



agriculture, land reform
& rural development

Department:
agriculture, land reform & rural development
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

DEPARTMENTAL OVERTIME POLICY

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1. PREAMBLE

The Department of Agriculture Land Reform and Rural Development is committed to comply with the PSCBC resolution 3 of 1999 and the Basic Condition of Employment Act by developing and implementing the overtime policy to guide the management in compensating employees of the Department.

This further aims to giving sound practices regarding the management of overtime.

2. DEFINITIONS

Department: Department of Agriculture Land Reform and Rural Development (DALRRD)

Employee: An official appointed either full-time or on fixed contract by the Department excluding independent contractor.

Overtime: the time that an employee works during a day or week in excess of ordinary hours of work.

Overtime Duty: means official duty performed by an employee according to PSCBC Resolution no 3 of 1999; Part VII. Point 5 – 7 & BCEA, Section 10

Ordinary Hours of work: means a period of 40 hours in any week or nine hours in any day if the employee works for five days or fewer in a week; or eight hours in any day if the employee works on more than five days a week.

Compensation: additional pay or time-off for overtime performed

Executing Authority (AE): means the MEC for Agriculture Land Reform and Rural Development.

Night Work: means work performed after 18H00 and before 06H00 the next day.

PSCBC: Public Service Coordinating Bargain Council

Employer: Department

3. BACKGROUND

Should circumstances require an employee to work overtime, the Department may provide compensation to such an employee.

According to PSCBC Agreement 3 of 1999, a written policy must be established for the Department, before compensation for overtime can be authorized by the Executing Authority or his delegate.

4. PURPOSE

The purpose of the policy is to

- provide guideline for compensation to employees of the Department that are required to perform overtime work by the EA
- lay conditions under which overtime shall be worked.
- determine which category of employees the Department shall not compensate for overtime

5. SCOPE AND APPLICATION

This policy is applicable to all employees of the Department except;

- members of Senior Management Services (SMS) and
- Middle Management Services (MMS).

6. STATUTORY AUTHORISATION

- a. Constitution of the Republic of South Africa, Act 108 of 1996
- b. Public Service Regulations of 1999 as amended
- c. Basic Conditions of Employment Act
- d. Financial Manual Directive
- e. PSCBC Resolution 3 of 1999
- f. Labour Relation Act of 1995
- g. Public Finance Management Act, Act 1 of 1999 as amended
- h. Treasury Regulations
- i. Code of Good Practice on the Regulation of working Time issued by the Department of Labour

7. POLICY PROVISIONS, ROLES AND RESPONSIBILITY

7.1. Authority

- 7.1.1. The authority to approve overtime compensation rests with the Head of Department (HOD) or his/her delegate.
- 7.1.2. Overtime should be approved before any work commences unless there is compelling reasons which must be motivated.
- 7.1.3. In cases of emergency, a responsible member of the SMS for the co-ordination of attending to such disaster will have the authority to authorize overtime for identified officials on the disaster response team

7.1.4. The compelling reasons should include but not limited to any disasters that the department is required by other legislation to respond to inline with the Departmental Disaster Risk Management Framework.

7.1.5. The following must be taken into consideration before authorization of overtime work;

1. determine the number of hours overtime to be performed and setting production targets and aims as criteria;
2. the circumstances which necessitate the performance of overtime;
3. the steps which were taken to prevent overtime. (e.g. redistribution of duties among available staff, reallocation of staff, temporary utilisation of staff in other divisions, etc);
4. the numbers and ranks of employees who will be required to perform overtime;
5. how much overtime and employee may work in a given period and the estimated duration of the overtime;
6. the estimated expenditure or time off on the planned overtime;

7.1.6. When the performance of overtime is aimed at the completion of work that has fallen in arrears, the circumstances should be investigated.

7.1.7. An employer may not require or permit an employee;

1. to work overtime except in accordance with a written agreement
2. without the terms of the written agreement stipulating the following;
 - i. the purpose of overtime;
 - ii. type of compensation;
 - iii. period of overtime
 - iv. amount and times of rest period in accordance with section 15 of the Basic Condition of Employment Act
3. to work more than three hours overtime a day or ten hours a week unless certain circumstances prevail; and
4. except in exceptional circumstances, the monthly compensation for overtime constitute less than 30 percent of the employee's monthly salary.

7.1.8. Compensated overtime must not be approved if an employee performs overtime during a period of leave.

7.1.9. If an employee has been recalled from leave, such leave must be cancelled.

7.1.10. If the employer authorizes overtime, he/she shall ensure;

1. fair and acceptable limits on the extent of overtime; and
2. periods for rest and meals in accordance with Section 14 and 15 of the Basic Condition of Employment Act.

7.1.11. Overtime shall generally include periods;

1. periods for rest and meals in accordance with Section 14 and 15 of the Basic Condition of Employment Act and
2. when an employee must stay at his/her place of work but cannot actually work due to circumstances beyond his/her control.

