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Overtime Policy

Council Resolution No:CR97-28/05/26SP

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1. DEFINITIONS

1.1 All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation, or as defined and/ or explained in the Glossary of Terminology in the Human Resources Policies.

2. PREAMBLE

2.1 The Municipality acknowledges that overtime is a necessary element of service delivery and hereby makes necessary arrangements for staff members to access the benefit. This policy does not take precedence over any collective agreement which may be in force at the time of its approval.

3. OBJECTIVES OF THE POLICY

3.1 To regulate overtime work and ensure that overtime work is pre – authorised, except in the case of an emergency, and in compliance with relevant legislation.

4. POLICY APPLICATION

4.1 The policy is applicable to all staff members of the Municipality with the exception of those who earn above the threshold published by the Minister of Employment and Labour from time to time, the senior managers, and staff members who work shift in terms of their employment contracts.

5. LEGISLATIVE FRAMEWORK

- (1) Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- (2) Municipal Systems Act, 2000 as Amended (Act 32 Of 2000)
- (3) Municipal Structures Act, 1998 (Act No.117 of 1998)
- (4) Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- (5) Labour Relations Act, 1998 (Act No.66 of 1995)
- (6) Employment Equity, 1995 (Act No.55 of 1998)
- (7) Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- (8) South African Local Government Bargaining Council: Collective Agreements

6. POLICY PROVISIONS

6.1. Remunerated overtime

- 6.1.1. Remunerated overtime is calculated based on hours in excess of prescribed working hours.
- 6.1.2. Duty performed by a staff member during a period of leave is not considered for the purpose of payment of remunerated overtime.

6.2. Calculation of overtime payment

- 6.2.1. If an employee works overtime the Council shall compensate such employee 1.5 times the hourly wage in respect of the number of hours worked for weekdays and Saturdays. An employee shall be remunerated at double the hourly wage in respect of hours worked on Sundays and Public holidays. This is per the Basic Conditions of Employment Act 75 of 1997.

6.3. Conditions for remunerated overtime

- 6.3.1. Overtime must be paid or time-off granted to all employees except senior managerial employees as defined in the BCEA and employees earning in excess of the threshold as determined time to time by the Minister of Labour.
- 6.3.2. Staff members shall not be required to or permitted to work overtime for period exceeding:
 - (a) Ten (10) hours in a week, and
 - (b) Two (2) hours on any working day.
- 6.3.3. No staff member shall perform overtime before the Accounting Officer, or his/her delegated authority has granted the necessary approval in writing.
- 6.3.4. A staff member's monthly compensation for overtime shall not exceed thirty percent (30%) of the staff member's gross monthly salary.
- 6.3.5. In the cases where the monthly overtime compensation exceeds the above limits, the Head of the Department where overtime is performed may grant the staff member time-off, based on the one hour for every excess hour worked.

- 6.3.6. Time – off can only be taken if a staff member has accumulated eight hours and shall not constitute more than five working days during a given financial year.
- 6.3.7. A staff member performing overtime duty shall not be compensated for travelling time, hence overtime shall be arranged in a manner that the start and end times coincide with times during which public or other alternative transport is available.
- 6.3.8. If a staff member performs authorised overtime duty at a place other than his/her normal place of work, the travelling time between the two places shall be regarded as overtime duty.
- 6.3.9. Remunerated overtime shall not be approved for a continuous period of more than four (4) months.
- 6.3.10. A staff member shall not do overtime as per conditions below, unless in cases where circumstances prevent the staff member to meet these conditions and relevant Head of Department has ensured that such circumstances are brought to the attention of the Human Resources Management Unit when a claim form for such hours is submitted. The Municipal Manager shall then be approached to approve such deviation from conditions:
- (a) If a staff member did not book overtime duty on a Saturday/ the staff member shall not be allowed to book overtime duty for Sunday.
 - (b) If a staff member took vacation, sick or special leave on Friday, that staff member shall not be allowed to book overtime duty for either the Saturday or Sunday.
- 6.3.11. Delegations to meetings, conferences, workshops, or any other gathering even during weekends shall not be deemed to constitute overtime for the purpose of this policy.

6.4. Emergency work

- 6.4.1. Emergency work means the performing of work that cannot be completed during normal working hours, on instruction of the Head of Department, provided that such work is required to be done immediately owing to unforeseen circumstances and one day or less prior notice has been given to this effect.
- 6.4.2. In case where staff members are expected to perform overtime duty before approval is obtained due to circumstances beyond the municipality's control, such duty shall for the purpose of this policy be viewed as emergency work.
- 6.4.3. The time off will be granted based on one hour for every excess hour worked.
- 6.4.4. Heads of Department shall be responsible for managing these hours.

6.5. Authorisation and information for remuneration overtime

- 6.5.1. Authorisation for remunerated overtime duty shall be in accordance with the Municipality delegations.
- 6.5.2. The following information shall be provided when an application for overtime is submitted:
- (a) The circumstances that necessitated the performance of the overtime duty.
 - (b) The steps, which were taken to prevent the performance of overtime duty such as redistribution of duties among staff members or temporary utilization of staff members.
 - (c) Information about any voluntary unpaid overtime duty performed by staff members with regard to the task in respect of which remunerated overtime duty is performed and about general work in the department.
 - (d) Clearly defined and measurable outputs for the overtime work in respect of every individual staff member for which overtime is requested.

- (e) The names and positions of the staff members who will be required to perform overtime duty.
- (f) The duration of the overtime duty.
- (g) The estimated expenditure and total hours on the planned overtime duty, as well as a clear differentiation between normal and double time, indicating the amount that will be needed next to each of the above-mentioned.
- (h) If the performance of overtime is aimed at the completion of work, which has fallen in arrears, an investigation of the circumstances shall be conducted before overtime is authorised.
- (i) Specific indication about the responsible manager who shall supervise the remunerated overtime, if authorised.

6.6. Control measures for remunerated overtime.

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

- 6.6.1. There is always adequate supervision and control measures during the performance of remunerated overtime duty.
- 6.6.2. Remunerated overtime is not performed for a continuous period of more than four (4) months.
- 6.6.3. Overtime remuneration is efficient and cost effective.
- 6.6.4. Record of all overtime duty is kept.
- 6.6.5. When the overtime claim is submitted for payment, the output produced during the period covered by the claim form is clearly provided.

7. POLICY IMPLEMENTATION AUTHORITY

- (1) The Municipal Manager.
- (2) Corporate Services Department.

8. POLICY COMMENCEMENT

8.1 The policy takes effect on the date of approval by Council.

9. INTEPRETATION


9.1 In the event of any inconsistency between this policy and any other government legislation, such legislations prevail.

10. POLICY REVIEW

10.1 The policy shall be reviewed when there is amendment in legislation and SALGBC collective agreements.

Signed by:

**THE MAYOR:
CLLR ZITHA T.**



SIGNATURE

28/05/2026

DATE

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