



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

OVERTIME POLICY

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A. Acronyms

ACRONYM	DEFINITION
BCEA	Basic Conditions of Employment Act, Act 74 of 1997, as amended
CET	Community Education and Training
DHET	Department of Higher Education and Training
DPSA	Department of Public Service and Administration
OSD	Occupational Specific Dispensation
PSCBC	Public Service Co-ordinating Bargaining Council
SL	Salary Level
SMS	Senior Management Staff
TVET	Technical and Vocational Education and Training

B. Glossary of Terms

TERM	DEFINITION
BASIC SALARY	Notch at which Overtime is paid. Employees under SL8 are paid according to their actual notch, whereas employees earning above the minimum notch of SL8 are paid on the minimum notch of SL8.
CHIEF FINANCIAL OFFICER	The highest authority in the Finance Unit which might be at Head Office, Regional Office or College level.
COLLEGE	A Public College as defined in terms of the Continuing Education and Training Act, Act 16 of 2006, as amended.
COMPONENT	A part that makes up the Department at various levels, i.e. Head Office Branches, Regional Offices and Colleges.
DAY OF REST	A Sunday or a Public Holiday declared by the State.
DELEGATED AUTHORITY	Any employee to whom power has been vested or who has been authorised to perform a duty in terms of a formal written delegation.

EMPLOYEE	A person appointed in terms of the Public Service Act, 1994, as amended, excluding an Independent Contractor, who works for another person or for the State and receives, or is entitled to receive remuneration.
EMPLOYER	Department of Higher Education and Training
EXECUTIVE AUTHORITY	The Minister responsible for the Department of Higher Education and Training
NIGHT	The hours between 20:00 and 06:00
OVERTIME	Work in excess of the hours of work per day/week of the month that an Employee is contracted to perform.
OVERTIME DUTY	Additional duty performed by an employee in excess of prescribed hours of attendance approved by the Delegated Authority.
REMUNERATED OVERTIME	Compensated additional duty which an employee performs in specific circumstances in excess of his/her prescribed hours of attendance by order or permission of the Delegated Authority. Compensation can either be monetary or time off or any other compensatory measure that the Delegated Authority may deem appropriate and reasonable (PSCBC Resolution 1 of 2007).
SUB-COMPONENT	A part of a Component, e.g. a Branch within Head Office, or College HR Unit in a Regional Office or College.
UNPAID OVERTIME DUTY/EMERGENCY OVERTIME	Additional duty which an employee performs in urgent or specific circumstances in excess of his/her hours of attendance by order of a Delegated Authority. An Employee shall be given time off in lieu of Overtime payment.
WAITING TIME	The period during which an employee cannot start with the performance of Overtime at his/her place of work or continue therewith as a result of circumstances beyond his/her control on a temporary basis, as well as meal intervals, shall be considered as waiting time.

1. BACKGROUND AND INTRODUCTION

1.1 Policy Statement

This Policy seeks to outline the administration and management of overtime in complying with set standards which both employer and employee must adhere to. The misuse of the approval for remunerative overtime and subsequent enriching of employees will not be tolerated.

1.2 Legislative Framework

- 1.2.1 Public Service Act, Act 103 of 1994, as amended;
- 1.2.2 Labour Relations Act, Act 66 of 1995, as amended;
- 1.2.3 Basic Conditions of Employment Act, Act 75 of 1997, as amended;
- 1.2.4 PSCBC Resolution 3 of 1999;
- 1.2.5 Public Finance Management Act of 1999
- 1.2.6 Employment Equity Act, Act 55 of 1998, as amended;
- 1.2.7 Public Service Regulations 2016;
- 1.2.8 PSCBC Resolution 9 of 2001;
- 1.2.9 GPSSBC Resolution 1 of 2002, as amended;
- 1.2.10 CET Colleges Act, Act 16 of 2006, as amended;
- 1.2.11 ELRC Resolution 1 of 2007;
- 1.2.12 DPSA Directives - PSCBC Resolution 3 of 1999 and 1 of 2007;
- 1.2.13 DHET Delegations of Authority according to the Public Service Act, Act 103 of 1994 and Public Service Regulations of 2016; and
- 1.2.14 DHET Labour Relations Manual.

