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<th>Policy Number</th>
<th>DHET-0007</th>
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<tr>
<td>Version</td>
<td>02</td>
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<tr>
<td>Revision</td>
<td>01</td>
</tr>
<tr>
<td>Author</td>
<td>Human Resource Management and Administration</td>
</tr>
<tr>
<td>Date Approved</td>
<td>07/09/2015</td>
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<td>Effective Date</td>
<td>9/3/P</td>
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<td>Reference Number</td>
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<td>SUBJECT</td>
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Glossary

In this policy, unless the context otherwise indicates, an expression defined in the Public service Act, 1994, bears the same meaning as –

<table>
<thead>
<tr>
<th>Terms</th>
<th>Definitions</th>
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<tbody>
<tr>
<td>Basic Salary</td>
<td>Notch on which overtime is paid. Officials under salary level 8 are paid according to their actual notch whereas officials earning above the minimum notch of salary level 8 are paid on the minimum notch of salary level 8.</td>
</tr>
<tr>
<td>BCEA</td>
<td>Means the Basic Conditions of Employment Act, 1998 as amended</td>
</tr>
<tr>
<td>Day</td>
<td>Means a period of 24 hours measured from the time when the employee normally commences work, and daily has a corresponding meaning</td>
</tr>
<tr>
<td>Day of Rest</td>
<td>Means a Sunday or a public holiday in the case of an official who normally does not work on such a day or such day he/she is normally relieved from duty in lieu thereof in the case of an official who normally works on a Sunday or public holiday or a Saturday in the case of an official who observes a full-scale five-day working week.</td>
</tr>
<tr>
<td>Night</td>
<td>Means the hours between 20:00 and 6:00</td>
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<tr>
<td>Normal working hours</td>
<td>Normal working hours as stipulated in individual employment contracts</td>
</tr>
<tr>
<td>Overtime</td>
<td>Means work in excess of the hours of work per day/week of month that an employee is contracted to perform.</td>
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<tr>
<td>Overtime Duty</td>
<td>Means additional duty performed by an employee in excess of prescribed hours of attendance approved by the head of department or delegate (read in conjunction with days of rest, above)</td>
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<tr>
<td>Public holiday</td>
<td>Any day that is a public holiday in terms of the Public Holiday Act 1994</td>
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<tr>
<td>PSCBC</td>
<td>Public Service Co-ordinating Bargaining Council</td>
</tr>
<tr>
<td>Remunerated Overtime</td>
<td>Means compensated additional duty which an employee performs in specific circumstances in excess if his/her prescribed hours of attendance by order or permission of the head of department</td>
</tr>
<tr>
<td>Senior Management Service (SMS)</td>
<td>Senior managers appointed on salary level 13 and upwards.</td>
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<tr>
<td>--------------------------------</td>
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</tr>
<tr>
<td>Sunday Time</td>
<td>Work performed on a Sunday, public holiday or on any other day from 20:00 until 06:00.</td>
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<tr>
<td>Unpaid Overtime Duty/Emergency Overtime</td>
<td>Additional duty which an employee performs in urgent or specific circumstances in excess of his/her hours of attendance by order of the Head of Department or delegate. An employee will be given time off in lieu of overtime payment.</td>
</tr>
<tr>
<td>Waiting Time</td>
<td>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 overtime.</td>
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<tr>
<td>Week</td>
<td>The period of seven days within which the working week of the employee ordinarily falls.</td>
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<tr>
<td>Working Week</td>
<td>The official period of service which an official is required to complete in respect of a period which extends from midnight between a Saturday and Sunday to midnight between the following Saturday and Sunday</td>
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</table>
1. POLICY STATEMENT

The establishment of the Department of Higher Education and Training brought new challenges to the education landscape of the country and republic. As a result of the huge demands for service delivery it will unfortunately be required from the workforce to work extended hours from time to time in order for the Department to achieve its mandate as outlined in the strategic plan. With the Department's commitment to service delivery and employees being expected to comply with set standards whilst performing overtime this policy needs to be fair to both the employees and the employer and be adhered to strictly. The misuse of the approval for remunerative overtime and subsequent enriching of officials will not be tolerated.

