MUSINA LOCAL MUNICIPALITY

DRAFT POLICY ON OVERTIME WORKED AND OVERTIME RATES

1. APPLICABILITY

The policy applies to all full time 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.

This policy must be read as an addition to Clause 4.2 of the Council's Labour Policy, which states as follows:

"Arrangement of Over Time:

4.2.1 The Council is in principle not in favour of working overtime and overtime is only worked when and where it does not affect the health and safety of employees.

4.2.2 Overtime may only be worked when instructed by the Departmental Manager. Overtime must be reasonable and only be allowed when it is absolutely necessary. The order / instruction to work overtime will, whenever possible, be given well in advance."

2. SCOPE

This document describes the overtime, rates of pay and overtime rates.

3. OBJECTIVE

To provide a framework and guideline for the implementation and maintenance of overtime worked and the remuneration thereof.

4. DEFINITIONS

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

"Earnings" - means gross pay before deductions,

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

"Remuneration"- compensation in money or time off for overtime worked,

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

"days" - means "working days".

5. RESPONSIBILITIES

a. Every manager/section head has the responsibility for the implementation, maintenance and management of the overtime system.

b. The Pay Office is responsible for the calculation and pay out of overtime worked.

c. Managers and /designated section heads are responsible for co-ordination and controlling system implementation and maintenance at operational level.

5.1 PRINCIPLES

Employees may not work overtime except in accordance with an agreement signed with the municipality,

5.2 LIMITATIONS

If an employee agrees to work overtime, the employee may not work:

a. Overtime except in accordance with an agreement,
b. More than 10 hours overtime per week,
c. More than 3 hours per day.

5.3 PRIOR APPROVAL

No employee will be remunerated for overtime worked unless such overtime has been budgeted for and authorised by the manager or is required in terms of a work schedule.

5.4 REMUNERATION

Employees will be:

(a) paid one and one-half time the employee's daily/hourly wage for overtime worked, or

(b) paid not less than the employee's ordinary wage for overtime worked and be granted at least 30 minutes time off on full pay for every hour of overtime worked; or

(c) granted at least 90 minutes paid time off for each hour of overtime worked;

during week days.

5.5 TIME FRAME

a. The employee will be granted paid time off within one month of the employee becoming entitled to it.

b. The employer will pay the overtime pay on the employee's normal pay day.

5.6 OPERATIONAL REQUIREMENTS

a. Due to the business and operational requirements of the municipality, employees will be required to work overtime on occasion.

b. The employer may not require or permit an employee to work overtime or to work on Sundays or Public Holidays except in accordance with an agreement.

5.7 OVERTIME WORKED ON SATURDAYS

Employees who normally work a five-day week, will be;

a. Paid one and one-half times the employee's wage for overtime worked, or

b. Paid not less than the employee's ordinary daily/hourly wage for overtime worked and be granted at least 30 minutes time off on full pay for every hour of overtime worked; or

c. Granted at least 90 minutes paid time off for each hour of overtime worked during week days.

5.8 OVERTIME WORKED ON SUNDAYS

Employees who normally work a five day week, will be;

(a) paid double the employees daily/hourly wage for overtime worked, or

(b) paid not less than the employee's ordinary wage for overtime worked and be granted at least 60 minutes time off on full pay for every hour of overtime worked; or

(c) granted at least 120 minutes paid time off for each hour of overtime worked during week days.

5.9 OVERTIME WORKED ON PUBLIC HOLIDAYS

Employees who normally work a five day week, will be;

(a) paid double the employee's daily/hourly wage for overtime worked,

(b) paid not less than the employee's ordinary wage for overtime worked and be granted at least 60 minutes time off on full pay for every hour of overtime worked; or

(c) granted at least 120 minutes paid time off for each hour of overtime worked.

EXEMPTIONS

Top Management, which consists of the Municipal Manager and Section 57 appointments, Senior Management (post levels 1-3) and any other position with an annual salary of not less than the amount per annum as regulated by Government *Gazette from time to time regarding the earnings threshold are exempted from this policy, but will receive 6 days special leave annually to provide for hours worked or meetings attended over and above the prescribed office hours per week. (see footnote)**

5.10 CALCULATIONS

Calculations of Overtime Pay (Five day work week)

a. Employees who work a five day work week are deemed to work 21.671 days to complete a full month based on the five-day work week.

b. The working week consists of 40 ordinary hours per week.

c. The working day is deemed to consist of 8 working hours for which the employee is paid and 60 minutes meal break which is not paid time.

6. IMPLEMENTATION

This policy will be effective from the date of adoption by Council, subject to any Amendments by Ministerial determination of the Earnings Threshold as published in the Government Gazette from time to time.

It will further be reviewed and amended as the need arises.