

# **OVERTIME, UNDERTIME AND FLEXTIME REGULATIONS**

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**1 OBJECTIVES AND APPLICATION OF THESE REGULATIONS**

- 1.1 To regulate circumstances under which overtime, undertime and flexitime are worked within the Municipality.**
- 1.2 To give effect to the objectives and precepts of the Basic Conditions of Employment Act, 1997 (BCEA).**
- 1.3 To provide a set of regulations for controlling overtime for general employees and employees earning in excess of the threshold determined by the Minister of Labour in terms of Section 6(3) of the BCEA, 1997.**
- 1.4 These regulations will apply to all employees, interns, trainees and temporary employees except senior managers, middle Managers and employees on TASK grade 14 and above.**

**2 REGULATIONS FOR GENERAL EMPLOYEES**

- 2.1 Overtime shall be authorised by the HOD/designee.**
- 2.2 Overtime arrangement shall be agreed upon by the employee concerned and the HOD/designee.**
- 2.3 Overtime claims shall be approved by the HOD/designee.**
- 2.4 Overtime to be worked will not be in excess of maximum hours stipulated in the Basic Conditions of Employment Act, 1997.**
- 2.5 Employees will be compensated for overtime, work on Sunday and work on a public holiday in terms of the Basic Conditions of Employment Act, 1997.**
- 2.6 The Municipality shall, prior to undertaking of overtime, agree with the employee on the method of overtime compensation which shall be one of the following:**
  - 2.6.1 Full cash payment for the overtime worked;**
  - 2.6.2 Payment of not less than employees ordinary wage overtime and grant the employee at least 30 minutes of time-off on full pay every hour of overtime worked on a working day basis;**

**OR**
  - 2.6.3 Granting of paid time-off of 90 minutes for each hour of overtime worked on a working day basis.**
- 2.7 All employees qualifying for over time payment shall be paid for overtime not exceeding 40 hours per month and the balance, there of shall be converted into time-off.**
- 2.8 No overtime shall split over a period of two months or more with a purpose of flouting the regulations.**
- 2.9 The time off in lieu of overtime must be granted within 12 months of the employee becoming entitled to it.**
- 2.10 An employee shall be paid for the outstanding time off when employment is terminated.**
- 2.11 No overtime should be claimed after the three (3) Months has ended from the first month following the month when overtime work was done, unless a motivation approved by the Municipal Manager is submitted to Human Resource unit.**

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- 2.12 Overtime worked in June shall be paid in July and failure to submit an overtime claim in July will lead to the lapse of that overtime, unless a motivation approved by the Municipal Manager is submitted to Human Resource unit.
        - 2.13. Overtime claims must be made once a month.
3. **REGULATIONS FOR EMPLOYEES EARNING IN EXCESS OF THE AMOUNT DETERMINED IN TERMS OF SUB-SECTION 6(3) OF THE BCEA, 1997 EXCLUDING SENIOR MANAGERS, MIDDLE MANAGERS AND CO-ORDINATORS**
  - 3.1 For the purpose of this sub-section, the following shall apply:
    - 3.1.1 Overtime shall refer to working time falling outside the normal working hours incurred in terms of these regulations;
    - 3.1.2 Time off shall mean an amount of time that can be used as leave of absence from work that an employee may apply for in terms of the leave application procedure.
  - 3.2 Employees may work directly and/or indirectly sanctioned overtime through inter alia:
    - 3.2.1 Attendance of meetings and official gatherings;
    - 3.2.2 Attendance of workshops or seminars or conferences;
    - 3.2.3 Execution of special tasks/assignments.
  - 3.3 Employees may not claim overtime for the first 10 hours of accrued overtime in each calendar month provided that:
    - 3.3.1 The first 10 hours did not accrue from one day;
    - 3.3.2 No part or whole of the first 10 hours pertains to a weekend day or a public holiday;
    - 3.3.3 Overtime due in terms of 3.3.1 and 3.3.2 above is pre-authorised.
  - 3.4 Notwithstanding provisions of clause 3.3 the Municipality may not require employees to work overtime in excess of 40 hours per calendar month or the maximum hours that may be contained in the Code of Good Practice on regulation of working time issued in terms of Basic Conditions of Employment Act No 75 of 1997.
  - 3.5 Employees who, due to the nature of their work cannot easily foresee working overtime in a given situation, shall not be required to seek pre-authorisation for overtime falling within the first 16 hours of the month.
  - 3.6 Non-pre-authorised overtime will be post-authorised based on satisfactory explanation and full motivation.
  - 3.7 Employees may not seek authorisation for working overtime, nor incur overtime on routine operations of the Municipality e.g. voluntary working through lunchtime and after hours, and due regard must be given to Section 7 of the Basic Conditions of Employment Act.
  - 3.8 Employees will be compensated for approved overtime by grant of time off worked out in terms of Basic Conditions of Employment Act, 1997 on a working day basis.
  - 3.9 The authorising official shall take into account procedures contained in these regulations when approving overtime claims and compensation thereof.

