


# KWAZULU-NATAL PROVINCIAL TREASURY

## OVERTIME POLICY

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## 1. INTRODUCTION

The KwaZulu-Natal Provincial Treasury is committed to the welfare of the officials and would therefore implement sound human resource management strategies aimed at recognizing individual efforts towards service delivery. It was therefore necessary that the Department formulates an overtime policy in line with the provisions of the Department of Public Service and Administration.

## 2. OBJECTIVES

The objectives of this policy document are to indicate:-

- 2.1 The conditions under which the Department shall provide compensation for overtime and to ensure uniformity when paying for overtime to officials.
- 2.2 The categories of employees to whom the Department shall not provide compensation for overtime.

## 3. AUTHORITY

- 3.1 Constitution of the Republic of South Africa, Act 108 of 1996
- 3.2 Public Service Act, Act 103 of 1994
- 3.3 **Public Service Regulations, 2016**
- 3.4 Labour Relations Act, Act 66 of 1995
- 3.5 Public Finance Management Act, Act 1 of 1999
- 3.6 Basic Conditions of Employment Act, Act 75 of 1997
- 3.7 PSCBC Resolution No. 3 of 1999
- 3.8 PSCBC Resolution No.1 of 2007

## 4. APPLICABILITY

This policy applies to all employees of the Provincial Treasury that are employed in terms of the Public Service Act, 1994.

## 5. DECLARATION OF COMMITMENT

The Provincial Treasury Management commits itself in upholding the principles of uniformity and fairness when providing compensation for overtime.

## 6. CONDITIONS

In terms of the approved Delegations of Authority, only the **Deputy-Director General/Chief Directors** may authorize the performance of overtime and the compensation thereof.

- 6.1 The following conditions must be adhered to:-
  - a) Authority to perform remunerated overtime must be granted by the Heads (**Deputy-Director Generals/ Chief Directors**) of Business Units in writing as per the Departmental Personnel Delegations of Authority.
  - b) **An executing Authority shall establish an Overtime Policy in accordance with the collective agreements, which shall determine:**

- i. Categories of employees that may not receive compensation for overtime due to the nature of their work and responsibilities;
  - ii. The circumstances under which the supervisor may authorize overtime work for an individual employee;
  - iii. If an employee shall receive payment or time off as compensation for authorized overtime;
  - iv. How much overtime an employee may work in a given period;
  - v. How a supervisor should record authorisation for overtime and;
  - vi. Other control measures as stipulated in this document
- c) Such approval must be granted in advance before the commencement of overtime.
- d) Written approval must be submitted to the **Director: Human Resources**.
- e) The Delegated Authority may decline to pay overtime if the abovementioned requirement is not complied with and the conditions stated below are not adhered to.

## 7. CONDITIONS FOR OVERTIME

The **Supervisor or Director** in his/her request for overtime must reflect in the submission that the following conditions for overtime were taken into consideration:-

- 7.1 When submitting a request to work overtime, the responsible **Director/Supervisor** must give thorough motivation why the task at hand cannot be performed over forty hours per week and any other circumstances that necessitates the performance of overtime.
- 7.2 S/he must establish if there are any vacant posts in his/her section. If there are any vacant posts, the reasons why the posts are not filled must be given. If the posts are funded and have been evaluated accordingly, the Director/Supervisor must first ascertain whether it will not be efficient to fill the posts rather than working overtime.
- 7.3 The **Director/Supervisor** must establish if the functions in questions cannot be equally distributed to the existing officials.
- 7.4 The responsibility manager/ supervisor has defined beforehand the number of hours the overtime duty has to be performed each day and production targets should be clearly stated. The financial implications for overtime should also be clearly stated and budgeted for.
- 7.5 The numbers and ranks of the employees who will be required to perform overtime.
- 7.6 How much overtime an employee may work in a given period and the estimated duration of the overtime.
- 7.7 The estimated expenditure, with due consideration to available funds on the planned overtime.
- 7.8 Overtime should not be for a long term basis.
- 7.9 An employee on official leave shall not be permitted to work overtime.

- 7.10 When the performance of overtime is aimed at the completion of work that has fallen in arrears, the circumstances should be investigated.
- 7.11 In instances whereby the need for overtime can be pre-determined based on the nature of work (for example, within Ministry). Such expenditure must be budgeted for. However, an explanation must be provided as to why such work has to be done as overtime and not during normal work time.

## 8. COMPENSATION FOR OVERTIME

The Department shall pay individual employee/collectively if the financial implications have been indicated and approved by the Delegated Authority in the request to perform overtime. The Department will only pay for overtime if all the above mentioned conditions have been exhausted.

## 9. CATEGORIES OF NON-QUALIFYING EMPLOYEES

### 9.1 Senior Management Services

SMS Members are covered by the SMS handbook and financial manual and get paid applicable allowances unless prescribed differently.

### 9.2 Ministerial Staff

Ministerial staff are covered by the Ministerial handbook and Financial Manual and get paid applicable allowances unless prescribed differently.

## 10. CONTROL MEASURES

- 10.1 The manager/supervisor should ensure that overtime work is minimized as far as possible and to ensure that overtime remuneration is cost effective.
- 10.2 Adequate control and supervision by manager/supervisor is necessary for overtime.
- 10.3 Record of all overtime duties must be maintained and be updated accordingly.
- 10.4 Attendance register must be signed by all employees at starting and finishing times. The manager/supervisor in charge must ensure that this is adhered to.
- 10.5 All overtime work should as far as possible be performed at the employees normal place of work.
- 10.6 On provision that it's paid overtime, responsible Director/Supervisor should ensure that there are funds available.

## 11. CATEGORIES OF OVERTIME

### 11.1 NORMAL OVERTIME RATES

The Department will compensate employees for normal overtime in the following circumstances:-

- a) When Managers have requested an employee to perform official duties for more hours than normal working hours during a week and on Saturdays and the request to perform overtime has been approved by the delegated Authority.

- b) The Department will compensate authorized normal overtime rates as per stipulation in the Financial Manual. The employee will be remunerated on the applicable actual rate.

## **11.2 HIGH OVERTIME RATES**

The Department will compensate employees for higher rates whereby the Heads (**Deputy-Director General's/ Chief Director's**) have approved in writing for employees to work overtime on a Sunday/Public Holiday.

## **11.3 REST, MEALS AND TRAVEL**

The Department will ensure that there is a fair and acceptable limit on the extent of overtime.

- a) The periods for rest and meals will be provided accordingly.
- b) The Department will also ensure that employees travel to and from work at a time when public transport is available.
- c) When an employee must stay at her or his place of work but cannot actually work due to circumstances beyond his/her control.

## **12. MONITORING, EVALUATION AND REVIEW**

**The Directorate: Human Resources** is responsible for the development of this Policy and ongoing monitoring of thereof.

Any inputs or amendments to this Policy can be directed to the **Director: Human Resources**.

## **13. COMMUNICATION**

**The Directorate: Human Resources** is responsible for communicating this policy to all employees within the department.