



MOGALE CITY LOCAL MUNICIPALITY

OVERTIME POLICY

2023 -2024

DOCUMENT MANAGEMENT

Document Name	Overtime Policy
Ownership	1. Council; 2. Executive Mayor; 3. Municipal Manager; 4. Executive Manager: Corporate Support Services and CFO 5. Manager: Human Capital Management 6. Manager: Expenditure
Custodian	Assistant Manager: Human Capital Administration Assistant Managers: Payroll
Effective Date	
Approval Date	

1. EXECUTIVE STATEMENT

2. INTRODUCTION

The Policy is meant to regularize payment of overtime in monetary value or time off.

2.1 The following factors shall influence pay within MCLM:

2.1.1 Conditions of Service

2.1.2 Wage negotiations

2.1.3 Affordability of the Municipality

2.2 Rationale and Objectives of the Overtimes Policy

2.2.1 To provide uniform provisions and principles regarding the allocation of overtime work.

2.3 Legislative Frameworks

The applicable legislative framework includes, but not limited, to the following;

2.3.1 Municipal Systems Act, Act 32 of 2000 (as amended)

2.3.2 Basic Conditions of Employment Act 75 of 1997 as Amended

- 2.3.3 Labour Relations Act 66 of 1995 as Amended
- 2.3.4 SALGBC Organizational Rights Agreement;
- 2.3.5 Basic Conditions of Employment Act, 75 of 1997;

3. ABBREVIATION AND DEFINITIONS

3.1 Abbreviations

ABBREVIATION	ACRONYM
MCLM	Mogale City Local Municipality
HCM	Human Capital Management
HCA	Human Capital Administration
MM	Municipal Manager
SALGA	The South African Local Government Association

3.2 Definitions

For the purpose of this policy, the following definitions apply:

TERM	DEFINITIONS
Eligible Employees	Having the right to do or obtain something; satisfying the appropriate conditions
Employee	(a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any overtime; and (b) any other person who in any manner assists in carrying on or conducting the business of an employer
Employer	Refers to the Mogale City Local Municipality
Job	A job is equivalent to job classification levels. The same job group can be found in many departments and can be performed by more than one individual. Jobs are defined, for our purpose, by information types of objects (name), relationships and description

TERM	DEFINITIONS
Legible Employee	Employees: 1. capable of being read or deciphered, especially with ease, as writing or printing; easily readable. 2. capable of being discerned or distinguished
Management	Means the Municipal Manager, Executive Managers, Managers, Assistant Managers and Supervisors
Municipality	Means (a) The Mogale City Local Municipality; and (b) Includes Municipal Council and any Committee of the Council established in terms of Section 79 or Section 80 of the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998) as amended
Ordinary hours of work	The hours as delineated in the employment contract read with the Collective Agreement, and the Basic Conditions of Employment
Emergency Work	work which is required to be done without delay owing to circumstances for which the Municipality could not reasonably have been expected to make provision for and cannot be performed by employees during their ordinary hours of work such as accidents and <i>vis major</i> after hours.
Position	Positions are concrete representations of jobs. They are held by individuals in an organization and are specific to your organization. More than one position can be based on the same job. Each position typically represents one employee, but may be partially filled by more than one
Public Holiday	Means any day that is a Public Holiday in terms of the Public Holidays Act 36 Of 1994
Overtime	Means allowances, compensation in money or time off for shifts, stand by and worked
Supervisory Level	Employees appointed in positions at job grade 6-5
Trade Union(s)	Means either IMATU and/ or SAMWU or A Trade Union with organizational rights in terms of the Labour Relations Act (Act 66 of 1995)

4. ROLES AND RESPONSIBILITIES

The implementation of the Overtime policy is the responsibility of the Human Capital Management in conjunction with Executive Managers and Line Managers.

