



OVERTIME AND WORKING HOURS

POLICY REGISTRATION NO:2024-04

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DEFINITION OF TERMS

NO.	CONCEPTS/TERMS	DEFINITIONS
I.	Basic Salary	means the actual salary notch of the employee but not higher than a basic annual salary of R132 054 per annum.
II.	BCEA	means Basic Conditions of Employment Act 75, 1997, as amended.
III.	Day	means a period of 24 hours measured from the time when the employee normally commences work and daily has corresponding meaning.
IV.	Employee	means a person employed by the Department of Social Development
V.	Employer	means the Department of Social Development.
VI.	Exceptional circumstances	means performing functions, which are unique to certain circumstances, such as disease outbreaks or disaster management in the department or any crisis which is deemed as an exceptional circumstance.
VII.	Overtime	means work in excess of the hours of work per day/week or month that an employee has contracted to perform.
VIII.	Public Holiday	means any day that is a public holiday in terms of the Public Holiday Act, 1994 (Act 36 of 1994).
IX.	SMS	mean employees in the rank of Director or above, including professionals on salary level 13 and higher who partake in the Director Service.
X.	Trifling period	mean any period of overtime less than 30 minutes.
XI.	Ordinary Hours of Work	means the hours of work permitted in terms of section 9 or in terms of any agreement in terms of sections 11

		&12 of the Basic Conditions of Employment Act.
XII.	Standby allowance	refers to compensation paid to employees who are required to be available for the performance of duty outside of her or his normal working hours.
XIII.	Department-	refers to the Department of Social Development.
XIV.	Night Work	means work performed after 18H00 and before 06H00 the next day.
XV.	Head of Department	refers to the Accounting Officer of the Department of Social Development.
XVI.	Working Day	any day from Monday to Friday in a week (5 working days).
XVII.	Calendar Day	any day from Monday to Sunday (7 calendar days).

7. ACRONYMS:

NO.	CONCEPTS/TERMS	DEFINITIONS
i.	BCEA	Basic Conditions of Employment Act
ii.	SMS	Senior Management Services
iii.	MMS	Middle Management Services
iv.	HoD	Head of Department
v.	PSCBC	Public Service Coordinating Bargaining Council
vi.	CRSA	Constitution of Republic of South Africa
vii.	PFMA	Public Finance Management Act
viii.	NTR	National Treasury Regulations
ix.	PSA	Public Service Act
x.	PSR	Public Service Regulations
xi.	DPSA	Department of Public Service & Administration

LEGISLATIVE FRAMEWORK:

- (i) Constitution of Republic of South Africa, Act 108 of 1996.
- (ii) Public Finance Management Act 1 of 1999 as amended.
- (iii) National Treasury Regulations of 2000.
- (iv) Public Service Act 103 of 1996 as amended.
- (v) Public Service Regulations, 2016 as amended.
- (vi) Basic Conditions of Employment Act 75 of 1997.
- (vii) DPSA Financial Manual
- (viii) Public Service Coordinating Bargaining Council (PSCBC) Resolution 3 of 1999 as amended.
- (ix) Code of Good Practice on the Regulation of Working Time issued by the Department of Labour.

1. PREAMBLE

- 1.1. The PSCBC Resolution 3 of 1999 prescribes and provides for working hours in the Public Service and payment for working of overtime, on Sundays, Public holidays, night shift and standby allowance. It further prescribes that the executive authority shall negotiate a written policy for her or his department, hence the establishment of this policy.
- 1.2. The need to review the Departmental overtime and working hours policy emanates from challenges experienced in applying consistency and amendments of the Public Service Regulations of 2016.
- 1.3. This guide covers the legal and management issues concerning overtime working, as well as the pros and cons of using overtime to deal with demand changes. It also looks at some of the alternatives to overtime working which may be cheaper or more flexible to operate.

2. PURPOSE

The purpose of this policy is to prescribe the maximum ordinary hours of work that an employee can be expected to work in a week, overtime and payment of overtime, and payment for work on Sundays and Public Holiday.

3. OBJECTIVES

- (a) To provide guidance in the performance of overtime work
- (b) To set out common procedures for compliance regarding the working of overtime.