2. LEGISLATIVE FRAMEWORK

2.1 Public Service Act, 1994 as amended
2.2 Public Service Regulations, 2001 as amended
2.3 Public Finance Management Act, 1999
2.4 Public Service Regulations, 2001 as amended
2.5 Labour Relations Act, 1995 as amended
2.6 Basic Conditions of Employment Act, 1997
2.7 DPSA Directives
2.8 PSCBC Resolution 3 of 1999
2.9 PSCBC Resolution 1 of 2007
2.10 Public Holiday Act 36 of 1994

3. AIM AND OBJECTIVE

3.1 The objective of remunerated overtime duty is to compensate employees for additional duties, which they perform in specific circumstances in excess of their prescribed working hours and by order of the Director-General or his/her delegate.

3.2 The aim of the policy is to inform employees of:

(a) Circumstances under which a request for remunerative overtime is acceptable
(b) Route which needs to be followed for approval and authorisation
(c) Calculation of remunerative overtime
(d) Control of remunerative overtime
(e) Regulations on the performance of overtime duty and the conditions under which unpaid overtime should be performed and compensated.

4. AUTHORISATION
(a) This authority is delegated to the line function of Chief Director: Human Resource Management, Development and Labour Relations on the recommendation of the Director who is responsible for the section of the section needing to perform remunerative overtime duty.

(b) The Public Service Regulations stipulate that no overtime will be approved if an overtime policy is not in place.

(c) The Basic Conditions of Employment Act, No. 74 of 1997 states that the Department may not require or permit an employee to work overtime except in accordance with an agreement.

5. SCOPE OF APPLICATION

(a) Only duties in excess of the prescribed hours of attendance recommend by the Director-General may be considered for overtime remuneration.

(b) Duties performed by an employee during a period of leave are not considered for the payment of overtime remuneration.

(c) This policy does not apply to employees who perform duties in respect of rates other than those prescribed in this policy are payable, e.g. shift workers.

(d) SMS members cannot claim for overtime and therefore also any other official acting in a SMS position may not claim for overtime.

(e) The Director-General may compensate an employee for overtime duty if the employee does not belong to the SMS but in exceptional cases will compensate a member of the SMS for overtime if:

(i) the compensation for overtime constitutes 1% or less of the salary bill on the relevant salary level; and

(ii) the Department has established clear and unambiguous procedures and criteria on overtime which have been consulted with the relevant personnel.

(f) A member of the SMS shall recommend overtime for his/her directorate.

(g) When considering overtime duty, the Director who is responsible for the section of the section needing to perform remunerative overtime duty should also take into account the following:

(i) The circumstances which necessitated the performance of overtime duty.

(ii) The steps which were taken to prevent the performance of overtime, for example the redistribution of duties among available staff, reallocation of staff, temporary utilisation of staff in other divisions, etc.
(iii) The task in respect of which the remunerated overtime duty is requested.

(iv) The work in the division, sub-division or office in general.

(h) When the performance of overtime duty is aimed at the completion of work that has fallen in arrears, the circumstances should be investigated.

(i) Whether funds are available on the directorate’s budget for overtime remuneration.

(j) The monthly compensation for overtime must constitute less than 30% of the employee’s monthly salary which is not above the minimum of SL 8. This excludes security staff who often have to work extended hours due to unforeseen circumstances on short notice and therefore exceed the 30%.

(k) The driver to the Minister/Deputy Minister, who is in a role playing post, may only claim for overtime remuneration for overtime duty (normal and Sunday time jointly) in excess of 107 hours per month.

(l) Officials who are paid a sessional allowance do not qualify for overtime remuneration.

Also refer to the General section at the end of this Policy

6. REST, MEAL BREAKS AND TRAVEL

(a) If a senior manager or his/her delegate recommends overtime he/she shall ensure:

(i) fair and acceptable limits on the extent of overtime;

(ii) periods for rest and meals; and

(iii) as far as possible, that employees travel to and from work at a time when public transport is available.

