time to time in terms of BCEA.
- 5.5 All overtime claims must be paid out monthly together with the employee's salary and the Chief Financial Officer must establish a system to make this possible.
- 5.6 An employee may not be required or permitted to work more than:
 - 5.5.1 Ten (10) hours of overtime per week.**
 - 5.5.2 Twelve hours (12) per day for 45 days worker**
 - 5.5.3 Eleven hours (11) per day for a 40 days worker**
 - 5.5.3 40 hours a month**
- 5.7 An employee who takes leave or absents herself/himself during the week shall not be allowed to work overtime in that particular week.
- 5.8 An employee must be paid at least one and half times his/her wage for the overtime worked.
- 5.9 Despite clause 5.7 an agreement may provide for the Council to:

- 5.9.1 pay an 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 by agreement; or
 - 5.9.2 grant an employee at least 90 minutes paid time off for each hour of overtime worked.
- 5.10 The paid time off described in clause 5.8.1 must be granted to an employee within one month of the employee becoming entitled to it.
- 5.11 All overtime worked must be recorded in a prescribed register and be checked by the Chief Financial Officer every time payments are made. In checking the register the approval forms (prescribed forms) 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.
- 5.12 An agreement in writing (copy on employee's file) may require or permit a employee to work up to twelve hours a day, inclusive of meal intervals required in terms of Section 14 of the Act without receiving overtime pay.
- 5.13 The Council may not require or permit an employee who is bound by a collective agreement in terms of Clause 18 of the KZN Conditions of Service to work more than:
- 5.12.1 an average of 45 ordinary hours of work in a week over the agreed period;
 - 5.12.2 an average of five hours overtime in a week over the agreed period.
- 5.14 An employee who works continuously for more than five hours must be given a meal interval of at least one hour.
- 5.15 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.
- 5.16 An employee must be remunerated:
- 5.16.1 for a meal interval in which the employee is required to work or is required to be available for work; and
- 5.17 An agreement in writing may;
- 5.17.1. reduce the meal interval to not less than 30 minutes;
 - 5.17.2 dispense with a meal interval for an employee who works fewer than six hours on a day.
- 5.18 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-half times the employee's wage for each hour worked.

- 5.19 An agreement may permit the Council to grant an employee who works on 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.
- 5.20 The Council must grant paid time off within one month of the employee becoming entitled to it.
- 5.21 The Council may not require an employee to work on a public holiday except in accordance with an agreement.
- 5.22 If a public holiday falls on a day on which an employee would ordinarily work, the Council must pay:
- 5.22.1 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;
 - 5.22.2 an employee who does work on the public holiday:
 - 5.22.2.1 at least double the amount referred to in clause 5.18; or
 - 5.22.2.2 if it is greater, the amount referred to in clause 5.19 plus the amount earned by the employee for the time worked on that day.
- 5.23 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:
- 5.23.1 the employee's ordinary daily wage; plus
 - 5.23.2 the amount earned by the employee for the work performed that day, whether calculated by reference to time worked or any other method.
- 5.24 The Council must pay an employee for a public holiday on the employee's usual payday.

6. STANDBY

- 6.1 Standby may only be worked by those employees who are designated to be available to perform emergency services on public holidays and after normal working hours.
- 6.2 Designated employees, when on standby, must be available within the municipal areas to perform the relevant duties.
- 6.3 Designated employees must ensure that they are at all times prepared and ready to perform duties when on standby.

6.4 The standby rates shall be calculated in terms of Collective Agreement (Basic Conditions of Employment)

7. CONTRAVENTIONS:

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

8. COUNCIL APPROVAL AND EFFECTIVE DATE

Approval of Policy by Council and Effective date: -----

MUNICIPAL MANAGER


.....

DATE

30/05/2023