DIVISION/ DESIGNATION	RESPONSIBILITY
Council	Approve the Overtime Policy
Municipal Manager	<ul style="list-style-type: none"> i) Account for the overall Overtime Policy implementation to the Executive Mayor. ii) Ensures good governance and oversight of the overtime policy. iii) Establishes systems, procedures, and processes to ensure efficient and effective operations.
Executive Managers and Middle-level Managers	<ul style="list-style-type: none"> a) Acquaint themselves with all relevant legislation related to the Overtime Policy b) Take all the necessary steps to ensure that all employees who report to them are aware of and comply with the Overtime Policy c) Ensure that overtime of all employees in the Municipality is done in accordance with the Overtime Policy. d) Ensure the correct implementation of and adherence to the approved Overtime Policy. e) Ensure that the Overtime is adhered to and implemented within the departments and division. f) Report on and manage exceptions to this policy and refer all exceptions to the Manager: HCM; g) Accounts to the MM regarding the implementation of the Overtime Policy h) Identify necessary means to circumvent and reduce overtime and stand-by
First-line Managers	<ul style="list-style-type: none"> i) Implement and ensure compliance with the policy ii) Plan iii) Identify and determine alternatives to Overtime iv) Certify claimed overtime
Internal Audit	The Internal Audit Division is responsible for all audit queries in relation to the Overtime Policy
Human Capital Management	<ul style="list-style-type: none"> i) Monitor, evaluate and ensure the correct implementation of the Overtime Policy ii) Ensure that the Overtime Policy comply with the Council resolutions, applicable legislation, conditions of service and relevant bargaining council agreements iii) Ensure that there is fairness and consistency in terms of all relevant legislation, in particular; the Employment Equity Act provisions iv) Ensure that a suitable system to support the Overtime Policy is in place v) Provide guidance on the management of the exceptions to this policy vi) Inform Management of all the corrections and amendments to the Overtimes policy vii) Ensure that threshold is reviewed and amended annually as per Ministerial determination

DIVISION/ DESIGNATION	RESPONSIBILITY
Human Capital Administration Sub- division	a) Facilitate training and awareness programmes to ensure efficient and effective implementation of the Overtime Policy b) Ensure that the Policy is reviewed and updated on an ongoing-basis c) Ensure accuracy on the content of the policy d) Ensure that the policy is kept current and communicated to all staff and e) Ensures that policy is compliant with statutory requirements f) Annually review and make the required amendments to the Overtime Policy
Expenditure Management/ Payroll	a) Process the payroll in accordance with SARS requirements b) Attend to and resolve payroll queries in relation to the Overtime policy c) Ensures correct calculation of overtime d) Ensure database integrity e) Form part of the Team (HR and Payroll) to resolve overtime issues
Trade Unions	i) Ensure that their members are informed of the Overtimes Policy. ii) Protect the interest of the Municipality through their members; iii) Protect the wellbeing of their members in the Municipality
Employees	All employees are responsible for complying/ adhering to the approved Overtime Policy

5. LINKS TO OTHER POLICIES AND STRATEGIES

In addition to the legislative frameworks, this policy should read with the following documents:

Remuneration Policy

6. POLICY CONTENT

The overtime mix payable in addition to the basic salary is made up of guaranteed (compulsory) benefits and variable (operational) allowances.

7. PURPOSE

The Basic Conditions of Employment, Act 75 of 1997 regulates the conditions under which an employer may require an employee to work overtime, as well as the remuneration thereof. Further to this the Determination on Earnings Threshold by the Minister of Labour sets the limit on the salary notch beyond which overtime conditions as stipulated in Basic Conditions of Employment Act do not apply.

8. SCOPE

The Policy shall apply to all employees of Mogale City Local Municipality.

9 GENERAL POLICY PROVISIONS

- ✚ Only staff earning an annual salary not exceeding the threshold set by the Minister of Labour from time to time qualifies for overtime remuneration.

- ✚ On 1 March 2022, we will see the implementation of an increased annual earnings threshold in the amount of **ZAR 224 080.48 per annum**
- ✚ Approval to work overtime must be applied for at least two (2) days in advance.
- ✚ Only emergency calls and official meetings are exempted from prior approval.
- ✚ Staff who earn in excess of the amount referred to above will be credited with a maximum of twelve (12) days overtime leave over and above their normal annual leave, subject to proof that they worked hours equivalent to twelve days.
- ✚ Overtime leave shall be taken in such a manner so that at no time any accumulated overtime leave shall exceed 24 days.
- ✚ Overtime leave cannot be converted into any other type of leave or encashed.
- ✚ An employee may not work more than 10 hours overtime a week.
- ✚ Non-essential overtime such as litter picking, grass cutting, street sweeping, administrative support functions and road marking shall not be allowed on Sundays and Public holidays.
- ✚ Overtime for the purpose of cleaning and preparation of community facilities such as halls and sport facilities, on occasions that these facilities are booked, may be allowed on Sundays and Public holidays provided that prior approval is obtained from the relevant General Manager.
- ✚ Overtime for the purpose of coordinating and facilitating of activities of Council including the deploying of resources such as public address systems, chairs and tables during community meetings may be allowed on Sundays and Public holidays provided that the overtime for these activities is in accordance with the Public participation program of Council and prior approval is obtained from the relevant General Manager.
- ✚ The Municipal Manager is mandated to approve and/or recall exemptions from the salary threshold if and when necessary.
- ✚ Requests for exemptions from the salary threshold shall be submitted to the Municipal Manager in advance and must include a list of employees required to work overtime as well as relevant motivations.