(b) In order to perform recommend overtime an employee may travel from home to his/her work or from the normal work place to home at a time when he/she usually would not travel. In this case:

(i) If the employee was not on an recommend standby duty;

(a) the journey counts as an official journey, but;

(b) the time spent on the journey does not count as overtime work; and
(c) if the employee was on recommend standby duty, the time spent on the journey counts as overtime;

(d) If, in order to perform recommend 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 work.

(e) If the employee is a sessional or shift worker/security staff or INDLELELA Staff that is expected to work in some circumstances only on a Sunday.

7. NORMAL OVERTIME

(a) The Department shall provide compensation for normal overtime when the relevant Director,

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

(ii) has not required Sunday work as defined in paragraph 8, or night overtime as defined in paragraph 9.

(b) The Department will compensate recommend normal overtime by:

(i) paying the employee concerned one and one third times his/her normal hourly remuneration, or

(ii) granting the employee time off equal to one hour for each hour of overtime worked.

8. SUNDAY OVERTIME

(a) The Department will provide compensation for Sunday work when the relevant Director has required an employee in writing, to work paid overtime:

(i) on a Sunday or other public holiday, if the employee does not normally work on such a day, or

(ii) on a day the employee normally has to compensate for work on a Sunday or other public holiday.

(b) The Department will compensate recommend Sunday work by:

(i) paying the employee concerned two times his/her normal hourly remuneration or,

(ii) granting time off equal to the time worked.
9. NIGHT OVERTIME

(a) The Department will provide compensation for night overtime when,

(i) the relevant Director has requested an employee, in writing to perform paid overtime between 20:00 and 6:00, and
(ii) the employee does not normally work at night.

(b) The Department will compensate night overtime by,

(i) paying the employee concerned two times his/her normal hourly remuneration, or
(ii) granting employee time off equal to the time worked.

10. CONTROL OF REMUNERATED OVERTIME

(a) It is the duty of the Director who is responsible for the section needing to perform remunerative overtime to see to it that:

(i) There are adequate supervision and control measures at all times during the performance of remunerated overtime duty;
(ii) approval for overtime is requested in time, no ex-post facto approval will be considered;
(iii) remunerated overtime duty is not recommend for trifling periods;
(iv) overtime remuneration is efficient and/or cost-effective;
(v) a record of all overtime duty is kept;
(vi) an attendance register is kept;
(vii) weekly report should be kept on the status of the work performed during overtime;
(viii) the hours approved are for the period indicated on the approval. Should there be hours remaining after the expiry of the overtime period, it shall lapse and a new application must be requested; and
(ix) 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) In order to improve control, the Director who is responsible for the section needing to perform remunerative overtime duty may consider determining
determining beforehand the number of hours overtime duty to be performed each day and setting production targets and/or aims as criteria.

(c) Also refer to the General section at the end of the Policy

11. CALCULATION OF OVERTIME REMUNERATION

(a) 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.

(b) 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 adjustment to his or her salary should be rectified. Refer to basic salary in the Glossary.

(c) An employee performing overtime duty is not compensated for travelling time. Overtime duty should be arranged, as far as possible, in such a manner that the commencement and conclusion thereof coincide with the time during which public transport is available.

(d) If employee performs compulsory overtime duty at a place other than his or her normal place of work, the travelling time between the two places may be regarded as overtime duty.

(e) If an employee performs more than 8 hours of overtime duty on Saturday, the first 8 hours will be remunerated against the normal overtime tariff and hours in excess of the first 8 hours against the Sunday tariff.

(f) An employee must perform overtime duty the foregoing Saturday to qualify for Sunday tariff remuneration for the following Sunday. An officer may not perform overtime duty on a Sunday only to be remunerated against the Sunday tariff. If an officer did not perform overtime duty on the direct foregoing Saturday, but only on the Sunday, the first 8 hours of the Sunday period will be remunerated against the normal overtime tariff and hours in excess of the first 8 hours, against the Sunday tariff.

