

**PORTFOLIO COMMITTEE :
MANAGEMENT SERVICES**

Chairperson :

Cllr F Africa

Committee Members :

**Cllrs A Komani, C Resandt,
Ald T Nqinata & Cllr T Gwele**

MANAGEMENT SERVICES PORTFOLIO COMMITTEE

5 May 2022

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ITEM

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**AGENDA of the
Portfolio Committee: Management Services
05 May 2022
(Also the agenda for the Mayoral Committee Meeting : 30 May 2022)**

**1.
DRAFT OVERTIME AND STANDBY POLICY**

4/2/B

**L Bucchianeri
19 April 2022**

Senior Manager : Human Resources

(028) 313 8120

1. Executive Summary

The purpose of this report is to recommend to Council to approve the Draft Overtime and Standby Policy.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Management Services
Department: Human Resources

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Provision and maintenance of municipal services
Creation and maintenance of a safe and healthy environment

4. Delegated Authority

None

5. Legal Requirements

- Act No 20 of 2013: Basic Conditions of Employment Amended Act
- Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC
- Overstrand Municipality Delegation of Powers and Duties Policy
- South African Local Government Bargaining Council Disciplinary Procedure Collective Agreement

6. Background/Discussion

Overtime and Standby are conditions of Service regulated by the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC.

As the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC are silent on certain issues/ matters regarding Overtime and Standby, therefore a policy was developed to address these issues/matters.

**AGENDA of the
Portfolio Committee: Management Services
05 May 2022
(Also the agenda for the Mayoral Committee Meeting : 30 May 2022)**

Furthermore, the Draft Overtime and Standby Policy was developed to ensure compliance with legislation and collective agreements. That the policy be distributed as from the 01st of July 2022.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

This item served before the LLF on 12 April 2022 for cognisance and was supported by management and organised labour.

10. Annexures

Annexure A: Draft Overtime and Standby Policy

RECOMMENDATION TO THE COUNCIL:

that the draft Overtime and Standby Policy **be approved.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

JULY 2022

**AGENDA of the
Portfolio Committee : Management Services
5 May 2022
(Also the agenda for the Mayoral Committee Meeting : 30 May 2022)**

**1.
DRAFT OVERTIME AND STANDBY POLICY**

4/2/B

**L Bucchianeri
19 April 2022**

Senior Manager : Human Resources

(028) 313 8120

**THIS ITEM SERVED BEFORE THE PORTFOLIO COMMITTEE ON 5 MAY 2022,
WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the draft Overtime and Standby Policy **be approved.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

JULY 2022



Overstrand Municipality

Overtime and Standby Policy

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DRAFT

Overstrand Municipality OVERTIME AND STANDBY POLICY

1. OBJECTIVE:

- 1.1. The objective of this policy is to supplement Overstrand Municipality's conditions of service by providing additional guidelines for the administration of overtime as required by the standard conditions of service.

2. LEGISLATIVE FRAMEWORK

- Act No 20 of 2013: Basic Conditions of Employment Amended Act
- Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC
- Overstrand Municipality Delegation of Powers and Duties Policy
- South African Local Government Bargaining Council Disciplinary Procedure Collective Agreement

3. DEFINITIONS

- 3.1. **Day:** refers to working day.
 - 3.2. **Earnings:** refer to the regular annual remuneration before deduction, i.e. income tax, pension, medical and similar payments but excluding contributions made by the employer in respect of the employee: Provided that subsistence and transport allowance received or achievement awards, intermittent payments for occasional overtime shall not be regarded as remuneration for this purpose.
 - 3.3. **Eligible Employees:** refer to all employees (permanent and temporary) employed by Overstrand Municipality.
 - 3.4. **Emergency work:** refers to work that must be done without delay because of circumstances for which the employer could not reasonably have expected to make provision and which cannot be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours
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- 3.5. **Overtime:** means the time that an employee works during a day or a week in excess of the employee's ordinary hours of work.
- 3.6. **Public Holiday:** refers to any day that is a public holiday in terms of the Public Holidays Act, 36 of 1994
- 3.7. **Shift worker:** is an employee engaged in an employment practice designed to make use of, or provide service across, all 24 hours of the clock each day of the week.
- 3.8. **Standby:** is a written instruction to an employee to be on standby because of a possibility of unplanned and unpredictable or emergency work to be undertaken outside normal working hours.
- 3.9. **Short hours/Short time:** a work schedule in which an employee works fewer hours than usual.