4. SCOPE OF APPLICABILITY

This policy applies to employees who are:

Employed in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

as amended and fall within the registered scope of the PSCBC, with the exception of employees who work less than 24 hours a month for an employer and members of SMS whose management of performance is separately provided for.

5.. PRINCIPLES AND VALUES

The following are the guiding principles that underpin this policy:

- 5.1. Equity-** Where every employee is treated equally regardless of gender and age.
- 5.2. Transparency-** Openness in terms of remuneration and compensation.
- 5.3. Participation-** All stake holders should take part in the implementation of this policy.
- 5.4. Value system-** The policy should cater for the value system of the Department.
- 5.5. Accountability –** All stake holders should be accountable in the implementation of this policy.

6. POLICY STATEMENT

The Department of Social Development is committed to uniform observation of working hours by all departmental employees as well as compliance with the Basic Conditions of Employment Act 75 of 1997.

7. POLICY PROVISIONS

7.1. General:

An employee may only be compensated for overtime work if:

- a) Written authorisation has been provided for in advance of the work;
- b) The employee has agreed to such overtime
- c) Planned activities for respective Directorate cannot be considered as overtime unless exceptional cases can be motivated for the approval of Head of Department. The HOD shall evaluate circumstances necessitating overtime prior approval e.g. whether the Directorate/ Unit is resourced accordingly in order to determine the need for overtime

7.2. Official/Ordinary Hours of Work

- a) Official or Ordinary working hours of work are regulated by the Basic Conditions of Employment Act (BCEA) for all employees other than those excluded by s6 (1) and (3) of the BCEA.
- b) An employee may not require or permit an employee to work more than:
 - i. Forty-five (45) hours in a week and
 - ii. Nine (9) hours in any day if the employee works for five (5) days or fewer in a week, or
 - iii. Eight (8) hours in any day if the employee works on more than five (5) days in a week.
- c) An employee's ordinary hours of work may by agreement be extended by up to fifteen (15) minutes in a day but not more than sixty (60) minutes in a week to enable an employee whose duties include serving members of the public to continue performing those duties after the completion of ordinary hours of work.

7.3. Working Hours:

The following are the hours of work that must be adhered to by all employees:

Monday to Thursday: 08h00 - 16h30 and

On Fridays: 08h00 - 16h00.

i. Lunch Break:

Monday to Thursday: 13h00 - 13h45 from and

On Fridays: 13h00 to 13h30.

ii. Tea Break:

- (i) Monday to Thursday: 10h00 to 10h15 and from 15h00 to 15h15

- (ii) On Fridays 10h00 to 10h15 and there is no afternoon tea break since knock – off time is early.

b. Working Hours for General Assistants:

- (i) Hours of work for general assistants are different since they are required to be at work earlier than Officers in order to enable them to clean work premises in a non-disruptive environment. A forty-hour week also applies to them and their knock off time is adjusted to compensate for their early arrival. General workers work from 06h00 to 14h00.
- (ii) An agreement in writing may require or permit an employee to work up to twelve (12) hours in a day, inclusive of the lunch and tea breaks, without receiving overtime pay. This agreement may not require or permit an employee to work:
 - (a) More than forty-five (45) ordinary hours of work in any week,
 - (b) More than ten (10) hours in any week or
 - (c) On more than five (5) days in any week.
- (iii) All employees must report to work as per above stipulated times and employees must ensure that they sign the attendance register regularly and their supervisors must monitor these registers and attendance.
- (iv) If for any reason, an employee will be late or will not report for duties, the message to that effect must be communicated to his/her supervisor on or before 09h00.
- (v) If an employee will be reporting late for work, an hourly application for leave of absence must be submitted.
- (vi) Paydays are regarded as normal working days and all rules mentioned

above apply.

(vii) The whereabouts of an officer should be known at all times. For example, disappearing during official work is regarded as an act of misconduct.

(viii) If a pattern of disappearance is observed during working hours, accumulated hours of absence must be converted to leave without pay.

