

NORTHERN CAPE PROVINCIAL ADMINISTRATION



PROVINCIAL OVERTIME POLICY

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1. CONCEPTUAL BACKGROUND

WHEREAS: The Northern Cape Provincial Administration has the responsibility to provide a policy framework for managing overtime in an effective, transparent and cost effective manner.

AND WHEREAS: In terms of the Public Service Co-ordinating Bargaining Council Resolution 3 of 1999, departments were given the mandate to develop policies and programmes which would enhance their managerial actions especially in respect of their human resource matters.

AND WHEREAS: The Head of Office of the Premier is empowered by section 7(3)(c)(iii) to set norms and standards for *inter alia* for conditions of service and other employment practices, in terms of section 3(1)(c) of the Public Service Act, 1994, as amended.

The effect of the aforementioned is that the Head of the Office of the Premier is empowered to develop generic transversal policies and guidelines which will suit the needs of the public service in the province.

2. LEGAL FRAMEWORK

- Public Service Act, 1994 (as amended)
- Public Service Regulation, 2016
- Basic Conditions of Employment, 1997
- Public Finance Management Act, 1999
- PSCBC Resolution 3 of 1999
- DPSA Directives

3. DEFINITIONS

Working hours	:	Normal working hours as stipulated in the Basic Conditions of Employment Act.
Overtime	:	Work performed in addition to normal working hours.
Basic salary	:	The actual salary notch of the employee but not higher than the first notch of salary level 8.
Day	:	A period of 24 hours measured from the time when the employee normally commences work, and daily has corresponding meaning.
Public holiday	:	A public holiday listed in Schedule 1 of the Public Holidays Act, 1994 (Act 36 of 1994), including the Monday following a public holiday that falls on a Sunday as contemplated in section 2(1) of the said Act
Week	:	The period of seven days within which the working

week of that employee ordinarily falls

- Trifling period :** Any period of overtime less than 30 minutes
- Executive Authority:** means the executing authority as defined in section 1(1) of the Public Service Act, 1994
- Delegated Official :** A delegated Official is a person who is granted certain powers/authorities or functions in order to represent a higher authority in performing a specific task
- Accounting Officer :** means an accounting officer as defined in section 1 of the Public Finance Management Act
- Full-time employees :** All permanent employees employed on a full time basis
- Temporary employees:** A contract worker who is employed for a fixed term including Interns and Learners

4. PURPOSE

The purpose of the policy is to provide guidelines for working hours and parameters for the payment of overtime. If it is required from an employee to work more than the normal hours or on days of rest and other agreements that do not prevent overtime payments to the employee, the employer may provide compensation through additional pay. The determination of working hours and overtime is informed by the nature of service provided by the department.

5. SCOPE OF APPLICATION

- (i) This policy applies to all full time and temporary employees within the Provincial Administration of the Northern Cape who are appointed in accordance with the Public Service Act 1994, as amended and fall within the scope of the PSCBC, excluding members of the Senior Management Services;
- (ii) However in the application of the provincial policy framework, departments must take into consideration their own unique or sector specific legislative prescripts and or collective agreements.

6. POLICY PROVISION

A. Working hours

- (i) General working hours are from 07h30 to 16h30 or as fixed by the Accounting Officer.



- (ii) Normal working hours will not exceed 40 hours per week or 8 hours a day if the employee works 5 days or fewer per week.
- (iii) Employees are entitled to a one-hour lunch time.

B. Emergency Work

- (i) The Accounting Officer may require an employee to perform work outside normal working hours if the work must be performed urgently owing to circumstances, which are beyond the control of the Accounting Officer and for which she or he could not reasonably have been expected to make provision.
- (ii) Where the employee is required to work outside normal working hours as a result of an emergency or due to circumstances that could not have been foreseen by the department, the time so worked shall be deemed to be normal working time and not overtime.

C. Remunerative Overtime

Employees may from time to time be required to work outside ordinary working hours, over weekends or on public holidays. The department will give as much notice as possible if such working time is required.

(a) Condition for the approval of overtime

- (i) The number of hours' overtime that must be performed is limited to 3 hours per day or 10 hours per week and 8 hours on weekends and Public Holidays.
- (ii) Only those employees who perform work in excess of the normal working hours for a period of time may receive overtime compensation.
- (iii) 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 percent of the employee's monthly salary or the limitation determined by the Minister, whichever is the lesser.
- (iv) Senior Managers should minimize overtime work in general. Overtime should be for specific circumstances and for a specific period of time.
- (v) Overtime should not be allowed when employees have to attend courses and/or when employees perform work voluntarily during a period of leave.



- (vi) The Department shall provide compensation for overtime only where the Executive Authority and/or delegated official has required or authorized, in writing:
 - (a) the performance of overtime work, and
 - (b) overtime compensation for the work performed.
- (vii) If, in order to perform authorized overtime, an employee must travel to a place other than his/her normal place of work, the time spent on the journey shall count as overtime.