4. SCOPE AND APPLICATION

- 4.1. Senior managerial employees, as defined in the Basic Conditions of Employment Act, including any employees earning in excess of the threshold as determined from time to time as stipulated in the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC
- 4.2. Employees earning less than the overtime earnings threshold provided for in the Basic Conditions of Employment Act, will, subject to the provisions of this policy, be remunerated for overtime or be given time off in lieu of over time worked at the rates provided in the Basic Conditions of Employment Act .The approving authority and the employee involved to agree beforehand on payment or time off for overtime work.
- 4.3. An employee is entitled to be paid overtime when he/she is requested by written instruction by the Municipal Manager or his/her delegated official to perform duty outside his/her normal working hours and be signed off by the Directors.
- 4.4. Overtime is generally regulated in BCEA (Section 10 – Attached Addendum) and these provisions should govern overtime payment.
- 4.5. Overtime to be paid or time off be granted to all employees as stipulated in the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC.
- 4.6. Employees on standby shall receive overtime payment when called out irrespective of the statutory threshold as stipulated in the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC
- 4.7. Overtime work is subject to the provisions of the Basic Conditions of Employment Act, 1997, Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC and the Overstrand Municipality's conditions of service and the provisions of this policy. In case of conflict between this policy and the provisions of the Basic Conditions of Employment Act, the provisions of the act will prevail.
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5. GENERAL

- 5.1. Overtime work is subject to prior written approval by the Director and / or Manager and no overtime may be worked without such written approval being obtained, except in cases of work related to emergency situations. For emergency overtime the applicable Director and / or Manager may give verbal approval to the working of such overtime provided such approval is followed-up with a written confirmation. Written standing approval may be granted where justified by operational requirements by Managers in consultation with applicable Directors.
- 5.2. Only officials with delegated authority may approve overtime work and overtime payment as per the Delegations of Powers and Duties Policy (5.1.1.8, 5.1.1.8A, 5.1.1.21, 5.1.1.33) of the municipality.
- 5.3. Overtime only commences after completion of ordinary daily or weekly working hours. Overtime can only be claimed for actual hours worked and exclude traveling time except for standby staff. Overtime for the latter group starts from the time of call out.
- 5.4. No overtime can be claimed should an employee work short time on a specific day. A full day's work (normal working hours and a lunch break of at least 30-minutes) must first be worked before such employee is eligible for overtime.
- 5.5. No overtime will be paid for attendance of functions/prize giving, etc. by personal invitation, except in cases of compulsory attendance as official representative of Council, provided that such employee qualifies for overtime in terms of this policy and provided further that such overtime is authorized in advance by the Municipal Manager or his/her delegate.
- 5.6. Where overtime in emergency situations cause an employee to work past midnight on a day, the employee will be entitled to a break of at least 12 hours before the employee is required to report for normal duty.

6. TIME OFF IN-LIEU OF OVERTIME

- 6.1. Leave/time off in lieu of overtime will be granted only for approved overtime.
 - 6.2. Application for time off in lieu of overtime must be done on an overtime form (See attached Addendum).
 - 6.3. Time off in lieu of overtime cannot be en-cashed.
 - 6.4. As prescribe by the BCEA, time off in lieu of overtime must be taken within 1 month from date of accrual. Time off not taken within 1 month will be forfeited. Time off to be forfeited may, for operational reasons, be extended to a maximum of 12 months by the Municipal Manager.
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7. OVERTIME WORK ON PUBLIC HOLIDAYS

7.1. Payment or time off to eligible employees for overtime work on public holidays will be dealt with in terms of the Basic Conditions of Employment Act.

8. OVERTIME WORK ON SUNDAYS

8.1. Payment or time off to eligible employees for overtime work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act.

9. ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME.

