



OFFICE OF THE PREMIER WORKING TIME POLICY

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1. Introduction

Service delivery often dictates that additional hours of work should be performed. The Office in its commitment for creating a conducive working environment to efficient and effective service delivery, being sensitive to the circumstances of its employees and administration and management of overtime, shall at all times act within the framework of the Public Service Regulations 2016 as amended, collective agreements and any other statutory obligations.

2. Purpose

The purpose of this policy is to enhance productivity and promote efficiency by providing working time responsive to the employer and employee family responsibility needs, as well as to ease the work of the personnel by providing measures according to which employee can be compensated for additional duties they perform in excess of their hours at attendance.

3. Regulatory Framework and Mandates

3.1. This policy is regulated by the following:

- (a) Public Service Act, 1994 as amended
- (b) Public Service Regulation, 2016 as amended
- (c) Basic Conditions of Employment Act, 1997
- (d) Public Holiday Act, 1952
- (e) PFMA, 1999
- (f) Financial Manual
- (g) Resolution 3 of 1999
- (h) DPSA determinations and circulars
- (i) Determination and Directive on Working Time in the Public Service
- (j) Code of good practice on the arrangement of working time

4. Scope of applicability

This policy is applicable to all employees in the Office of the Premier, including contract, Internship and Work Integrated Learning programme employees. Overtime regulations are not applicable to Senior Management Service employees.

5. Definitions

(a) Overtime duty: Official duty performed by an employee:-

- (i) On a Saturday, Sunday, or a public holiday in the case of an employee who does not normally work on such a day;
- (ii) Who normally works on a Saturday, Sunday or a public holiday and is not relieved from duty on any other day; or
- (iii) Over and above the working week prescribed for him/her in terms of the Public Service Regulations 2016, as amended.

(b) Sunday: A day in the South African official calendar marked or declared as a Sunday or a day following a Saturday on the calendar.

(c) Public Holiday: A day mentioned in the second schedule of the Public Holidays Act, (Act No. 36 of 1994), in the case of an employee who does not normally work on a day. The day following the Sunday on which a public holiday fell or was to be observed.

(d) Day of rest:

- i) A Saturday, a Sunday or a public holiday in the case of employee who normally do not work on such days.
- (ii) Such other days as he/she is normally relieved from duty in the case of an employee who normally works on a Saturday, Sunday or a public holiday.

e) Night: The hours between 18h00 and 06h00

f) Awarding (days) time off: This concept implies that all of employees performing duties over and above their official hours and during weekend or on public holidays shall after consultation and approval, be entitled to claim overtime of either actual hours worked or an accrued day off for each work day on Saturday, Sunday or public holiday.

g) Senior Management Service: Employee occupying a level 13 and higher and designated as managers by the Minister.

h) Employee: An employee is any person employed in terms of the Public Service Act 1994, irrespective of rank or position.

i) Employer: The word employer is used to cover both the Individual person who may be the employer in legal terms, as well as the organisation which is responsible for implementing Public Service Human Resource Management Policies. In this case the Office of the Premier, North West Province.

- j) **Manager:** A manager is anyone whose main duties involve responsibility for the work of others. Thus, the term includes not only those who are usually referred to as Managers because they are members of the so called "management echelon" But also all first line supervisors.

6. Guiding principles

- 6.1. Only duties in excess of the prescribed hours of work authorized by the Executive Authority or delegate, may be considered for overtime compensation. Duties performed by employees during periods of leave are not considered for purposes of overtime compensation.
- 6.2. When the necessity for overtime duty arises, the Executive Authority or delegate should decide before the performance of overtime, (with due consideration of the circumstances and after consultation with the employee 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.
- 6.3. The following principles apply to various employees who may have performed overtime due to their work responsibilities:-
- 6.3.1. No employee is excluded from monetary compensation for overtime worked by virtue of the job that she/he performs. However, employees must comply with the requirements set out in this policy and applicable legislative frameworks to have monetary compensation for overtime worked authorised.
- 6.3.2. Overtime remuneration will not be paid to an employee who is required to work or be available for work during a meal interval, afternoon, weekend, evening virtual meetings.
- 6.3.3. Where no overtime remuneration is paid, the immediate supervisor shall grant time-off on full pay, equal to the number of overtime hours worked by the employee. Time-off granted for non-remunerated overtime work during Sundays due remote work virtual meetings, shall be granted at the scale of twice the overtime worked.

