

WORKING HOURS AND OVERTIME POLICY

DEPARTMENTAL POLICY DOCUMENT

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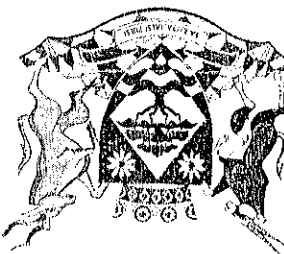


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1. PURPOSE

This policy aims at enforcing standards for working hours and providing the framework for the remuneration of employees for work performed outside normal working hours. It further outlines the procedures to be followed for remunerated overtime in order to promote uniformity and compliance with relevant legal provisions.

2. OBJECTIVES

2.1 In accordance with Public Service Regulations part V.E.2 (b), as amended, an employee may be compensated for overtime work if the department has an overtime policy. PSCBC Resolution 3 of 1999 part VIII 3 also stipulates that before compensation for overtime policy is authorized, a written policy for the Department should be negotiated determining the condition under which the Department shall provide compensation for overtime work.

2.2 Overtime work shall be utilised only when clearly necessary and cost effective.

2.3 Strict and accurate records shall be kept.

2.4 An application for overtime shall be approved prior to an employee working overtime (excluding employees at Hostels performing Sunday and Public Holiday service)

3. DEFINITIONS

3.1 "Emergency work" means work that must be performed urgently outside the normal working hours owing to circumstances anticipated by the department or which are beyond the control of the department and for which management could not reasonably been expected to have made provision.

3.2 "Executing Authority" means the member of executive council of a provincial department.

3.3 "Normal Working Day" means a period of 24 hours measured from the time when the employee normally commences work

3.4 **"Normal Working Hours"** means 45 hours in any week or nine hours in any day if the employee works for five days or less in a week, or eight hours in any day if the employee works on more than five days a week.

3.5 **"Overtime"** means work in excess of the hours of work per week or month that an employee has contracted to perform.

3.6 **"Senior Management Service"** means Officials from director level upwards (salary level 13)

4. SCOPE OF APPLICATION

4.1 The Working hours and Overtime Policy is applicable to all permanent and contract employees of the Department of Education who are employed in terms of the Public Service Act, 1994 except SMS and Office based educators who are employed in terms of the Employment of Educators Act, 1998.

4.2 Senior Management Service is regulated in terms of the Public Service Regulation VD.3, which provides the following –

An executing authority may, in exceptional cases compensate a member of the SMS for overtime if-

- i) The compensation for overtime constitutes one percent or less of the employees annual basic salary and
- ii) The SMS member is expressly requested by the Chief Financial Officer in writing and it is approved by the Members of the Executive Council (MEC) prior to the performance of overtime and
- iii) The CFO should motivate clearly in the written request for approval of overtime why he/she is of the opinion that the SMS member should be compensated for overtime. Particulars regarding the number of hours involved as well as the expenditure must be included in the motivation.
- iv) A member of the SMS shall not authorize overtime for him or herself.

5. COMPLIANCE FRAMEWORK

This policy is governed by the following laws and regulations:

- Public Service Act, 1994 as amended
- Public Service Regulations, 2001
- Basic Conditions of Employment Act 75 of 1997
- Employment of Educators Act, 76 of 1998
- Public Finance Management Act, 1 of 1999
- Labour Relations Act, 66 of 1995
- Public Service Coordinating Bargaining Council Resolution 3 of 1999
- Code of Good Practice on the Regulation of Working time.

6. RESPONSIBILITIES

The powers described in this policy are delegated to various levels of authority.

Responsibility	Approval of working hours	
	MEC	HOD
Responsibility	Approval of overtime salary level 1-12	
	MEC	HOD

7. POLICY PROVISIONS

- Overtime compensation shall not exceed 30% of the employee's monthly basic salary except in the following exceptional circumstances to be approved by the HOD or delegated executive prior to commencement of overtime duty:
 - Excessive work load during exams
 - Salary adjustment exercise
 - Quarterly re-appointment of contract educators
 - Implementation of new systems or urgent bargaining council agreements that affect daily operations
 - Back log due to delays in filling vacancies
 - Emergency duties that cannot be performed during normal working hours
 - An employee who is absent from duty during the normal/ordinary working hours/days shall not be permitted to perform overtime duties.

- c) Institution based educators are not required to work overtime
- d) The availability of budgeted funds must at all times be taken into consideration
- e) The normal overtime must be approved before any work commences
- f) Duration of overtime is calculated from normal knock-off time during working days.