- 9.1. Each Director is responsible and accountable to constantly monitor and review the provisions for overtime on his/her budget and to ensure that trends are noted early; funds are adequate; over expenditure is noted, justified and provided for timeously.
 - 9.2. Each Director is responsible and accountable to provide the pay office with a list of officials or representatives (name, signature, cost centre) who are authorized in terms of the delegated powers to approve overtime work and overtime payment. It is the responsibility of each Director [nominee] to update and maintain the information in the list. The Director and / or Manager must determine whether the information on the overtime form is accurate and correct before they authorize the form for payment.
 - 9.3. The Pay Office or supervisor that is processing overtime payment is responsible to ensure that all payments for overtime are duly authorized by the applicable Director and / or Manager.
 - 9.4. Attendance registers/time sheets, which should indicate starting and ending times, must be kept for all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers/time sheets serve as source documents to complete overtime sheets.
 - 9.5. It is the responsibility of the supervisor / line manager concerned to ensure that the required documents are approved by the Snr Manager / Director on time in order for it to be submitted to the Pay Office by the 10th day of the month. Overtime claims received after the cut-off date will be processed the following month.
 - 9.6. All overtime worked in excess of the legislated 10 hours per week with a maximum of 40 hours per month, must be approved by the relevant Director.
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10. COMPENSATION OF OVERTIME

- 10.1. Overtime may be remunerated either in monetary terms or by means of time off in lieu of overtime worked.

11. STANDBY DUTY

- 11.1. Staff who perform standby duty will receive a monthly allowance calculated in accordance with the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC;
- 11.2. Besides the standby allowance payable, the employee called out during standby duty, will also be paid the normal overtime tariffs in accordance with the BCEA;
- 11.3. The standby allowance as well as the employee's remuneration for standby duties performed, is payable together with the employee's salary;
- 11.4. Staff who perform standby duty must at all times during the scheduled standby period, be available on ready footing and therefore must at all times during the standby period be contactable by radio and/or telephone/cellphone (as agreed);
- 11.5. During the standby period, standby staff are regarded as being on duty and all rules and regulations as included in the Disciplinary Code will be applicable to the staff, and accordingly steps will be taken against staff who make themselves guilty of misconduct while on standby duty;
- 11.6. If a member of the standby staff is on leave, he/she will not be eligible for a standby allowance. If, however, the member is called in to perform essential service during his/her leave period, he/she may receive a standby allowance on approval of the Director or his/her delegate, provided that he/she is not called in to perform such essential service during any period of sick leave;
- 11.7. Documenting of overtime while on standby:
- 11.7.1. Staff performing standby duty receives a request for emergency services required and contact the emergency services staff concerned (per radio or telephone/cellphone) who must perform the duty;
- 11.7.2. The emergency services staff concerned reports the starting and finishing time of the emergency service work to the control room staff who record the time and make the information available to the head of department concerned as a double control for the calculation of overtime payment;
- 11.7.3. The reporting of emergency services to the control room staff as stipulated in clause 9.2 above, is an absolute requirement and no payment will be made unless this step was followed.
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Policy Section:	HR
Current Update:	N/A
Previous Review:	N/A
Approval by Council:	

ADDENDUMS

Basic Condition of Employment Act (Section 10)

Overtime

- 10.** (1) Subject to this Chapter, an employer may not require or permit an employee—
- (a) to work overtime except in accordance with an agreement;
 - (b) to work more than—
 - (i) three hours' overtime a day; or
 - (ii) ten hours' overtime a week.
- (2) An employer must pay an employee at least one and one-half times the employee's wage for overtime worked.
- (3) Despite subsection (2), an agreement may provide for an employer to—
- (a) pay an employee not less than the employee's ordinary wage for overtime worked and grant the employee at least 30 minutes' time off on full pay for every hour of overtime worked; or
 - (b) grant an employee at least 90 minutes' paid time off for each hour of overtime worked.
- (4) (a) An employer must grant paid time off in terms of subsection (3) within one month of the employee becoming entitled to it.
- (b) An agreement in writing may increase the period contemplated by paragraph (a) to 12 months.
- (5) An agreement concluded in terms of subsection (1) with an employee when the employee commences employment, or during the first three months of employment, lapses after one year.
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OVERSTRAND MUNISPALITEIT – OVERTIME FORM

PAY NO: _____ NAME: _____

DAY / DATE	REASON FOR OVERTIME WORK	TIME WORKED		TOTAL OVERTIME HOURS PAY	TOTAL OVERTIME HOURS TOIL	STANDBY
		FROM	TILL			
MONDAY						
TUESDAY						
WEDNESDAY						
THURSDAY						
FRIDAY						
SATURDAY						
SUNDAY						

SIGNATURE: _____

DATE: _____

APPROVAL: SUPERVISOR: _____

DATE: _____

APPROVAL: DEPARTMENT HEAD: _____

DATE: _____

APPROVAL: DIRECTOR: _____

DATE: _____

REASON FOR WORKING MORE THAN 10 HOURS OVERTIME FOR THE WEEK _____
