

GREAT KEI LOCAL MUNICIPALITY



OVERTIME AND EMERGENCY WORK POLICY

2023/2024

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1. PURPOSE

The purpose of this policy is to:-

- (a) advance labour peace and efficient human resources management by fulfilling primary objects of the Basic Conditions of Employment Act and those of the local government legislation as well as to give effect to the South African Local Government Bargaining Council Agreements;
- (b) to promote effective, efficient and economic use of resources
- (c) to provide a framework within which the municipality will administer overtime in a fair and a transparent manner

2. LEGAL / STATUTORY FRAMEWORK

- Local Government Municipal Systems Act, 32 of 2000;
- Basic Conditions of Employment Act, 75 of 1997
- South African Local Government Bargaining Council Main Collective
- Agreement

3. NATURE AND SCOPE

The policy contained herein supplements the conditions of employment of every employee, the workplace rules and regulations issued from time to time by the municipality and the code of conduct for the members of the municipality.

4. DEFINITIONS

"Basic Conditions of Employment Act" means the Basic conditions of Employment Act No. 75 of 1997.

"Bargaining Council" means the South African Local Government Bargaining Council and includes the Eastern Cape Division of the Bargaining Council or such division of the Bargaining Council as the municipality may be determined by the Bargaining Council to fall under.

“Collective agreement” means a collective agreement as contemplated in the Labour Relations Act, Act No. 66 of 1995.

“Council” means Great Kei Municipality and includes any political structure and / or political office bearer or employee of the municipality lawfully acting in the stead

“employee” means any person excluding an independent contractor who has been appointed to the service of Great Kei Municipality to render service and who receives or is entitled to receive any remuneration thereof.

“essential service” means a service, the interruption of which endangers the life, personal safety or health of the whole part of the population.

“Head of Department” means managerial employee in the service of Council who occupies a post on the municipality’s staff establishment which has an overall responsibility for an organizational unit that is referred to as a department or any person appointed to act in his position in the absence of the other.

“Labour Relations Act” means the Labour Relations Act, Act No. 66 of 1995.

“Municipal Systems Act” means the Local Government Municipal Systems Act, Act No 32 of 2000.

“Municipality” means Great Kei Municipality.

“Overtime” means that portion of any period that an employee works for the municipality during a work week or on a working day as the case may be, which exceeds the ordinary hours of work as stipulated by the municipality or agreed by the municipality and its employees from time to time.

“Public Holiday” means every day that is a public holiday in terms of the Public Holiday Act No: 36 of 1994.

“Salary” means any salary package, allowance, bonus and any other money

paid or due to an employee as a reward for his / her service, excluding a payment under a housing or motor vehicle scheme or any allowances.

“Week” in relation to an employee means the period of seven days

“Working day” means any calendar day of the week on which a certain employee normally reports on duty

“Working hours” means those hours which an employee is obliged to work

5. APPLICATION

5.1 Expect in so far as this policy provide otherwise and except where it is clearly inconsistent with the context or clearly inappropriate, the provisions of this policy apply to and in respect of all employees of the municipality.

5.2 The policy shall replace any and all existing overtime policies of the Great Kei Local Municipality.

6. OVERTIME WORK

6.1 No employee may be required or permitted to work overtime except in terms of an agreement between such an employee and the municipality;

6.2 Staff work overtime in compliance with maximum overtime periods permissible i.e. 3 hours per day to a maximum of 10 hours per week except when overtime is required to be done without delay owing circumstances for which the municipality could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work;

6.3 No overtime may be worked without the expressed prior permission or instruction of the departmental head concerned;

Should it become apparent that overtime is required in order for business objectives to be achieved the following needs to be adhered to:

- o Written request (Overtime Authorisation Form) to the relevant Head of Department from the Unit concerned

- Head of Department to approve the request
- Manager: Budget & Reporting to confirm if budget is available (if applicable)
- Manager: Human Resource to confirm compliance with the applicable legislation.

7. EMERGENCY WORK

SALGBC Conditions of Service states that in the case of emergency owing to circumstances for which an employer could not normally have made a provision, municipalities may require employees to perform emergency work outside his normal working hours and remuneration for such emergency work shall be paid as follows:

- ✓ Mondays to Saturdays – 1.5 x normal rate of pay
- ✓ Sunday and Public holidays – 2 x normal rate of pay.

provided that such work is authorised by the Municipal Manager or his Delegate

8. OVERTIME PAY

8.1 Payment for overtime shall only be effected upon submission of a proof that permission or instruction was granted that such overtime be worked;

8.2 The overtime pay for an employee shall be equivalent:-

- (a) one and a half times the employee's wages / salary hourly rate for every hour worked from Monday to Saturday
- (b) Two times the employee's wage / salary hourly rate for every hour worked on Sundays or Public Holidays for an employee who does not ordinarily work on a Sunday or Public Holiday

8.3 Whenever the municipality decides at the discretion of the Municipality, to close offices earlier than usual knock off hour for employees with the exception of essential services employees, the time worked by such essential services employees from the time of the release of other

employees to the ordinary knock-off time for essential services employees shall not be deemed to be overtime;

8.4 Overtime payment must be paid together with an employee's salary for the month during which he/ she performed such overtime.

9. PAY FOR WORK ON SUNDAYS AND PUBLIC HOLIDAYS

An employee whose ordinary shift falls on a Sunday or Public Holiday shall be paid at one and half time his / her hourly wages / salary for the number of hours so worked;

10. OVERTIME – SECURITY PERSONNEL

Great Kei Municipality Security Officers are requested to work overtime in cases whereby the security that is on duty is on sick or annual leave. Double payment is processed for the hours worked.

PUBLIC HOLIDAY HOURS

According to Basic Conditions of Employment Act an employer must pay an employee who works on a public holiday at double the employee's wage for each hour worked.

SUNDAY HOURS

According to Basic Conditions of Employment Act an employer must pay an employee who works on a Sunday at double the employee's wage for each hour worked unless the employee ordinarily works on a Sunday, in which case the employer must pay the employee at one and one half (1.5) times the employee's wage for each hour worked.

In the case when the Security Officers have worked on Sundays and they are paid on one and half (1.5) times the employee's wage.

11. OVERTIME – EMPLOYEES THAT HAVE REACHED THRESHOLD

Employees that have reached threshold will be granted payment of overtime worked upon recommendation by Head of Department and approval by the Municipal Manager. The hours paid will be as per the applicable legislation.

12. MONITORING

The Manager responsible for Human Resources must monitor and report on overtime worked by employees in all municipal departments.

13. VIOLATION AND ENFORCEMENT

The violation of this policy may lead to disciplinary action being instituted against a person who is deemed to have violated the policy

14. POLICY REVIEW AND AMENDMENTS

At the end of each financial year or where the Council deems it necessary, the policy shall be subjected to review and amendment as to ensure its continuing relevance and validity.

- 14.1 A process wherein the Municipal Manager or any delegated council official shall make an input to the relevant council structures detailing the proposed amendments and the rationale thereof.

The amendments shall be placed on the council agenda and a vote shall be taken rectifying the policy

- 14.2 A Council resolution shall be recorded accurately reflecting the council decision and its number

Signature of the Municipal Manager *Jalle*
Date..... *29 June 2023*

Signature of the Mayor..... *[Signature]*
Date..... *29 June 2023*