Note: Where this Policy and the Delegations of Authority of the DHET differ the Delegations shall take precedence.

2. POLICY PURPOSE, OBJECTIVES AND PRINCIPLES

2.1 Purpose

The DHET recognises that in order to achieve its strategic goals, it needs to provide all employees with an organised remunerated Overtime Policy to set out guidelines for the administration and management of overtime performed by employees.

2.2 Objectives

2.2.1 The main objective of this Policy is to set guidelines in compensation of employees for additional duties performed in specific circumstances in excess of their prescribed working hours as per operational requirements.

2.2.2 The aim is to inform Employees of the following:

- (a) Circumstances under which a request for remunerative overtime is acceptable;
- (b) Route which needs to be followed for approval and authorisation;
- (c) Control of remunerative overtime;
- (d) Performance of overtime duties and the conditions under which unpaid overtime should be performed and compensated; and
- (e) Standardisation of Overtime remunerative practices in the DHET to ensure uniformity and fairness.

2.2 Principles

- 2.2.1 Fairness and Transparency;
- 2.2.2 Professionalism and Credibility;
- 2.2.3 Accountability; and
- 2.2.4 Integrity.

3. SCOPE OF APPLICATION

This Policy applies to all employees of the DHET (including those serving internships), except Senior Management Staff (SMS), Lecturers, Part-Time and Sessional Workers, unless otherwise specified.

4. POLICY PROVISIONS

4.1 Provisions

- 4.1.1 Only duties in excess of the prescribed hours of attendance authorised by the delegated authority may be considered for overtime remuneration.
- 4.1.2 The estimated financial implication of all overtime in a Component or Sub-component shall be approved by the Delegated Authority and consulted with the College Council (for Colleges) and Chief Financial Officer (CFO) prior to the beginning of each financial year.
- 4.1.3 All overtime shall be requested for and approved prior to the overtime duty being performed and must be in writing to the employee who must perform overtime. Only in exceptional circumstances (e.g. Emergency situations), approval and payment may be granted and paid out in relation to overtime already performed. This shall be at the discretion of the Delegated Authority.
- 4.1.4 When the performance of overtime duty is aimed at the completion of work that has fallen in arrears, the circumstances should be investigated and confirmed whether funds are available in the Component's or Sub-component's budget for overtime remuneration.
- 4.1.5 When the necessity for overtime duty arises, the Delegated Authority should decide, (with due consideration of the circumstances and after consultation with employees concerned), whether overtime duty should be compensated by remuneration or awarding time off. The availability of funds must at all times be taken into consideration.
- 4.1.6 No employee is by definition excluded from monetary compensation for overtime worked by virtue of the job that he/she performs. However, employees must comply with the requirements set out in this Policy to have monetary compensation for authorised overtime worked.

- 4.1.7 When considering overtime duty, the Line Manager of the employee(s) that need to perform remunerative overtime duty should also take into account the following:
- (a) The circumstances which necessitated the performance of overtime duty;
 - (b) The steps which were taken to prevent the performance of overtime, i.e. redistribution of duties among available employees, re-allocation and temporary utilisation of employees in other components/sub-components;
 - (c) The amount of tasks in respect of which the remunerated overtime duty is requested; and
 - (d) The amount of work in the relevant office in general.
- 4.1.8 The monthly compensation for overtime must not exceed 30% of the employee's basic monthly salary and this amount may not exceed the minimum notch of SL8.
- 4.1.9 Duties performed by an employee during a period of leave is not considered for the payment of overtime remuneration.
- 4.1.10 Employees who do not report for duty on a Friday prior to overtime scheduled on Saturday, are not allowed to work on the Saturday.
- 4.1.11 SMS Members or employees acting in SMS posts may not claim for overtime.
- 4.1.12 No employee shall authorise overtime for him-/herself.
- 4.1.13 Part-time employees do not qualify for overtime remuneration.
- 4.1.14 If a Delegated Authority authorises overtime he/she shall ensure the following:
- (a) Fair and acceptable limits on the extent of overtime; and
 - (b) Periods for rest and meals are provided as stipulated below.
 - (i) For periods between two (2) and four (4) hours, a break of fifteen (15) minutes will be granted after two (2) hours.
 - (ii) For periods between four (4) and eight (8) hours a meal break of forty-five (45) minutes and two fifteen (15) minute breaks will be granted.
- 4.1.15 Where possible employees should travel to and from work at a time when public transport is available.