8. CONDITIONS OF COMPENSATION FOR OVERTIME WORKED

8.1. Overtime:

- a) If an executing authority expressly requires an employee to work more than normal hours or on days of rest, and other agreements do not prevent overtime payments to the employee, the employer may provide compensation through time off or additional pay.
- b) An employer may not require or permit an employee to work overtime in the following cases:
 - (i) if it is not in accordance with an agreement between an employee and the employer
 - (ii) If it is more than ten (10) hours overtime a week.
 - (iii) The monthly compensation for overtime constitutes less than 30 percent of the employee's monthly salary or the limitation determined by the Minister, whichever is the lesser

8.2. Payment for work on Sunday:

- a) An employer must pay an employee who works on a Sunday at double the employee's wage for each hour worked, unless the employee ordinarily works on Sunday, in which case the employer must pay the employee at one and one-half times the employee's wage for each hour worked.

- b) If an employee works less than the employee's ordinary shift on a Sunday and the payment that the employee is entitled to in terms of paragraph 8.1. Above is less than the employee's ordinary daily wage, the employer must pay the employee the employee's ordinary daily wage.
- c) Despite paragraph 8.1 and 8.2 above, an agreement may permit an employer to grant an employee who works on a Sunday paid time off equivalent to the difference in value between the payment received by the employee for working on the Sunday and the pay that the employee is entitled to in terms of paragraph 8.1 and 8.2 above.

a. Night Work:

- a) The employer shall compensate an employee for the inconvenience of working a night shift. For this purpose, night work shall be deemed to be work performed between 18:00 to 06:00
- b) An employer may only require or permit an employee to perform night work, if so agreed, and if:
 - (i) The employee is compensated by the payment of an allowance, which may be a shift allowance, or by a reduction of working hours, and
 - (ii) Transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's shift.
- c) An employer who requires an employee to perform work on a regular basis after 23H00 and before 06H00 must inform the employee in writing, or orally if the employee is not able to understand a written communication, in a language that the employee understands:

(i) Of any health and safety hazards associated with the work that the employee is required to perform and

(ii) Of the employee's right to undergo a medical examination at the request of the employee, enable the employee to undergo a medical examination, for the account of the employer, concerning those hazards: before the employee starts, or within a reasonable period of the employee starting, such work, and at appropriate intervals while the employee continues to perform such work and transfer the employee to suitable day work within a reasonable time if:

- a) the employee suffers from a health condition associated with the performance of night work and
- b) It is practicable for the employer to do so.

b. Public Holidays:

a) An employer may not require an employee to work on a Public Holiday except in accordance with an agreement.

b) If a Public holiday falls on a day on which an employee would ordinarily work, an employer must pay:

- (i) An employee who does not work on the Public Holiday, at least the wage that the employee would ordinarily have received for work on that day.
- (ii) An employee who does work on the Public Holiday:
at least double the amount referred to in paragraph (a) above or if it is greater, the amount referred to in paragraph (a) plus the amount earned by the employee for the time worked on that day.
- (iii) If an employee works on a Public Holiday on which the employee would not ordinarily work, the employer must pay that employee an amount equal to the employee's ordinary daily wage, plus the amount earned

by the employee for the work performed that day, whether calculated by reference to time worked or any other method.

c) An employer must pay an employee for a Public Holiday on the employee's usual pay day.

d) If a shift worked by an employee falls on a Public Holiday and another day, the whole shift is deemed to have been worked on the Public Holiday, but if the greater portion of the shift was worked on the other day, the whole shift is deemed to have been worked on the other day.

c. Standby allowance

a) If the employer requires an employee to be available for the performance of duty outside of her or his normal working hours, the employer shall pay a standby allowance.

b) The employer shall pay the allowance if an employee's supervisor requires an employee to be available for duty

- i. at a place other than the employee's normal place of work, and
- ii. for a period of at least 16 hours during a 24-hour period
- iii. from the normal closing time of the employee's place of work, or
- iv. on a day on which the employee would not normally work.

c) The standby allowance to be paid and calculations shall be determined by the Department of Public Service Administration Directives

d) The standby allowance shall not affect or be affected by a payment for overtime due to the employee.

9. METHOD OF OVERTIME REMUNERATION/PROCEDURE TO BE FOLLOWED:

- a) District Directors and Directors should determine need for overtime as well as ensure the availability of funds in their respective districts/directorates before making a submission to the Head of Department via their respective Chief Director for approval.