7.1.12. In order to perform authorized overtime, an employee may travel from home to normal place of work or from normal place of work to home. In this case;

1. if the employee was not authorized standby duty;
 - i. the journey counts as an official journey, but
 - ii. the time spent on the journey does not count as overtime work and
2. if the employee was on authorized standby duty, the time spent on the journey counts as overtime work.

7.2. Compensation

7.2.1. Sunday and Public Holiday Work

7.2.1.1. An employer must provide compensation when Head of Department requires an employee in writing to work;

1. on a Sunday or other public holiday, if the employee does not normally work on such a day, or
2. on a day the employee normally has off to compensate for work on Sunday or another public holiday

7.2.1.2. The employer must compensate authorized Sunday and other public holiday by;

1. paying an employee concerned who does not ordinarily work on Sunday double her/his normal hourly remuneration for each hour worked;
2. paying an employee who ordinarily works on Sunday, at one and one third times the employees normal hourly remuneration for each hour worked, or
3. granting off to the difference in value between the pay received for working on Sunday, and the pay that the employee is entitled to in terms of (1) above

7.2.2. Normal Overtime

7.2.2.1. The employer must provide compensation for normal overtime when Head of Department;

1. has required an employee, in writing to perform official duties for more hours than employee's normal working hours during the week, but
2. has not required Sunday Work as defined 7.2.1 above, or night overtime as defined in 7.2.3

7.2.2.2. The employer must compensate authorized normal overtime through the following;

1. paying the employee concerned 1.5 (one and half) of her/his normal hourly remuneration, or

2. pay an employee not less than an employee's ordinary wage for overtime worked and grant the employee 30 minutes off on full pay for every hour of overtime worked or
3. grant an employee at least 90 minutes paid time off each hour of overtime worked.

7.2.2.3. The employer must grant paid time off in terms of 7.2.2.2 (I) (II) above within one month of the employee becoming entitled to it.

7.2.3. Night Overtime

7.2.3.1. The employer must provide compensation for night overtime when;

1. Head of Department has required an employee, in writing to perform paid overtime between 18H00 and 06H00; and
2. the employee does not normally work at night

7.2.3.2. The employer must compensate authorized night overtime by;

1. paying employee concerned two times his/her normal hourly remuneration, or
2. granting the employee time off equal to the time worked

7.2.4. Overtime Allowance

7.2.4.1. The employer can pay an employee a fixed monthly allowance to compensate for overtime if;

1. the employee performs reasonably similar amount of authorized overtime, Sunday work or night overtime from month to month; and
2. the employee agrees in writing

7.2.4.2. The allowance must equal the average monthly compensation the employee received in the six months preceding the establishment of the allowance.

8. CONTROL MEASURES

8.1. The responsibility of Head of Sections/Directorate

It is the responsibility of the head of the Sections/Directorate to ensure that there is adequate supervision and control measures at all times during the performance of overtime including the following;

- 8.1.1. overtime is efficient and cost effective;
- 8.1.2. There is sufficient budget available
- 8.1.3. quality and quantity of the work performed during overtime must be monitored;
- 8.1.4. a record of all overtime must be kept and must be signed by the official concerned and authorized by the supervisor. These records must be available for audit
- 8.1.5. the person who certifies the overtime must be the one who is designated to control overtime;

8.1.6. the terms of the written agreements must be adhered to;

1. if applicable, record of the "time-off" taken by official(s) in respect of overtime compensation must be kept by the supervisor and copy of this record must also be kept on the Personal file of the official(s) in question.
2. an overtime audit must be done against all the relevant documentation on a regular basis.
3. an overtime report must be submitted to the Head of Department or his/her delegate, once the overtime exercise is complete.

8.2. Non Approval of Claims of Overtime Duty

8.2.1. Claims for remuneration overtime duty will not be approved if the amount that has been claimed falls outside the start and end of the approved period.

8.2.2. Claims for remuneration overtime duty will not be approved if the amount that has been approved is exceeded

8.2.3. Approved overtime cannot be carried over into a new financial year/Time period. (A new authorization is required in such situations)

9. MONITORING, EVALUATION AND REVIEW

The Executing Authority or his delegate shall monitor and evaluate the effectiveness of the implementation. This policy shall be reviewed on an annual basis by a process that will be headed by Corporate Support Services Directorate.

10. PROCEDURE FOR AMENDMENT OF THIS POLICY

The amendment of this policy shall be done in accordance with the changing legal frameworks and shall be subjected to the approval by the Head of the Department. The amended policy or any provision will supersede the previous one.

11. COMMUNICATION

It is the responsibility of each Member of the SMS to communicate the contents of this policy to all staff under their control.

12. APPROVAL

This policy is effective from 01...../04...../2013

Approved by the Head of Department



W.V.D Mothibi

Head of Department

Department of Agriculture Land Reform and Rural Development

ⁱ In accordance with the Financial Manual