

KwaZulu- Natal Department of Education

Overtime Policy

1. PURPOSE

To regulate the performance and compensation of employee through time off or additional pay where he/she is expressly required to work in excess of the ordinary applicable working hours per week or month.

2. AUTHORISATION

- 2.1 Part VII of the PSCBC Resolution 3 of 1999.
- 2.2 Part V of the Public Service Regulations, 2001.
- 2.3 Basic Conditions of Employment Act. 75 of 1997.
- 2.4 Public Finance Management Act. 1 of 1999.

3. SCOPE OF APPLICATION

- 3.1 All employees employed in terms of the Public Service Act 103 of 1994 as amended.
- 3.2 All employees who do not belong to the Senior Management Service (SMS) may be compensated for overtime work.
- 3.3 An employee who is a member of the SMS may, in exceptional circumstances be compensated for overtime if;
 - 3.3.1 The compensation for overtime constitutes one percent or less of the salary bill on the relevant salary level.
 - 3.3.2 The SMS member is expressly requested by the Chief Executive Officer (CEO) in writing through the Senior Manager and it is approved by the Members of the Executive Council (MEC) prior to the performance of overtime.

- 3.3.3 The CEO should motivate clearly in the written request for approval of overtime why he/she is of the opinion that the SMS member should be compensated for overtime. Particulars regarding the number of hours involved as well as the expenditure must be included in the motivation.
- 3.3.4 A member of the SMS shall not authorize overtime for him or herself.
- 3.5 This policy is not applicable to CS Educators (employees employed in terms of the Employment of Educators Act No. 76 of 1998 as amended)

4 CONDITIONS FOR COMPENSATED OVERTIME WORK

- 4.1 Employees shall not be allowed to work more than 3 hours overtime per day and more than 10 hours overtime per week.
- 4.2 Compensation for overtime work shall be provided for when the executing authority or his/her delegate has authorized the performance of such overtime work in writing.
- 4.3 Overtime work should be sought only for the short-term project or predetermined task.
- 4.4 An employee who is absent from duty during the normal/ordinary working hours/days shall not be permitted to perform overtime duties.
- 4.5 Responsibility Managers must formally request a work study investigation to be conducted by Management Advisory Services (MAS) to define beforehand the number of hours overtime duty to be performed each day, set production targets as well as financial implications for the entire overtime.
- 4.6 Supervisors should as far as possible control the granting of leave.
- 4.7 Employees shall not be compelled to work overtime.

5. COMPENSATION

- 5.1 Unless a specific agreement is concluded with an individual or collectively, the Department shall provide compensation for overtime. Managers could agree on time-off if an employee wants to and if working circumstances permit or when funds are limited.
- 5.2 The Department shall compensate authorized normal overtime work by paying the employee concerned one and one third times his/her normal hourly remuneration or by granting him/her time off equal to time worked.
- 5.3 The Department shall compensate authorized Sunday (public holiday or overtime worked between 20h00 and 6h00) overtime work by paying the employee concerned two times his/her normal hourly remuneration or by granting time off equal to the time worked.
- 5.4 Subject to the Deputy Director-General's approval, the Department can compensate authorized overtime by paying the employee concerned a fixed monthly overtime allowance if;
 - 5.4.1 The employee performs reasonable similar amounts authorized overtime or Sunday work from month to month and;
 - 5.4.2 The employee agrees in writing.
- 5.5 The allowance shall equal the average monthly compensation the employee received for overtime in six months preceding the establishment of the allowance. Authorization for a fixed monthly overtime allowance should be obtained for every new financial year and shall be valid for a period of 12 months.

6. PROCEDURE TO OBTAIN APPROVAL FOR REMUNERATIVE OVERTIME.

- 6.1 The Responsibility Manager should lodge a request that will indicate the availability/unavailability of funds to HRM who in turn will draft a formal submission to the Executing Authority together with the work-study report from the Management Advisory Services.
- 6.2 The authority to approve remunerated overtime is vested with the Regional Chief Director if the overtime is less than 14 days and with

the Deputy Director-General or his equivalent if it is more than 14 days.

- 6.3 The Responsibility Manager will be informed of the outcome immediately when it is available. If the period of overtime falls in two financial years, approval should be granted separately for each financial year.

7. CLAIMS FOR PAID OVERTIME.

- 7.1 All claim forms signed by the relevant supervisor and Responsibility Manager should be submitted to the Finance: Salaries Section for the processing.
- 7.2 Payments will be processed on PERSAL and paid into the employee's bank account. Payments advice will be issued by Finance: Salaries Section.

8. CONTROL MEASURE FOR REMUNERATIVE OVERTIME

- 8.1 Responsibility Managers should ensure that;
 - 8.1.1 Overtime work is minimized.
 - 8.1.2 There is adequate control of remunerated overtime duty through both supervision and control of outputs.
 - 8.1.3 Overtime remuneration is cost effective.
 - 8.1.4 Records of all overtime duties are kept.
 - 8.1.5 Attendance register is signed by all employees at the starting and finishing time and controlled by the supervisor in charge.
 - 8.1.6 Funds are available to finance overtime pay.
 - 8.1.7 Staff members are not voluntarily employed to such an extent that the quality and quantity of work performed during normal hours and overtime are adversely affected.
 - 8.1.8 All overtime work should as far as possible be performed at the employees normal place of work.

9 REST, MEAL BREAKS AND TRAVEL

9.1 The Department shall consider requests for paid overtime that have fair, reasonable and acceptable limits.

9.2 Starting and finishing times should as far as possible coincide with the availability of public transport so as to accommodate staff members who use normal public means of transport.

9.3 Overtime shall generally include the following periods:

9.3.1 Meals and tea breaks:

- An employee who works continuously between three and five hours may have 15 minutes tea break.
- An employee who works continuously for more than five hours may have 30 minutes meal interval and 15 minutes tea break.
- Meal breaks do form part of overtime work.

9.3.2 The department may consider providing assistance to employees who are required to perform remunerated overtime duty in cases where there is no public transport available and there are safety risks to employees.

10. MONITORING, EVALUATION AND REPORTING.

All approvals pertaining to authorized overtime must be filed in the relevant files kept safely in the Section: Human Resources for audit purposes.

11. DISPUTE RESOLUTION MECHANISM

Any dispute arising out of the interpretation and application of this policy will be dealt with in terms of the applicable dispute resolution procedure.