7.1 NORMAL WORKING HOURS

- a) Normal working hours for office based educators and PSA employees at head office and districts offices are between 07h30 to 16h00
- b) Normal working hours for PSA employees at institutions is 8 hours a day.
- c) Normal working hours for school based educators is 7 hours per day including breaks.
- d) Normal working hours must not exceed 40 hours per week or 8 hours a day if the employee works 5 days per week and 7 hours per day if the employee works more than 5 days per week.

7.1.1 Meal Intervals

Employees are entitled to a 60-minutes meal break after five hours of work and 15 minutes tea time to be taken at any time.

7.2 REQUIREMENTS FOR REMUNERATIVE OVERTIME

- a) Normal overtime will be overtime performed for clearly defined projects with measurable outcomes only.
- b) Requests for remunerative overtime and time-off overtime by Unit Heads must be forwarded to the Head of Department in a form of a submission for approval.
- c) All requests must be submitted to the Head of Department before commencing overtime with the following information-
 - i) The nature of the project for which overtime is required
 - ii) Circumstances which necessitate the performance of overtime duty
 - iii) Who would be performing such duties i.e.
- Name
- Peral Number

7.3.2 Emergency work

Employees cannot commence with remunerated overtime except where overtime was necessitated by emergency work that could not be performed during normal working hours, in which case approval would be obtained during or after overtime duties have been performed.

- 7.3.1 Hostel Employees**
- a) Submissions in request for remunerated overtime or any kind of approval are required for all hostel employees
 - b) Remunerative Overtime work commences from the end of the normal shift and hours to be worked are not limited due to the nature of the services rendered
 - c) Overtime would be remunerated based on the claim forms approved by the supervisor in charge.

7.3 DEVIATIONS FROM THE REQUIREMENTS

- Rank of each official required to perform overtime duties
- iv) The period for which the approval is required
- v) The estimated expenditure or time-off on the planned overtime and a calculation that shows if remuneration for each official will be less or greater than 30% of their monthly basic salary and if exceptions to the 30% threshold applies.
- vi) The number of overtime hours required normal and Sunday rates indicated separately.
- vii) Particulars of the measurable outcomes
- viii) Strategies or attempts made to minimize or prevent the performance of overtime duty.
- ix) Particulars of direct supervisory arrangement during performance of overtime
- x) Officials cannot work before overtime gets approved.

7.4 KINDS OF COMPENSATION

7.4.1 Normal Overtime

- a) An official duty for more hours than the employee's normal working hours during the week.
- b) Authorised normal overtime shall be compensated at one and one-half time (1.5x) of the basic hourly salary for each hour worked.

7.4.2 Sunday work

- a) An employee who does not ordinarily work on a Sunday shall be compensated for work done on a Sunday at double (2x) the employee's basic hourly salary or
- b) At one and one-half times (1.5x) the employee's basic hourly salary if the employee ordinarily works on a Sunday

7.4.3 Public Holidays

- a) In terms of Section 18 of the Basic Conditions of Employment Act, if an employee works on a public holiday, the remuneration shall be double (2x) the employee's basic hourly salary.

7.4.4 Night work

- a) An employee shall be compensated for night overtime at double (2x) the employee's basic hourly remuneration when duties are performed between 20h00 and 06h00 the next day..

7.4.5 Emergency work

- a) Where the employee is required to work outside normal working hours as a result of an emergency or due to circumstances that could not have been foreseen by the Department, the time so worked shall be deemed to be overtime.
- b) Remuneration for this specific work would be at either one or one-half (1.5x) or double (2x) the employee's basic hourly remuneration depending on which day or time the emergency work was performed.

7.5 THE EXTENT AND PERIOD OF OVERTIME DUTY

An employee may not be required or be permitted to work more than:

- i) Three hours overtime in one day, or
- ii) Ten hours overtime in one week

7.6 OVERTIME OF INTERNS AND LEARNERSHIPS

Interns and learners employed by the department either in Head Office or in the district offices may under no circumstances be allowed to work overtime. Any intern who performs any duties after or outside the normal working hours, will do so voluntarily.

7.7 MEALS, BREAKS AND TRAVEL

- a) Starting and finishing times should as far as possible coincide with the availability of public transport so as to accommodate staff members who use public transport.
- b) An employee who works continuously between three and five hours may have 15 minutes tea break and 30 minutes meal interval.
- c) Meal and tea breaks do form part of overtime work.
- d) The department may consider providing assistance to employees who are required to perform remunerated overtime duty in cases where there is no public transport available and there are safety risks to employees.