- b) The submission must indicate the following:
 - (i) Period of overtime to be worked;
 - (ii) List employees who will be performing the overtime;
 - (iii) Anticipated financial implications and confirmation that funds are available;
 - (iv) Motivation or reasons for working overtime;
 - (v) A clear project plan must be attached

- c) Only **once approval** has been obtained from the Executive authority/ delegated official may the overtime be performed unless in a crisis or disaster situation verbal approval can be obtained from the Head of Department after consultation with the Director of the relevant component/directorate which will then be followed up with an ex post facto approval once circumstances permit.

- d) Compensation of overtime should not exceed 30 % of the employees' monthly salary or the limitation determined by the Minister, whichever is lesser.

- e) In emergency cases where prior approval was not sought, the employee and his supervisor may agree to reimburse time worked through time off. The employer may compensate authorised Sunday work by granting time off equal to the time worked.

- f) Employees working overtime must sign the attendance register, which will indicate the overtime worked and they must be supervised by the supervisor of the section.

- g) Overtime must be indicated as such on the attendance register in red and supervisors must also sign the register as confirmation that overtime was worked. They should closely monitor the situation.
- h) Claim forms (Annexure A) for overtime must be forwarded at the earliest convenience to the relevant Corporate Services Admin section as follows:
 - (i) Claim form to be completed by employees who worked overtime and signed off by them accordingly.
 - (ii) Copy of attendance register as well as memo of approval to be attached to claim form.
 - (iii) Claim form to be submitted to supervisor who then checks relevant attendance register against claim form and appends signature confirming that overtime was indeed worked.
 - (iv) Completed claim forms together with copies of attendance registers and approved memorandum should be submitted to salaries Administration for calculation and verification prior to processing.
- i) Line Management to keep copies of claims submitted for record purposes
- j) Only duty in excess of normal hours of attendance authorized by the department may be considered for overtime remuneration;
- k) Where payment for overtime is an agreed upon method of remuneration, budgetary provisions must have been made to authenticate such payment. Line Function as well as Financial Planning Services shall be responsible for ensuring that an overtime authorization application is accompanied by proof of availability of funds.
- l) In cases where there are no funds for the payment of overtime, parties may agree on the time-off principle instead of remuneration.
- m) Overtime must be paid up to the maximum notch of level 8, therefore

employees above this notch should not be calculated at their notch.

- n) Remuneration of overtime should be processed within 1 month from the date on which working of overtime commenced.
- o) No catering must be provided during overtime

10. OVERTIME CALCULATION:

- a) Overtime rates for Sunday and during the night are calculated according to the following formula:

$$2 \times T$$

- b) Overtime rates at other times as those mentioned in par. 9.1 above, are calculated to the following formula:

- i. $4 \times T$

- ii. 3

- c) T is calculated as follows:

- i. $T = \frac{A}{B} \times 7 \times 1$

- ii. 365

Where:

- i. is equal to the of the salary notch of the employee concerned or if the overtime duty is performed on a working level lower than the normal working level of the individual concerned, the maximum salary notch of the salary grading attached to the post class that is representative of the lower working level.
 - ii. is equal to the weekly number of hours of attendance prescribed for the employee.
- d) The compensation for overtime work performed on a Sunday or a Public Holiday is calculated according to the following formula:

i. $C \times 2 \times T$

Where:

C is equal to the number of overtime hours worked T is calculated as follows:

iii.
$$T = \frac{A \times 7 \div B}{365}$$

Where:

i. A is equal to the smallest of the basic salary of the employee, or if the overtime duty is performed on a working level lower than the normal working level of the individual concerned, the maximum salary grading attached to the post class that is representative of the lower working level.

ii. B is equal to the weekly number of hours of attendance prescribed for the employee.

iii. C is equal to the number of overtime hours worked.

e) Refer to Part 3 of the Determination on working time in the Public Service regarding the above calculations.

11. EXCEPTIONAL CIRCUMSTANCES:

a) The employer must, except under emergency conditions performed by essential services, not require or permit the employee to work more than three hours overtime a day and 10 hours overtime a week.

