



Reference: 20180301-9943

3/3/2/4/2

Enquiries: Call Centre

Circular: 0016/2018

Expiry date: None

To: Deputy Directors-General, Chief Directors, Directors, Chief Education Specialists, Deputy Directors and Recognised Employee Parties

Short summary: *Implementation of new Public Service Regulations to limit overtime pay to 30% of monthly salary*

Subject: Overtime compensation in excess of 30%: Interpretation of Regulation 49(1)(c) of the Public Service Regulations, 2016

1. The repealed Regulation D2/V/I of the *Public Service Regulations (PSR), 2001*, published in *Government Gazette* No. R.1 of 05 January 2001, determined in respect of overtime that an executing authority may compensate an employee for overtime work if,
 - 1.1 the employee does not belong to the Senior Management Service (SMS); and
 - 1.2 except in exceptional circumstances, the monthly compensation for overtime constitutes less than 30% of the employee's monthly salary.
2. With the proclamation of the *Public Service Regulations (PSR), 2016*, published in *Government Gazette* No. 40167 of 29 July 2016, Regulation 49(1) stipulates that an executive authority shall compensate an employee, other than a member of the SMS, for overtime work if the monthly compensation for overtime constitutes less than 30% of the employee's monthly salary, or the limitation determined by the Minister, whichever is the lesser.
3. In respect of employees with salary notches above notch 1 of salary level 8, the minimum notch at which overtime compensation is capped, the 30% limit applies to a basic salary of **R281 418** per annum. The latter is adjusted annually with the general cost of living adjustment.
4. The important changes that were brought about with Regulation 49(1), referred to above are that:

- 4.1 an employee's monthly overtime pay is now **limited to 30%** of his/her monthly salary or the limitation determined by the Minister, whichever is the lesser, also not higher than **R281 418** in respect of salary level 8 and higher; and
- 4.2 an executive authority **no longer** has the authority to approve that the overtime compensation may exceed 30% of the employee's monthly salary due to exceptional circumstances.
5. In respect of the aforementioned, all existing overtime authorisations that were marked to exceed the 30% validation will be archived and a new overtime authorisation will be generated.
6. Please bring the content of this circular to the attention of all the employees under your supervision. Also, attached please find the amended overtime form for further distribution and utilisation.

SIGNED: LJ ELY
DEPUTY DIRECTOR-GENERAL: CORPORATE SERVICES
DATE: 2018-03-23



WESTERN CAPE EDUCATION DEPARTMENT

COMPENSATION FOR OVERTIME

- NOTE:
1. Remuneration for overtime is payable in terms of PSCBC Resolution 1/2007 and the WCED Policy Framework for Compensation for Overtime.
 2. Should the space provided be insufficient for the answers to the questions, addendums could be attached.

DIRECTORATE:

SECTION A: APPLICATION

- 1 Application is hereby made to perform paid overtime as per the particulars indicated hereunder.
- 2 The need for this overtime is explained in Section B hereunder.
- 3 The period of overtime to be worked appears at B6 hereunder.
- 4 The payment / compensation for overtime is at the rate as set out in PSCBC Resolution 1/2007;
- 5 The employees / officials attached to the directorate / component / institution and as indicated at Section C of this application will be engaged in the paid overtime.

SECTION B: MOTIVATION AND RECOMMENDATION BY OFFICE OR INSTITUTION HEAD

- B1. Explain the circumstances that have made it necessary for paid overtime to be worked.

B2. Have the following steps been taken to avoid overtime?

(i) Redistribution of duties amongst available personnel

YES	NO
YES	NO
YES	NO

(ii) Reassignment of personnel

(iii) Temporary use of personnel from other sections

B3 Explain other steps that have been taken to avoid overtime.

B4 If the answer to any of the above was "NO", please provide reasons why it has not been considered or done.

B5. Have the personnel to be involved already done unpaid voluntary overtime in respect of the following?

(i) The task for which overtime is being requested

YES	NO
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(ii) Any work in the section, subsection or office in general, during the previous 6 months

YES	NO
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If the answer in both instances is "NO", give reasons why it was not done. If "YES", explain the circumstances.

B6 Period of overtime to be worked:

From:

To:

SECTION C: STAFF IMPLICATIONS

C1. The following officials / employees will be involved in the paid overtime

(TOTAL NUMBER OF EMPLOYEES:)

No	Persal Nr	Name	Rank	Overall number of overtime hours to be worked

C2. No official / employee who is absent from fulltime / normal duty as a result of leave of whatever nature will be allowed to work paid overtime.

- C3. Officials / employees, who, as a result of unforeseen circumstances, are not available to continue with this paid overtime work, will be duly replaced by other officials / employees where applicable and where feasible.

SECTION D: FINANCIAL IMPLICATIONS

D1 Expenditure for this overtime: R

D2 Funds in the directorate's / institution's budget for this overtime are

AVAILABLE / *NOT AVAILABLE

***NOTE:** *In the event that funds are not available, then the Chief Director's attention must be **DISTINCTLY** drawn to same*

SECTION E: MANAGEMENT OF OVERTIME

- E1 There will at all times be adequate supervision and control measures during the performance of the remunerated overtime.
E2 A complete record will be kept of all overtime.
E3 Attendance registers will be completed and signed by both the officials / employee(s) and supervisor.
E4 The necessary claims for the use of government transport will be verified throughout.

SECTION F: RECOMMENDATION

F1 I recommend that APPROVAL be granted that / for:

- (i) Paid overtime duty be performed for the period and to the officials / employees indicated under items B6 and C1 respectively of this application;
(ii) Officials / employees, who, as a result of unforeseen circumstances, are not available to continue with this paid overtime work, be duly replaced by other officials / employees where applicable and feasible.

.....
**SIGNATURE OF OFFICE HEAD
OR INSTITUTION**

.....
OFFICIAL TITLE

.....
DATE

SECTION G: DECISION BY DELEGATED AUTHORITY

G1 THIS APPLICATION IS NOTED.

G2 Paid overtime duty be performed for the period and by the officials / employees indicated under items B6 and C1 respectively of this application is -

APPROVED / NOT APPROVED;

G3 Officials / employees, who, as a result of unforeseen circumstances, are not available to continue with this paid overtime work, are duly replaced by other officials / employees where applicable and feasible -

APPROVED / NOT APPROVED;

G4 Funds for this purpose are available in programme

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G5 The relevant line manager or supervisor must, during the overtime project, submit a monthly progress report and after completion of the overtime certify that the purpose of the overtime has been accomplished satisfactorily. The progress report and / or the certificate must be submitted to the Chief Director (delegated authority)

G6 Additional conditions / comments

.....
SIGNATURE
CHIEF DIRECTOR

.....
DATE