- 6.3.4. Time-off must be granted within three (3) weeks of an employee becoming entitled to it, on a date or time mutually agreed between the employee and his or her immediate supervisor.

7. Policy principles

7.1. General

- 7.1.1. Requests/applications for remunerated overtime must be fully motivated and all other ways and means to avoid working of overtime mentioned in this policy should be included in the motivation. The cost should also be calculated, as well as the names and estimated hours each employee may have to work. Furthermore, the manager who will supervise/manage the overtime worked must also be identified.
- 7.1.2. Requests/applications must be submitted through Human Resources Management directorate before approval by the Executive Authority or delegated authority.
- 7.1.3. The remuneration awarded in respect of overtime duty, as prescribed in accordance with PSCBC Resolution 3/99, is calculated by multiplying the total number of hours of overtime duty performed with one and one third of an employee's normal hourly remuneration.
- 7.1.4. The overtime rate, as prescribed in PSCBC Resolution 3/99 for Sundays and the night overtime between the hours 18h00 and 06h00 is two times the employee's normal hourly remuneration.

7.2. Standard working time

- 7.2.1. Official working hours are from 08h00 to 16h30, with a meal break of 45 minutes starting from 12h45 to 13h30.
- 7.2.2. All employees must be punctual in the execution of their duties.
- 7.2.3. Failure to comply with standard work and lack of punctuality (i.e late reporting, leaving early or long breaks), stringent control measures shall be invoked to enforce compliance.
- 7.2.4. If due to urgent commitments or emergencies, an employee cannot report for

duty on time, prior notice should be given to the immediate supervisor before 10h00.

- 7.2.5. Should circumstances necessitate the release of the employee from duty before official knock off time, such periods shall be taken as annual leave for part of the day, if there is an established trend and where the employee has made use of this provision on more than two occasions within one month.

7.3. Rest, meals and traveling

- 7.3.1. If an Executing Authority or delegate authorizes overtime, he/she shall ensure that:

7.3.1.1. Fair and acceptance limit on the extent of overtime:

7.3.1.2. Periods for rest and meals:-

7.3.1.2.1. For periods between 2 and 4 hours, a break of 15 minutes will be granted after 2 hours;

7.3.1.2.2. For periods between 4 and 8 hours a meal break of 45 minutes and with 15 minutes breaks will be granted;

- 7.3.2. The Driver's overtime commences when he/she collects the employee from home, as driving is his/her normal duties, until he/she drops the employee at his/her place of work, then the employee's overtime commences. The Driver's overtime will commence again when he/she collects the employee from place of work to drop him/her off at his/her home.

- 7.3.3. An employee performing overtime duty will not be compensated overtime, unless he or she performs overtime duty at a place other than his or her normal place of work, in which event, the travelling time to the alternative place of work will be regarded as remunerative overtime;

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

- 7.3.5. An employee performing overtime duty at his or her normal place of work will not be compensated for travelling time.

7.4. Control of remunerative overtime

7.4.1. Requests for remuneration of overtime can only be recommended or approved if the necessary funds are available. To ensure a continuous performance of overtime and making provision for emergencies owing to circumstances beyond control and service delivery needs, overtime remuneration and approval granted will be valid for a period of twelve (12) months.

7.4.2. It is also the responsibility of the immediate supervisor to ensure that:

7.4.2.1. There is adequate supervision and control during the performance of remunerative overtime duty;

7.4.2.2. The remunerative overtime duty is not authorized for less busy periods, when the workload does not warrant it;

7.4.2.3. The records of all overtime duty are kept;

7.4.2.4. An attendance register is kept and that,

7.4.2.5. Employees are not subjected to overtime duty to such an extent that the quantity and quality of the work performed during normal working hours is adversely affected.

7.5. The extent and periods of overtime duty

7.5.1. An employee may not be required or be permitted to work more than:

7.5.1.1. Three (3) hours overtime in one normal week day; or

7.5.1.2. Ten (10) hours overtime in one week.

7.6. General measures

7.6.1. An executive authority shall compensate an employee, other than a member of the SMS, for overtime work if funds are available within the budget of the department.

7.6.2. Overtime should, as far as possible, be arranged in such a manner that the commencement and conclusion coincide with the time during which the public transport normally used by the relevant employee, is available.