4.1.16 In order to perform authorised overtime an employee may travel from home to his/her work or from the normal place of work to home at a time when he/she usually would not travel.

4.1.17 If in order to perform authorised overtime, an employee must travel to a place other than his/her normal place of work, the time spent on the journey shall count as overtime performed.

4.2 Types of Overtime

4.2.1 Normal Overtime

(a) A component or sub-component shall provide compensation for normal overtime when the relevant delegated authority:

(i) has required an employee, in writing, to perform official duties for more hours than the employee's normal working hours during the week; but

(ii) has not required Sunday work or night overtime.

(b) A component or sub-component shall compensate authorised Normal overtime by:

paying the employee concerned one and one third times (11/3) his/her normal hourly remuneration.

4.2.2 Sunday Overtime

(a) The Employer will provide compensation for Sunday work when the delegated authority has required an employee to perform paid overtime:

(i) on a Sunday or Public Holiday, if the employee does not normally work on such a day; or

(ii) on a day the employee normally has to be compensated for work on a Sunday or other Public Holiday.

(b) The Employer will compensate authorised Sunday work by:

paying the employee concerned twice (2x) his/her normal hourly remuneration.

4.2.3 Night Overtime

- (a) The Employer shall provide compensation for night overtime when:
 - (i) the delegated authority has requested an employee, in writing to perform paid overtime between 20:00 and 06:00; or
 - (ii) the employee does not normally work at night.
- (b) The Employer will compensate night overtime by paying the employee concerned twice (2x) his/her normal hourly remuneration.

4.3 Managing Overtime

4.3.1 Awarding Time Off in lieu of Overtime

No option of granting time off in terms of PSCBC Resolution 1 of 2007.

4.3.2 Control of Remunerated Overtime

- (a) It is the duty of the Immediate Supervisor and Line Manager and/or delegated authority responsible for the budget of the Component or Sub-component performing remunerative overtime to see to the following:
 - (i) There is adequate supervision and control measures at all times during the performance of remunerated overtime duty;
 - (ii) The approval of overtime is requested in time;
 - (iii) An attendance register is kept;
 - (iv) The hours approved are for the period indicated on the approval; (Should there be hours remaining after expiry of the overtime period, it shall lapse and a new application must be requested.)
 - (v) Employees are not employed on overtime duty to such an extent that the productivity during normal hours of attendance, as well as during periods of overtime duty is affected.

- (b) For proper control, the Supervisor and Line Manager and/or Delegated Authority responsible for the budget of the Component/Sub-component performing remunerative overtime duty may consider determining beforehand the number of hours overtime duty to be performed each day and setting production targets and/or aims as criteria.

4.4 The Extent and Periods of Overtime Duty

- 4.4.1 An employee may not be required or be permitted to work more than: three (3) hours overtime per day not exceeding 30%.
- 4.4.2 By arrangement employees in security services can be expected to work twelve (12) hours a day, including meal periods, without receiving overtime after completion of a 40-hour shift. Employees may not work more than a total of thirty-two (32) hours per month or more than ten (10) hours of overtime per week.

4.5 General Measures for Remunerated Overtime

- 4.5.1 Overtime duty is reserved for the performance of essential projects/functions only (i.e., those that cannot be postponed without serious consequences).
- 4.5.2 Claims for remunerated overtime duty will be rejected if the period of overtime claimed falls outside the start and end date.
- 4.5.3 Claims for remunerated overtime duty will be rejected if the amount that has been authorised is exceeded.

