

RUSTENBURG CITY COUNCILPOLICY : STANDBY AND OVERTIME1. INTRODUCTION

- 1.1 The purpose of this policy document is to ensure that overtime payment is reduced to a minimum as far as possible due to budget constraints. It is also found necessary that the measures used to control overtime be uniformed and be laid down. Procedures that will be followed will be laid down in this document. The control of overtime will be tabled based on provisions laid down in the Conditions of Service.

2. DEFINITIONS2.1 Overtime

That portion of any period that an employee works for the Council during a working week or on a working day, as the case may be, which exceeds the working hours as agreed by the Council and its employees from time to time: Provided that it shall not include any period worked by an employee on a Sunday or a public holiday or during his free period of 24 hours unless such Sunday or public holiday is a normal working day for such employee.

2.2 Standby

The period determined by the Council during which an employee shall be available for emergency work outside his normal working hours.

2.3 Emergency work

Any work done without delay in respect of the interruption of essential services, or arising from fire, an accident, a mishap, a storm, an epidemic, an act of violence, theft, the failure of equipment or machinery, which cannot be done during working hours.

2.4 Working week

A period not exceeding 6 consecutive calendar days, as determined by the Council in respect of an employee or a class of employees.

2.5 Working day

Any calendar day of the week on which an employee must normally report for work.

2.6 Working hours

The hours during which an employee normally has to work during a working week or on a working day.

2.7 Public holiday

A public holiday as determined in the Public Holiday Act, 1952 (No 5 of 1952), and any other day designated as a municipal holiday by the Council.

3. CONDITIONS OF SERVICE

3.1 Standby service

When an employee, by resolution of the Council, makes himself available on standby for active overtime duty outside normal working hours, he shall be entitled to a standby allowance as determined by the Bargaining Council from time to time: Provided that the allowance shall not be incorporated or written off against any remuneration for overtime worked.

3.2 Overtime

The Conditions of Employment makes the following provisions:

"9.5.1 The Council may require any employee to work overtime.

9.5.2 If an employee, excluding an employee belonging to a class determined by the Council, works overtime, the Council shall compensate such employee one and one third times his hourly wage determined in terms of clause 7.5.4 in respect to the number of hours so worked: Provided that, if such overtime comprises emergency work and the normal working hours per working week of such employee exceed 45 hours, then, for the purpose of determining the hourly wage in terms of clause 7.5.4, the working hours per working week of the employee shall be deemed to be 45 hours: Provided that such work shall be subject to the prior approval of the Council."

(This shall be applicable to all positions on job levels 7 and lower.)

"9.5.3 If an employee belonging to a class determined by the Council works overtime and is not compensated therefore in terms of the provisions of clause 9.5.2, such employee shall be granted special leave on full pay calculated at one and one third times the number of hours so worked by the employee: Provided that such work shall be subject to the prior approval of the Council."

(This shall be applicable to all positions on job levels 1 – 6.)

The Conditions of Employment further determines as follows:

- (a) The Council shall not require or permit an employee, excluding a guard, a security guard and an employee attending meetings or performing emergency work, to work overtime for a period exceeding:
 - (i) 10 hours during any working week;
 - (ii) 3 hours during any working day.
- (b) The Council shall not require or permit a guard or security guard to work overtime for a period exceeding 12 hours during any working week.
- (c) A claim for compensation for overtime worked shall be submitted by an employee in a manner determined by the Council.

3.3 Basic Conditions of Employment Act

3.3.1 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.

3.3.2 An employer must pay an employee at least one and one half times the employee's wage for overtime worked.

3.3.3 Despite subsection (3.3.2), 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.

3.3.4 (a) An employer must grant paid time off in terms of subsection (3) within one month of the employee becoming entitled to it.

(c) An agreement in writing may increase the period contemplated by paragraph (a) to 12 months.

3.3.4 An agreement concluded in terms of subsection (3.3.1) with an employee when the employee commences employment, or during the first 3 months of employment, lapses after 1 year.

4. APPLICATION FOR OVERTIME

4.1 Application for overtime must be in writing on the attached application form for overtime. Application shall not be for those divisions/sections who's overtime is performed in the sense of emergency calls out.

4.2 This form shall be used to control scheduled overtime and shall accompany all overtime claims, which are done on the basis of scheduled overtime only.

4.3 Departments shall apply for approval of overtime on a monthly basis (except for emergencies/complaints). On submission the application for overtime, the department should submit their program for overtime work to be done and the problems anticipated before which lead to the need for overtime.

4.4 Only after approval, shall overtime be worked. Departments should allow at least 10 working days for the procedure to be completed.

5. PROCEDURE FOR APPROVAL OF OVERTIME

This form shall be filled and signed by the relevant departments as follows:

5.1 The Supervisor

Shall supply the necessary information to the head of the department in order that is stated in the form and then submit it to the head of the department concerned.

5.2 Head of the department

The head of the department shall indicate whether the overtime work to be done is necessary and then sign and date the application and give it back to the applicant. The applicant will thereafter submit it to the Work-study Unit. (Should the head of the department find it not necessary that overtime be worked, the procedure will end here.)

5.3 Work-study Unit

This unit will conduct a study at the applicant's unit and find out if there is no alternative. Should the Work-study Unit find it necessary that the overtime be performed, the application form will be forwarded to the Department of the City Treasurer for comments. After comments received from the City Treasurer, the form will be sent to the Portfolio Committee: Human Resources by the Work-study Unit.

(If the Work-study Unit does not find the overtime to be necessary, it should be submitted to the City Treasurer for comments and the

decision will also be taken by the Portfolio Committee: Human Resources.)

5.4 Department of the City Treasurer

This department will give comments on the basis of the availability of funds.

5.5 Portfolio Committee: Human Resources

The Portfolio Committee: Human Resources will take the final decision.

6. GENERAL

6.1 A month's overtime (total), which exceed the employee's normal working hours, should be reported to the Work-study Unit, i e more than 40/45 hours per month for scrutiny.

6.2 Employees, whose normal working day does not include Saturday and Sunday, should not work overtime on a Sunday.

6.3 Overtime on public holidays should be avoided at all cost, if overtime work is done, it should not exceed 8 hours per day.

6.4 Employees should be given time off as far as possible instead of payment in monetary unit, i e time off once a week each time work was done.

6.5 Employees, whose work does not require them to work night-shifts, must not be given permission to work overtime during the night.

6.6 The class of employees who are determined by the Council who should not work paid overtime, should include job levels 1 – 6 so as to encompass the Manager: Kloof Holiday Resort, Superintendent: Abattoir, Controller of Stores and Buyer of Stock, Assistant Chief Traffic Officer and Chief Community Health Nurse.

7. UPHOLDING OF THE POLICY

Implementation and upholding of this policy shall be the responsibility of the Department of Human Resources.