- 7.6.3. The Director-General may consider providing transport assistance to employees who are required to perform overtime duty in circumstances where no public transport is available or where the utilization thereof presents safety concerns and risks to employees.
- 7.6.4. Overtime duty is reserved for the performance of essential projects/functions only i.e. those that cannot be postponed without serious consequences.
- 7.6.5. Applications must be made and authorised in advance and approval granted in this regard is valid only for twelve (12) months aligned to a financial year.
- 7.6.6. Approved overtime cannot be carried over into a new financial year. A new application is required in such instances.
- 7.6.7. Claims for remunerated overtime duty will be rejected if the period of overtime duty claimed falls outside the start and end date.
- 7.6.8. Claims for remunerated overtime duty will be rejected if the amount that has been authorized is exceeded.
- 7.6.9. An employee who is on leave of absence for a period which continues to Monday over the weekend will not be eligible to perform overtime duty. There is no provision that prohibits an employee performing overtime over the weekend if they were on leave until Friday. But it should be kept in mind that if leave continues to Monday the employee is on leave over the weekend, therefore cannot work overtime.

8. Night shift duty and allowance

- 8.1. The Office shall compensate an employee for the inconvenience of working a night shift.
- 8.2. The employer shall pay the allowance to an employee who works a regular night shift at directorate that provides a service for over eight hours a day, and between 19h00 and 07h00.
- 8.3. The employer shall not pay the allowance to an employee who works at night, but not in a regular shift.
- 8.4. The amount of night shift allowance will be revised annually and based upon the CPI for the previous year.
- 8.5. The night shift allowance will be paid to the eligible employees in line with the employee's stipulated monthly pay date.

- 8.6. The night shift allowance will not be paid to an employee who has been granted leave of absence.
- 8.7. Requests/applications must be submitted through Human Resources Management directorate before approval by the Executive Authority or delegated authority.
- 8.8. Applications must be made and authorised in advance and approval granted in this regard is valid only for twelve (12) months aligned to a financial year.

9. Standby duty and allowance

- 9.1. The Office shall compensate an employee standby allowance if he or she is required to be available for the performance of duty outside of her or his normal working hours:
 - 9.1.1. at a place other than the employee's normal place of work, and
 - 9.1.2. for a period of at least 16 hours during a 24-hour period
 - (a) from the normal closing time of the employee's place of work, or
 - (b) on a day on which the employee would not normally work.
- 9.2. The standby allowance will be revised annually and based upon the CPI for the previous year.
- 9.3. The standby allowance shall not affect or be affected by a payment for overtime due to the employee.
- 9.4. Requests/applications must be submitted through Human Resources Management directorate before approval by the Executive Authority or delegated authority.
- 9.5. Applications must be made and authorised in advance and approval granted in this regard is valid only for twelve (12) months aligned to a financial year.

10. List of annexures

Overtime Allowance Form

11. Roles and responsibilities

11.1. Employees

Employees must ensure that remunerated overtime, night shift and standby are utilised responsibly and with due regard for the service delivery programme of the Office.

11.2. Managers

Managers will ensure that fair and equitable administration of remunerated overtime, night shift and standby. Accurate and up-to-date records of employees' remunerated allowances will be maintained and made available for audit purposes when required.

11.3. Human Resource Management

The Human Resource component will evaluate requests for remunerated overtime, night shift and standby in an equitable and non-prejudicial manner.

11.4. The Director General

The Director General or delegate shall be responsible for monitoring and evaluating compliance and adherence to this policy and any amendments hereto.

12. Policy monitoring and review

The Director: Human Resources Management shall monitor the implementation of this policy and review it once every five years and/ or as the need arise.

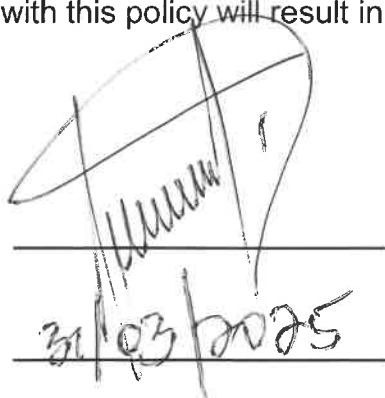
13. Compliance

The Auditor-General and Internal Audit shall determine through regular audits compliance to this policy. Failure to comply with this policy will result in disciplinary action.

14. Approval

Director-General :

Date of approval :



The signature is a stylized, cursive script. Below it, the date '31/03/2025' is handwritten in a similar style. Both are positioned over a horizontal line.