- 3.10 Unclaimed overtime and unused time-off credits shall lapse at the end of a two-year period, reckoned from the date of inception and approval respectively.
- 3.11 Notwithstanding clause 3.10, unclaimed overtime and unused time-off shall lapse with effect from the first day of a notice period for termination of service served by either party in terms of the Conditions of Service.
- 3.12 The Municipal Manager may waive these regulations except clause 3.4, by agreement with the employee concerned.
- 3.13 Notwithstanding the requirements of this section, the Municipality reserves a right to enter into an internal arrangement for overtime payment to employees rendering basic or essential services without granting time-off provided such overtime time does exceed 20 hours in each month and any balance thereof shall be converted into time off.
- 3.14 The Municipality reserves a right to exclusively pay for over time worked to employees rendering basic or essential services mentioned below:
  1. Disaster and rescue services
  2. Electrical services
  3. Traffic services
  4. Pound services
- 3.15. Notwithstanding clause 3.14 above, overtime may be paid to employees who are non-essential service workers when there is a compelling need.

#### **4. UNDERTIME AND FLEXTIME**

- 4.1 Undertime and flexitime arrangements may be agreed upon between an employee and the Head of Department/designee with due regard to the interests of the Municipality.
- 4.2 Undertime and flexitime must be arranged strictly with due regard to health and safety and family responsibilities of employees.
- 4.3 Undertime and flexitime to be granted may not exceed 1.5 hours per day and 5 hours per week.
- 4.4 Undertime and flexitime, mentioned in 3.3 above, shall be arranged on an informal basis.
- 4.5 Any undertime worked shall be offset by flexitime or underpayment where necessary.

#### **5. PUBLIC HOLIDAYS AND SUNDAYS**

- 5.1 Employees who are ordinarily not required to work on Public Holidays and Sundays, shall not be normally required to work on Public Holidays and Sundays.
- 5.2 Employees who have been requested to work on a Public Holiday or Sunday will be compensated in terms of the Basic Conditions of Employment Act, 1997.
- 5.3 Employees who work for the Municipality for more than 24 hours per month shall be paid for a Public Holiday falling on a normal working day.
- 5.4 Employees who ordinarily work on a Public Holiday and Sunday shall be compensated in terms of the Basic Conditions of Employment Act of 1997.
- 5.5 Employees who do not ordinarily work on a Public Holiday and Sunday shall work on these days by agreement.

**6 INTERPRETATION OF THIS REGULATIONS**

- 6.1** All words contained in this policy shall have a direct grammatical meaning unless the definition or context indicates otherwise.
- 6.2** The dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 6.3** The Office of the Manager shall give a final interpretation of this policy in case of written dispute.
- 6.4** The party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South Local Government Bargaining Council.

**7 PERMANENT/TEMPORARY WAIVER OF THESE REGULATIONS**

- 7.1** This policy may be partly or wholly waived by the Municipal Council on temporary or permanent basis.
- 7.2** This policy may be partly or wholly waived by the Municipal Council.
- 7.3** Notwithstanding clause No. 6.1 the Municipal Manager may under circumstances of emergency temporarily waive this policy subject to reporting of such waiver to Council and Local Labour Forum


**8 AMENDMENT AND/OR ABOLITION OF THESE REGULATIONS**


- 8.1** This may be partly amended or wholly amended by the Municipal Council
- 8.2** This policy may be partly or wholly abolished by the Municipal Council
- 8.3** Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 8.4** It will be the responsibility of all Managers, Supervisors, Executive Committee and Municipal Council to enforce compliance with this policy.

**9. SUSPENSION OF THESE REGULATIONS**

- 9.1** This policy may only be repealed by Municipal Council
- 9.2** This policy may only be suspended by Municipal Council

CPS/P166  
CR 884/28/05/2025

  
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