(b) Measures for approval of overtime

- (i) Senior Managers should, if they are convinced that remunerative overtime is justified, draft a submission to request approval in this regard. Confirmation that funds are available and the need for overtime must be indicated in the submission.
- (ii) The authority to approve remunerated overtime is vested in the Executive Authority and/or delegated official.
- (iii) Once the Executive Authority and/or delegated official has provided approval for overtime, overtime duty may be commenced by the particular section.

(c) Compensation measures

- (i) Prior approval must be obtained from the Executive Authority and/or delegated official before an employee can work remunerative overtime.
- (ii) The basis for the calculation of overtime worked shall be the actual salary notch of the employee, provided that it shall not be higher than a basic salary of the first notch of salary level 8. Example: Should an employee on salary level 10 perform overtime work, the calculation of overtime worked shall be based on the first notch of salary level 8.
- (iii) Overtime duty must be compensated according to the overtime tariffs as indicated in Department of Public Service and Administration (DPSA) Determination and Directive on working time or guidelines as provided by the DPSA.

(d) Calculation of overtime pay

- (i) Calculation of compensation for normal overtime work

The compensation of normal overtime is calculated according the following formula:



$$C \times 1,5 \times T$$

T is calculated as follow

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

Where –

C = the number of overtime hours worked

A = the actual salary notch of the employee concerned, as defined in paragraph 4.3 (c)(ii),

B = the number of hours the employee ordinarily worked in a week.

T = tariff

(ii) Calculation of compensation for overtime work performed on a Sunday or Public Holidays for non-shift workers

The compensation for overtime work performed on a Sunday or a Public Holiday is calculated according the following formula:

$$C \times 2 \times T$$

T is calculated as follow

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

Where –

C = the number of overtime hours worked

A = the actual salary notch of the employee concerned, as defined in paragraph 4.3(c)(ii),

B = the number of hours the employee ordinarily worked in a week.

T = tariff

D. Employees that may not receive compensation for overtime

- (a) In terms Regulation 49 of the Public Service Regulations, 2016, an executing authority may not compensate an SMS member for overtime work;
- (b) Employees who work less than 24 hours in a month.
- (c) The employee performs overtime duty during his/her period of leave

E. Control Measures

Senior Managers should ensure that:

- (a) Overtime work is minimized;
- (b) There is adequate control of remunerated overtime duty, either through supervision or by control of outputs;
- (c) Remunerated overtime is not authorized for trifling periods;
- (d) Overtime remuneration is cost-effective;
- (e) Record of all circumstances which necessitated overtime and records of overtime worked must be kept.
- (f) An attendance register is kept and duly signed by the supervisor;
- (g) Funds are available to finance the expenditure which will be incurred as a result of the approval of rendering paid overtime duty (Chief Financial Officer to indicate whether funds are available or not)
- (h) Staff is 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;
- (i) In order to improve control, Senior Managers must determine beforehand the number of hours' overtime duty to be performed each day and, as far as possible, set production targets and/or aims as criteria.
- (j) No employee may work for a period (including official hours and hours performed for overtime duty), longer than 12 hours.
- (k) An employee who does not ordinarily work on a Sunday or Public Holidays must be remunerated on the Sunday overtime rates.

F. Strategies to limit the performance of remunerative overtime

(a) Re-allocation of staff:

Where possible, underutilized staff can temporarily be allocated to components where overtime has to be performed, with a view to alleviate work pressure. Labour relations' implications involved should, however, be taken into consideration. This approach will obviously only succeed in respect of work of a routine nature and at the same headquarters.

(b) Evaluation of the establishment

Annual statistics on overtime performed per component should be kept. On the basis of the statistics and the level of work pressure per component, the establishments of directorates should be

revisited (\pm every two years). Vacant posts can be re-allocated to components where the work pressure is exceedingly high.

(c) Limiting the performance of overtime to the correct levels

Officials should not be utilized to perform work at a level lower than their own during overtime. The correct staff should be utilized for the correct duties. Senior officials therefore should also not perform lower level duties.

7. COMMUNICATION

Upon approval, this policy will be circulated to Departments within the Provincial Administration. Departmental Human Resource Heads will be responsible to inform all officials in their respective Departments of the content of this policy.

8. MONITORING AND EVALUATION

It is the responsibility of each Head of Department to ensure that this policy is carefully followed within their respective Departments. The Office of the Premier through its delegated structures shall monitor and evaluate the effectiveness of this policy.

9. REVIEW

This policy is subject to review as and when deemed necessary for the provincial Human Resources function collectively, to ensure that it is aligned to prevailing resolutions, regulations and labour market conditions.

10. APPROVAL OF POLICY

The Provincial Overtime Policy is hereby approved / not approved.


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J. BEKEBEKE
DIRECTOR GENERAL

26/03/2020
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DATE

