

SECTION HR 04

AM AHLATHI
MUNICIPALITY

WORKING HOURS,

OVERTIME

AND

ATTENDANCE
RECORDS

SECTION HR 04

WORKING HOURS, OVERTIME & ATTENDANCE RECORDS

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WORKING HOURS, OVERTIME & ATTENDANCE RECORDS

1. Introduction

This chapter deals with the regulation of working hours, overtime and a suitable control policy, as well as a Municipality's legal obligations concerning the keeping of attendance records. These matters will be dealt with in three sections.

2. Working Hours

The regulation of an employer's working time is set out in Chapter 2 of the Basic Conditions of Employment Act, 1997. It is important to note that this chapter does not apply to Senior Managerial Employees, whose working hours should be set out in their Conditions of Service.

2.1 Code of Good Practice on the Arrangement of Working Time

This code was promulgated in November 1998 and its objective is to provide information and guidelines to employers and employees concerning the arrangement of working time and the impact of working time on the health, safety and family responsibilities of employees.

It is important to note that the code sets out guidelines only and its implementation is not mandatory. It is of particular significance to employees who perform shift work or regular night work.

The code gives guidelines on the design and evaluation of shift systems, the arrangements of shift, the design of shift rosters, health assessment, counselling and safety issues, etc.

2.2 Ordinary Hours of Work

A maximum of forty (40) hours per week ordinary time is permitted in terms of the Restructured Uniform Conditions of Service. Employees may only work eight (8) hours per day for employees who work five (5) days a week or less. For employees who work more than five (5) days a week, a maximum of eight (8) hours per day ordinary time may be worked. This arrangement excludes Senior Managerial employees as defined by the Organisational rights Agreement employees working less than 24 hours per month, security, traffic, fire and emergency services.

Any time worked in excess of these hours is regarded as overtime and employees must be paid accordingly.

It is essential that the working hours applicable to the various types of employee are set out in the Conditions of Service. This information must also be provided to the employees in their Letter of Appointment.

3. Overtime: Policy and Control

It is suggested that the Overtime as set out in Annexure A be used as a basis for drafting suitable overtime policy for a Municipality. The policy would then be included in the conditions of service for the Municipality.

3.1 Limitations on Overtime

An employer may not require or permit an employee to work more than three (3) hours overtime per day or ten (10) hours overtime per week, except in accordance with an agreement. The agreement may not extend the overtime to more than twelve (12) hours per day or fifteen (15) hours per week and this agreement may not apply for more than two (2) months in any period of twelve (12) months.

3.2 Payment and Time Off

Employees must be paid 1.5 times their normal wage or an employee may agree to receive paid time off in lieu of overtime.

3.3 Compressed Working Week

An agreement may be reached to permit an employee to work up to twelve (12) hours in a day without receiving overtime, provided the agreement does not require the employee to work more than forty-five (45) ordinary hours, or ten (10) hours overtime per week.

3.4 Averaging of Hours of Work

An agreement may permit an employee to have his hours or work averaged over a period of up to four (4) months provided he may not work an average of forty-five (45) ordinary hours in a week or five (5) hours overtime during this period.

3.5 Meal Intervals

Employees must have an interval of sixty (60) minutes after five (5) hours but by agreement may reduce the meal interval to forty-five (45) minutes or dispense with the meal interval if fewer than six (6) hours is worked on a day.

3.6 Daily and Weekly Rest Period

An employee must have a daily rest period of twelve (12) consecutive hours and a weekly rest period of thirty-six (36) consecutive hours, which, unless otherwise agreed, must include Sunday.

3.7 Sunday Work

An employee who occasionally works on a Sunday must receive double pay and an employee who ordinarily works on a Sunday must be paid at 1.5 times his normal pay. Employees may agree to receive paid time off in lieu of time worked on a Sunday.

3.8 Night Work

Employees who work at night between 18h00 and 06h00 must be compensated by payment of an allowance or by a reduction of working hours and transport must be available.

Employees who work regular shift after 23h00 and before 06h00 must be informed of any health and safety hazards and of the rights to undergo a medical examination.