4.6 Shift Workers

- 4.6.1 If an employee is required to work an ordinary shift on a Sunday in terms of the shift roster, the employee must be paid one and a half (1½) of his/her basic salary for the hours worked.
- 4.6.2 If the shift worked by the employee falls on a Sunday and another day, the whole shift is deemed to have been worked on the Sunday, unless the greater portion of the shift was worked on the other day, in which case the whole shift is deemed to have been worked on the other day.

- 4.6.3 If an employee is required to work an ordinary shift on a Public Holiday in terms of the shift roster, the employee must be paid twice (2x) his/her basic salary for the hours worked.
- 4.6.4 If the shift worked by the employee falls on a Public Holiday and another day, the whole shift is deemed to have been worked on the Public Holiday, unless, the greater portion of the shift was worked on the other day, in which case the whole shift is deemed to have been worked on the other day.
- 4.6.5 Night work shall be deemed to be work performed between 18:00 and 06:00 or 19:00 to 07:00 of the next day.

4.7 Remuneration of Overtime

- 4.7.1 The remuneration awarded is calculated by multiplying the total number of hours (including portions of an hour expressed as a fraction) of overtime duty performed with the applicable overtime rate.
- 4.7.2 For the calculation of the applicable overtime rate, an employee's annual pensionable salary notch at the time of the performance of the overtime duty should be used, and any under- or overpayment of overtime remuneration as a result of an adjustment to his/her salary should be rectified.
- 4.7.3 If an employee performs more than eight (8) hours of overtime duty on Saturday, the first eight (8) hours will be remunerated against the normal overtime tariff and hours in excess of the first eight (8) hours against the Sunday tariff.
- 4.7.4 An employee may not perform overtime duty on a Sunday only to be remunerated against the Sunday tariff, irrespective of the total number of hours of overtime duty performed. Overtime duty that is performed on a Public Holiday will be remunerated against the normal overtime tariff for the first eight (8) hours in excess of the first eight (8) hours against the Sunday tariff.
- 4.7.5 The exclusion of employees who cannot perform the tasks on a foregoing Saturday (*e.g. Admission, transport, cooking for new intakes at Colleges or other similar components*) must be remunerated on Sunday tariffs.

5. ROLES AND RESPONSIBILITIES

5.1 Director-General

Accountable for effective implementation and adherence to the policy.

5.2 Director: HRMA and Director: Finance Management

- 5.2.1 Responsible for effective implementation, adherence and compliance to the policy;
- 5.2.2 Receives and processes claim forms for payment;
- 5.2.3 Ensures that all received forms for planned remunerated overtime for employees received from supervisor/line managers are recorded;
- 5.2.4 Maintains records of planned remunerated overtime;
- 5.2.5 Informs the respective supervisor/line manager of the transaction routing process;
- 5.2.6 Monitors and evaluates the administration and management of planned remunerated overtime in the component/sub-component;
- 5.2.7 Receives and records reports on remunerated overtime from components/sub-components.

5.3 Employee/Line Manager

- 5.3.1 Ensures that remunerated overtime is utilised responsibly and with due regard for the service delivery programme of the Department;
- 5.3.2 Adheres to prescribed legislation, regulatory frameworks and provisions as outlined in this Policy;
- 5.3.3 Completes all documentation relating to overtime upon request and timeously includes the Overtime Claim Form as obtained from the respective HR Office;
- 5.3.4 Ensures fair and equitable administration of remunerated overtime;
- 5.3.5 Assists employees in the completion of forms for remunerated overtime;
- 5.3.6 Maintains accurate and up-to-date records of employees' remunerated overtime and makes available for audit purposes, when required;
- 5.3.7 Evaluates requests for remunerated overtime individually in an equitable and non-prejudicial manner and ensures that they are considered only as a last resort.

6. POLICY MONITORING AND EVALUATION

This Policy shall be monitored by the Directorate responsible for HRM.

7. POLICY REVIEW

This Policy will be reviewed as and when a need arises

8. DISPUTE RESOLUTION

Any dispute arising out of the interpretation and/or application of this Policy shall be dealt with in terms of the DHET Labour Relations Manual.

9. POLICY APPROVAL SIGNATURE

Signed at Pretoria on this 12th day of November 2021



Dr Nkosinathi Sishi

Director-General: Department of Higher Education and Training