The following five job categories are exempted from the salary threshold and may be remunerated in terms of section 10 of the Basic Conditions of Employment act of 1997:

- ✚ Traffic Law Enforcement and Security Services: from rank of Superintendent and lower
- ✚ Fire and Rescue Services: from rank of Leading Fire Fighter and lower
- ✚ Streets and Storm water: from Foreman and lower
- ✚ Water and Sanitation: from Superintendent and lower
- ✚ Electrical Engineering: from Superintendent and lower

NOTE: All other principles and procedures of the Overtime Policy remain in place for the above exempted job categories and must be adhered to at all times.

Prior approval of Emergency calls is not necessary, but approval form shall contain the following additional motivation and detail:

- ✚ Incident
- ✚ Date
- ✚ Time
- ✚ Employee on standby or not; if not reason why he/she was called out
- ✚ Duration of call out

10 PROCEDURE:

- ✚ Respective supervisors are to complete the attached "Application to Work Overtime Form" (Annexure A). The application form should stipulate the reason for the task/s to be conducted outside of normal working hours, as well as the dates and times during which these tasks will be undertaken.
- ✚ The duly completed form should be approved by the Head of Department.
- ✚ In case of emergencies and meetings, where it is impossible to comply with the above, the Head of Department must indicate under "reasons" why the form is filled in after work has been done.
- ✚ The actual overtime hours worked is to be recorded on the overtime sheet (Annexure B). The Supervisor must sign the overtime sheet as verification of the overtime hours worked by the staff member.
- ✚ Remuneration of overtime worked shall be in accordance with the BCEA no. 75 of 1997, as well as any other South African Local Government Bargaining Council (SALGBC) or workplace agreements concluded from time to time.
- ✚ Employees who work overtime or who allow subordinates to work overtime in contravention with this Policy and the Basic Conditions of Employment Act, 75 of 1997 will personally be held responsible for any expenditure in this regard.

11 IMPLEMENTATION OF THE POLICY

11.1 The execution of the overtime policy shall be based on sound corporate governance principles.

11.2 The implementation of Overtime Policy shall be effected a day after approval by Council or immediately after signed by the Municipal Manager.

12. FINANCIAL IMPLICATIONS

12.1 The implementation of the Overtime Policy has financial implications for the Municipality

12.2 Implementation of some of the provisions of Overtime Policy shall be subject to the financial viability of the Municipality

12.3 All departments must budget for Overtime according to the MSCOA requirements

13. MONITORING AND EVALUATION OF THE POLICY

13.1 All Departments shall monitor and evaluate the implementation and compliance of the Overtime Policy.

13.2 No deviation to the Overtime Policy and procedure requirements is permitted. Any possible breaches of the Overtime Policy would be monitored and reported accordingly.

14 POLICY REVIEW

The Overtime Policy will be reviewed on annual basis and revised as necessary.

15 COMMUNICATION

The Overtime Policy will be communicated to all Municipal employees using the full range of communication methods available to the municipality.

16 COMPLIANCE

Any contravention to this policy shall be constituted as misconduct.

17 PRECEDING POLICIES RESCINDED

The previous policies in respect of this subject are RESCINDED and REPLACED with this new policy.

18. APPROVAL

Council:	Mogale City Local Municipality
Signature:	
Date Approved:	15 June 2023
Effective Date:	01 July 2023

APPLICATION TO WORK OVERTIME

(A separate form needs to be completed for each employee required to work overtime)

EMPLOYEE	Name:		Pay No:
	Designation:		Post level:
	I, ID No hereby agree to work overtime as indicated below, provided that the intended overtime is approved by Management. SIGNED: DATE: EMPLOYEE		
SUPERVISOR	I, herewith request permission for the above mentioned staff member under my supervision to work overtime on the following date/s:		
	Date	Envisaged Hours	

**The reason for the overtime
being as follows:**

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SIGNED: _____

DATE: _____

SUPERVISOR

**Overtime Authorized / Not Authorized: (Refer to
Delegated Authority)**

ASSISTANT MANAGER/ MANAGER:

DATE: _____

EM/CFO/CAE _____

DATE: _____

Annexure B

MOGALE CITY LOCAL MUNICIPALITY

NAME: _____

DEPARTMENT: _____

Date	Overtime worked				Time taken off			Balance	Reason	Signature Supervisor
	From	To	Time	Converted	From	To	Time			

Signature of Employee: _____ **Balance overtime** _____

APPROVED / NOT APPROVED _____

SIGNATURE: MANAGER _____