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Higher Education and Training
REPUBLIC OF SOUTH AFRICA



EKURHULENI EAST TVET COLLEGE

"Committed to Excellence"


OVERTIME POLICY

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1. Introduction

- 1.1 Overtime is the work performed by an employee in excess of a 40-hours working week, at the request and prior approval of an employee's manager. Overtime includes time worked in excess of 40 hours, between Monday and Friday as well as work done on Saturdays, Sundays and Public Holidays.
- 1.2 It is EEC's policy, wherever possible, to avoid situations where staff are required to work excessive overtime. However, based on the operational requirements of the College, employees may be required to work overtime from time to time, on request from management.

2. Purpose

To provide guidelines for compensating officials that are required to perform overtime work and to ensure implementation of the best practices regarding the management of overtime within the College.

3. LEGISLATIVE FRAMEWORK

- 3.1 Constitution of the Republic of South Africa, Act No 108 of 1996
- 3.2 Public Finance Management Act, Act No 1 of 1999 as amended
- 3.3 National Treasury Regulations of 2000
- 3.4 Basic Conditions of Employment Act, Act No 75 of 1997
- 3.5 Labour Relations Act no. 66 of 1995
- 3.6 Public Service Regulations 2001, as amended
- 3.7 DPSA Financial Manuals
- 3.8 PSCBC Resolution no. 3 of 1999.
- 3.9 PSCBC Resolution 1 of 2007.

4. Applicability

This policy applies to all support staff of the College as defined in terms of the FETC Act no. 16 of 2006 that are employed on whether permanent, temporary or contract basis.

5. Definitions of Terms

- 5.1 Overtime refers to time that an employee works during a day or week in excess of ordinary hours of work.
- 5.2 EEC means Ekurhuleni East TVET College.
- 5.4 Employee refers to support staff as defined in terms of the FECT Act no. 16 of 2006.

- 5.5 College Management refers to the central office managers who are at salary level 9 and above as well as the campus managers including those that are appointed to act in these positions.
- 5.6 BCEA means Basic Conditions of Employment Act, 75 of 1997 as amended.

6. The Policy Provisions

6.1 Principles, Values & Philosophy

The underlying principle of overtime pay is that every eligible worker deserves to be paid for his or her labour, and should receive premium overtime reimbursement at an approved rate for working overtime for the benefit of the College.

6.2 Notification

Wherever possible, reasonable notice of any overtime to be worked will be given to employees. This will obviously only be possible where the overtime is not related to operational requirements.

6.3 Compulsory

It is a material term and condition of an employee's employment that he or she agrees to work overtime and/or on Sundays when required or requested to do so, within the parameters permitted by the law.

6.4 Limitation on overtime

The maximum hours of overtime that an employee may work shall be regulated by the Basic Conditions of Employment Act, 75 of 1997 (the "BCEA") as amended, from time to time, however, the College may not require an employee to work more than 20 hours in a month.

6.5 Eligibility for the payment of overtime

6.5.1 The College may not compensate employees for overtime if:

- (i) The employee is a member of College Management.
- (ii) Employees earning in excess of the statutorily determined earning threshold, as determined by the Minister of Labour from time to time, shall not qualify for any payment of overtime.

- (iii) Those employees who earn below the statutorily determined earning threshold, as determined by the Minister of Labour from time to time, shall qualify either for a monetary payment for overtime worked, time off in lieu of payment for overtime worked (depending on the workload and capacity in the relevant department) and/or partly a monetary payment and partly time off in lieu of overtime worked.
- (iv) There's no written authorisation in advance by Head of Department which is approved by the Principal or Delegated Authority.
- (v) An employee is on official leave of absence during that period that overtime work is performed. No adequate control and supervision was made during the period of overtime and therefore no adequate evidence for overtime worked is provided such as attendance register etc.

6.6 Authorisation of overtime to qualify for payment

- 6.6.1 All overtime shall be recommended to the Principal or Delegated Authority by the supervisor who must justify the need for such overtime in writing.
- 6.6.2 An employee, who is eligible for the payment of overtime, shall only qualify for such payment if the overtime worked was authorised and approved by the Principal or delegated authority. Such approval and authorisation will be deemed to have been given to the employee by the Principal or Delegated Authority when the employee is required to perform an overtime work.

6.7 Rate of remuneration for authorised overtime

- 6.7.1 EEC shall compensate an employee who is eligible and who qualifies for overtime pay at a prescribed rate per hour as approved by the Council, however, the rate is limited to five (5) hours per day only.
- 6.7.2 The prescribed hourly rate for the overtime worked on Mondays to Saturdays will be paid exactly as approved by the Council.
- 6.7.3 The above prescribed hourly rate for overtime worked on Sundays and Public holidays will be paid as double.
- 6.7.4 The rate is determined and reviewed annually by the Finance Committee who will present it to the council for approval. As stated above, EEC may grant an employee monetary payment, or paid time off *in lieu* of payment and/or both, for overtime

worked, in accordance with the provisions of the Basic Conditions of Employment Act, as amended.

6.8 Overtime work that does not qualify for payment

6.8.1 Self-initiated overtime, without the Principal or Delegated Authority's prior approval;

6.8.2 Overtime owing to a backlog resulting from the employee's own lack of efficiency.

6.8.3 When employees perform work voluntarily during period of leave.

7. The Procedures

7.1 The employee's manager must –

- (i) Recommend the overtime to be worked to the Principal or Delegated Authority for approval;
- (ii) Ensure that records for overtime worked are accurately completed; and
- (iii) Ensure that the overtime is budgeted for.

7.2 At the end of every month, the manager must –

- (i) Sign off the number of hours of overtime worked by the employee;
- (ii) Endorse, on the record of the employees, the number of overtime hours worked, the hours of overtime to be paid to the employee or the period of paid time off to be granted to the employee in lieu of overtime worked;
- (iii) Forward the endorsed and signed record to payroll within reasonable period, for processing and/or payment at the end of that month.

7.3 All overtime claims for a financial year must be submitted in that financial year failure which the claims will be forfeited. Staff members are also advised to submit their claims in the month of the overtime otherwise if not submitted after a month of the service the claim shall be rejected. All time off to be granted in lieu of payment for overtime must be granted in the financial year in which it is earned. Only if, by the end of the financial year it is not operationally possible to grant the employee such time off, then the employee shall not forfeit the benefit. In such instances, to promote smooth administration, and subject to the availability of funds, the overtime should be paid out to the employee or the employee must be given time off within a period not exceeding three (3) months.

8. Deviation from the Policy

- 8.1 Any deviation from the approved overtime policy shall require prior written approval from the office of the Principal.
- 8.2 Failure to comply with this policy will result in the institution of disciplinary procedures in terms of the stipulated human resources policies and procedures of the EEC, unless condoned in writing by the Principal.

9. Monitoring, Evaluation and Review

- 9.1 This policy shall be reviewed on regular basis or at least annually by the Executive Management Team and College Council. Any changes to the policy will be communicated immediately to all employees.

10. Communication

- 10.1 The Corporate Services Division (Human Resource Department) is responsible for communicating this policy to all Management and Employees of the College.