3.9 Public Holidays

Employees must be paid for any public holiday that falls on a working day. Work on a public holiday is paid at double the normal rate. Public holidays may be exchangeable by agreement between employers and employees.

4. Attendance Records

The regulations promulgated in terms of the Basic Conditions of Employment Act, 1997, require an employer to keep an attendance register on the attached BCEA 3 form (Annexure B), or on a form containing the information set out on said form.

In terms of Section 31 of the Basic Conditions of Employment Act, an employer must keep, for a period of at least three (3) years, a record containing the following information:

- 4.1 The employee's name and occupation
- 4.2 The time worked by each employee
- 4.3 The remuneration paid to each employee
- 4.4 The date of birth of any employee under 18 years of age
- 4.5 Any other prescribed information

An employer who keeps a record in terms of this section is not required to keep any other record of time worked and remuneration paid.

A Municipality's working hours are regulated by keeping an attendance register (Annexure B) which the employee is required to sign at the time of arrival and at departure from the work place everyday.

The attendance register should be checked daily, by no later than fifteen (15) minutes after the commencement time, by an appointed senior employee. Any employee caught signing on behalf of another employee must be disciplined.

This system enables employers to keep track of their staff's time keeping and also enables them to comply with the provisions of the Basic Conditions of Employment Act.

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ANNUXURE A

OVERTIME POLICY

1. Introduction

The purpose of this policy is to ensure that the Municipality has control over the amounts of overtime worked, that no unnecessary overtime is worked and that the municipal estimates for overtime are not exceeded. A further purpose is to ensure that the correct amounts are paid for overtime worked and that the provisions of the Basic Conditions of Employment Act are adhered to.

2. Definition

Overtime is that portion of any period that an employee works for the Municipality during a working week or on a working day, as the case may be, which exceeds the working hours as agreed by the Municipality and its employees from time to time; provided that it shall include any period worked by an employee on a Sunday or Public Holiday or during his free period of twenty-four (24) hours unless such Sunday or Public Holiday is a normal working day for such employees.

3. Control Policy

- 3.1 The Municipality may require any employee to work overtime.
- 3.2 Overtime rates will be calculated on basic rate of pay, excluding all allowances.
- 3.3 Overtime, except in the case of emergencies, must be approved by the relevant Head of Department concerned prior to such overtime being worked.
- 3.4 In the case of emergency work, the head of Department must be informed of the overtime worked as soon as possible thereafter.
- 3.5 Heads of Department must maintain daily records of all overtime worked and submit a monthly report to Council on the duration and cost of overtime, the report should include information on how

much of the overtime budget has already been spent for that financial year.

- 3.6 Employees receiving an acting allowance will not qualify for overtime payment but will be allowed to take time off in lieu of overtime worked provided these employees are not compelled to be paid in terms of the Basic Conditions of Employment Act, 1997.
- 3.7 Overtime payments will be made in accordance with the provisions of the Basic Conditions of Employment Act, 1997 for all employees who are subject to the provisions of this Act.
- 3.8 All Heads of Department will keep strict control over overtime worked and in no cases will the contravention of the Basic Conditions of Employment Act, 1997 be tolerated.
- 3.9 Any Head of Department, who exceeds the amount budgeted for in the annual estimated for overtime, will be required to submit a report to the Council at the end of the financial year explaining reasons why excessive overtime has been worked in his department.

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ANNEXURE B
ATTENDANCE REGISTER

Note - Employees must make entries only in the section of the register reserved for their use

Name of Employee: _____

Employee No.: _____

ENTRIES TO BE MADE BY THE EMPLOYEE OR IF EMPLOYEE UNABLE, THE EMPLOYER

Year _____ Month _____		Signature	Starting Time	Meal Intervals		Finishing Time	Total Number of Hours Worked		Overtime Worked			Sundays Worked			Public Holidays Worked			Remarks
Date	Day of Wk			Off	On		Each Day	Each Wk	From	To	Total Hrs	From	To	Total Hrs	From	To	Total Hrs	
TOTAL NUMBER OF HOURS WORKED																		

Recommendation by Supervisor

Approval by HOD