8. CONTROL MEASURES

- a) Overtime duty must be reserved for the performance of essential projects or functions that cannot be postponed without serious consequences.
- b) Approved overtime cannot be carried over into a new time period. A new submission is required in such instances.
- c) Only officials included in the specific approved submission can work overtime.
- d) Claims for overtime duty will be rejected if the period of overtime duty claimed falls outside the start and end date as approved.
- e) Claims for normal overtime duty will be rejected if the amount that has been authorised is exceeded.

- f) Claims are to be submitted within one month of the overtime worked.
- g) Time-off for overtime worked is to be taken within two months of the overtime worked.
- h) An overtime register must be kept and duly signed by the immediate supervisor.
- i) Requests for overtime duty must only be authorised if specific budget is available.
- j) Employees should not be permitted to work to an extent that the quality of work performed during both normal and overtime duty is adversely affected.
- k) Management should avoid authorization of overtime on Sundays and Public holidays except in exceptional cases.
- l) All overtime work should as far as possible be performed at the employees normal place of work.
- m) When the performance of overtime is aimed at the completion of backlog work, the circumstances should be investigated

9. CALCULATION OF REMUNERATIVE OVERTIME

The basic salary for the calculation of overtime worked shall be the actual salary notch of the employee, provided that it shall not be higher than the scale as prescribed in PSCBC. This amount will be increased by the percentage of annual general salary adjustment with effect from 1 July of each year. The formula for the calculation of overtime as determined by DPSA is applicable.

Calculation of remuneration for overtime performed on a Sunday/ public Holiday or night shift.

$$C \times 2 \times T$$

Where C is equal to the overtime hours worked

T is calculated as follows:

$$T = \frac{(Ax7)/B}{365}$$

Calculation of remuneration for normal overtime:

$$C \times 1.5 \times T$$

Where T is calculated as follows:

$$T = \frac{(A \times T) / B}{365}$$

A is equal to the annual salary notch of the employee concerned limited to the pre - determined threshold
B is equal to the weekly numbers of hours of attendance prescribed for the employee.

10. MEASURES TO LIMIT REMUNERATIVE OVERTIME

a) Time-off

- i) An employee who performs duty over and above the normal working hours may be granted time-off provided that approval has been obtained from the executing authority or delegate and the option of time-off has been agreed upon in consultation with the employee.

- ii) At least 90 minutes time-off on full pay would be granted for each hour of overtime duty.

- iii) Time-off must be awarded to an official within one month after completion of overtime duty.

b) Re-allocation of staff

- i) Where possible, under-utilised employees can temporarily be allocated to components where overtime has to be performed, with a view to alleviate work pressure.

iii) Labour Relations' implications involved should, however, be taken into consideration.

c) Redistribution of duties

Work-load can be equitably distributed among available staff without overburdening any employee. This would only assist in transfer of skills.

d) Temporary utilization of staff in other units

Other units that are well staff resourced and not experiencing any work pressure can be requested to assist in high pressurized units in order to promote departmental unity in achieving its goals.

e) Re-evaluation of staff establishment

i) Monthly overtime reports should be analyzed and used to identify units that are not well staff resourced and be acted upon.

ii) Vacant posts can be re-allocated to units where the work pressure is exceedingly high but this must be approved by HR: Chief Director.

f) Moderation of overtime hours

Limitation of overtime to more efficient employees who will achieve the set objectives within less input time.

g) Compressed working week

In terms of BCEA, employees may have an agreement in writing to work for up to 12 hours per day without receiving overtime remuneration, however, these employees may not work more than 45 normal hours in any week, more than ten hours overtime in any week or work more than five days in any week.

11. REPORTING AND MONITORING

a) A monthly report of overtime worked and/or paid should be prepared and the responsible director should provide reasons which caused the backlog of work and action plan or measures taken to ensure that overtime will not be worked in future and these should be reconciled to the actual performance.

- b) An overtime audit must be done against all the relevant documentation on a regular basis.
- c) The quality of work done should be assessed as overtime duty is in progress to ensure that overtime targets will be met and avoid unnecessary backlog that might further require more overtime.
- d) Monthly overtime report to monitor excessive reliance on overtime.

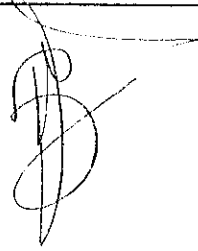
12. IMPLEMENTATION AND EFFECTIVE DATE

This policy becomes effective on approval by both the Member of Executive Council and the Head of Department of the Northern Cape Department of Education.

13. POLICY REVIEW

This policy shall be reviewed at least annually to ensure that it is aligned with all the relevant legislation and complies with all adequate internal control requirements.

G.T. PHARASI



HEAD OF THE DEPARTMENT: EDUCATION

DATE

12/11/20