12. APPROVING AUTHORITY:

a) Authorization is in terms of Section 3 (3) (c), read with section 5 (4) of the Public Service Act, 1994 as amended and Part V D.2 of the Public Service Regulations, 2001, as amended.

b) The Head of Department shall grant request for overtime provided a written authorization is submitted in advance and when the following conditions are met:

(i) Temporary increase in the volume of work as a result of targets to be met in accordance to the department's service delivery programme or as a result of

projects and programmes emanating from the department's strategic plan;

(ii) Unforeseen and sudden shortage of staff occasioned by unavoidable absenteeism, such as sick leave or injury on duty of employees, and

(iii) Under emergency conditions when overtime is performed by essential services as defined in terms of the Labour Relations Act, 1996 an example in the department will be Disaster Management officials.

c) In determining overtime and working hours the Accounting Officer should take account the following:

(i) The needs of the public in the context of the department's service delivery improvement programme; and

(ii) The needs and circumstances of employees, including family obligations, transport arrangements and whatever other relevant factors of employees.

13. ADMINISTRATION OF THE POLICY

The Head of Department (HoD) shall be a responsible person for administering and enforcing this policy.

14. ACCOUNTABILITIES AND RESPONSIBILITIES

The following are roles and responsibilities of the following stakeholders:

14.1. The Head of Department: shall determine:

a) The work week and daily hours of work for employees; and

b) The opening and closing times of places of work under her or his control, taking into account-

i. The needs of the public in the context of the department's service

delivery improvement programme;

- ii. The needs and circumstances of employees, including family obligations and transport arrangements.

14.2. Human Resource Management:

Giving guidance on the implementation of the policy.

14.3. Financial Expenditure Management:

Verifying and processing of payment.

14.4. Line Managers:

Determining the necessity to perform overtime and supervise the process.

15. EFFECTIVE DATE OF THE POLICY

The policy shall be effective from the date of its approval.

16. PROCEDURES FOR IMPLEMENTATION

The guideline as stipulated in this policy will be followed as a procedure for implementation.

17. MONITORING ARRANGEMENTS


The Head of Department (HoD) shall be responsible for the continuous administration and monitoring of this policy and any inputs or amendments to this policy document can be directed to him/her (HoD) in writing.

18. REVIEW OF THE POLICY

This policy will be reviewed whenever a need arises, a change in legislation or national mandate has been given or otherwise after three (3) years from the date of its approval.

19. POLICY RECOMMENDATION AND APPROVAL

RECOMMENDED / NOT RECOMMENDED



MR. M. MACHEMBA

Head of Department

Dept. of Social Development



Date

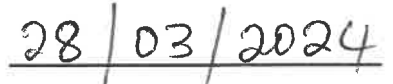
APPROVED/ NOT APPROVED



MS. B. FANTA

Member of Executive Council

Dept. Of Social Development



Date

22. APPENDICIES

Monitoring Tools

SURNAME	DATE	DAY	SHIFT WORKED	ACTUAL HRS WORKED	NORMAL HRS	ABNORMAL HRS	REMARKS
PERSAL NO.		SUN					
SALARY P.A.		MON					
OVERTIME DUTIES PERFORMED ON:		TUE					
		WED					
		THUR					
		FRI					
		SAT					
OVERTIME TARIFF		SUN					
Normal [] HRS @ Tariff = R.....		MON					
		TUE					
Abnormal [] HRS @ Tariff = R.....		WED					
		THUR					
		FRI					
		SAT					
		SUN					
		MON					
		TUE					
		WED					
FORMULAE FOR OVERTIME RATE		THUR					
		FRI					
Normal: => $R174 - 117 * 7 / 365 * 1 / 40 * 1.5$		SAT					
Abnormal: => $R174 - 117 * 7 / 365 * 1 / 40 * 2$		TOTALS					
NB: Maximum Notch is R174 117							
SURNAME & INITIALS:							
SIGNATURE:							
DATE:							
APPLICANT		CHECKED BY: SUPERVISOR		VERIFIED BY: SALARIES		CERTIFIED CORRECT: PRE-AUDIT	

OVERTIME REGISTER

COMPONENT:.....

PERIOD:.....

NAME	PERSAL NO.	DATE	TIME IN	TIME OUT	NO. OF HRS	SIGNATURE
Author:			Date:	Signature:		

