

COMPENSATION FOR OVERTIME

1. Preamble and policy statement

When a Head of Department expressly requires a member of staff to work in excess of her / his ordinary hours of work, such work is regarded as overtime and may be compensated through –

- 1.1 time off; and/or
- 1.2 overtime remuneration, with due consideration to possible budgetary constraints; or
- 1.3 a combination of the above.

2. Statutory authorisation

- 2.1 Basic Conditions of Employment Act, 1998.
- 2.2 Public Holidays Act, 1994 (Act 36 of 1994).
- 2.3 Public Service Regulations, 2001.
- 2.4 Collective Agreements (PSCBC Resolution No. 3 of 1999, Part VII) as well as the Financial Manual attached thereto.

3. Terminology / definitions

- 3.1 Overtime means the time an employee works during a day or a week in excess of ordinary hours of work.
- 3.2 Public holiday means any day that is a public holiday in terms of the Public Holidays Act, 1994 (Act 36 of 1994).
- 3.3 Work on a public holiday will be regarded as overtime and will be compensated as such. Cognisance should be taken of the provisions applying to nursing staff working in 24-hour facilities.

4. Approval for compensated overtime

The authority to approve compensated overtime shall be subject to prior approval by the Head of Department who may delegate this authority to a member of the Senior Management Service not lower than the level of Director (salary level 13).

5. Policy guidelines

- 5.1 No employee is by definition excluded from being compensated (through time off/overtime remuneration) for overtime performed by virtue of the job that she / he performs.
- 5.2 The submission in which prior approval for remunerative overtime and/or time off is requested, shall include motivation to enable an informed decision to be taken. The motivation shall include why the specific task cannot be performed by temporarily re-allocating functions, other measures that were considered to avoid remunerative overtime, details of the staff who will be performing the overtime duty and the period over which the overtime duty is to be performed. The total expenditure to be incurred should be stated.
- 5.3 In highly exceptional cases, where prior approval cannot be obtained, overtime compensation may be granted *ex post facto*.
- 5.4 All authorisations will only be valid for the approved period.
- 5.5 Priorly authorised normal or Sunday overtime or public holiday work will be compensated by paying the employee concerned and / or granting the employee time off, or a combination of the above, in terms of the measures as determined by the Minister for the Public Service and Administration. The decision and agreement to grant time off will form part of the authorisation. All time off shall be granted within three months of the employee becoming entitled to it.
- 5.6 The monthly compensation for overtime of an employee may not constitute 30% or more of her / his monthly salary. In exceptional cases this percentage may be exceeded.
- 5.7 A fixed monthly allowance (commuted overtime) may be paid in cases where an employee performs reasonably similar amounts of authorised overtime from month to month and where such an employee agrees in writing. The allowance shall equal the average monthly compensation the employee received for overtime in the six months preceding the establishment of the allowance.
- 5.8 In terms of the Public Holidays Act, 1994 an employee shall be entitled to the number of public holidays as provided for in the relevant Act. Public holidays are thus paid holidays and an employer may only require an employee to work on such days if operational requirements necessitate it. In such instances an employee must be duly compensated for her / his services. All employees (excluding nursing staff) who are expected to render services on a public holiday must be compensated by paying the employee concerned and / or granting the employee time off in terms of the measures as determined by the Minister for Public Service and Administration.

6. Control measures

It is the responsibility of the Head of Department to ensure that –

- 6.1 overtime work is minimised;
- 6.2 there is adequate control of remunerated overtime duty, either through supervision or by control of outputs;
- 6.3 overtime remuneration is cost-effective;
- 6.4 record of all overtime duty is kept that includes an attendance register duly signed on each occasion when overtime is performed by the staff member and supervisor taking the responsibility for the task being performed;
- 6.5 sufficient funds are available to finance the expenditure which will be incurred as a result of the remunerative overtime duty;
- 6.6 staff are not employed on overtime duty to such an extent that the quantity and quality of work (productivity) performed during normal hours of attendance as well as during periods of overtime duty are adversely affected;
- 6.7 all overtime, as far as possible, be performed at the employee's normal place of work;
- 6.8 that the quality and quantity of tasks are in line with the number of hours remunerative overtime worked; and
- 6.9 it is preferable to set the number of hours overtime duty to be performed each day and production targets and/or aims as criteria.

7. Monitoring, evaluation and reporting

- 7.1 The Executing Authority should, for monitoring and reporting purposes, be informed, annually, of particulars regarding inter alia the number of hours paid overtime duty performed and the total expenditure in this regard.
 - 7.2 This policy as well as the rules and guidelines will be monitored and evaluated on an ongoing basis in order to determine its efficiency.
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