(g) Overtime duty performed on a Sunday (if overtime duty was performed on the foregoing Saturday) and on a public holiday will be remunerated against the Sunday tariff, irrespective of the total number of hours of overtime duty performed. Overtime duty that is performed on a normal public holiday will be remunerated against the normal overtime tariff for the first 8 hours in excess of the first 8 hours against the Sunday tariff.

(h) It is the employer’s prerogative to allow for 10 minutes tea break at the end of the official working day before overtime duty starts.
(l) Overtime performed on a Sunday by employees from Indlela, which includes tasks that cannot be performed on the foregoing Saturday i.e admission, transport or cooking for new intakes shall be remunerated on a Sunday tariff.

(j) If an employee performs overtime duty from 16h00 to 20h00, the employee is entitled to take a meal break of 20 minutes.

(k) Minister for the Public Service and Administration determines rates for overtime compensation through the collective bargaining process.

12. OVERTIME RATES

(a) For overtime duty performed on Sundays (if overtime duty was performed on the foregoing Saturday) and public holiday hours in excess of the first 8 hours overtime duty performed on a Saturday and public holiday or during the night, that is, between 20h00 and 06h00, the overtime rate is:

\[ C \times 2 \times T \]

Where-

C is equal to the number of overtime hours worked

T is calculated as follows:

\[ T = \frac{A \times 7 + B}{365} \]

Where-

A is equal to the basic salary of the employee (refer to Glossary)

B is equal to the weekly number of hours of attendance prescribed for the employee

C is equal to the number of overtime hours worked.

(b) Overtime duty performed at a time other than that mentioned in (a) above, the rate is:

\[ C \times (1.5) \text{ or } \frac{3 \times T}{2} \]

(c) \[ T = \frac{A \times 7 + B}{365} \]

Where-

A is equal to the basic salary of the employee (refer to Glossary)
B is equal to the weekly number of hours of attendance prescribed for the employee

C is equal to the number of overtime hours worked

13. **EXTENT AND PERIODS OF OVERTIME DUTY**

(a) For the sake of fair labour practices, the Department should, as a rule take fair and acceptable steps in connection with the extent and periods during which overtime duty is performed, including stipulating, for example, times of rest and meal breaks.

(b) It may not be expected of an employee to work more than 3 hours overtime per day or 10 hours per week/ 40 hour per month.

(c) By arrangement staff in security services can be expected to work 12 hours a day, including meal periods, without receiving overtime. Employees may not work more than 45 hours per month or more than 10 hours of overtime per week.

14. **SHIFT WORKERS**

(a) If an employee is required to work an ordinary shift on a Sunday in terms of the shift roster, the employee must be paid 1.5 x of his/her basic salary.

The formula for this additional pay is:

\[(A + 2 \times B) \div 365\]

Where-

\(A\) is equal to the basic salary notch per annum of the employee concerned

\(B\) is equal to the number of Sundays the employee ordinarily works in a month

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.

(b) 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 2x his/her basic salary.

The formula for this additional pay is:

\[(A + 1 \times B) \div 365\]

Where-
A is equal to the basic salary notch per annum of the employee concerned

B is equal to the number of Public holidays the employee ordinarily worked in a month

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.

(c) Night work in the Public Service shall be deemed to be work performed between 18:00 and 06:00 or 19:00 to 07:00 of the next day.

15. GENERAL

(a) It is the responsibility of the section needing to perform remunerated overtime duty to obtain approval for overtime duty from the Chief Director: Human Resource Management, Development and Labour Relations.

(b) Approval may only be granted in the same financial year, e.g. 1 April to 31 March, if such a long period is required. A new request must be submitted for approval in a new financial year.

(c) The following must be included in the request for approval of overtime remuneration:

(i) The circumstances and tasks that necessitate the performance of overtime duty.

(ii) The names, salary numbers and ranks of the employees who intend to work remunerated overtime duty.

(iii) The period (commencement and conclusion) when overtime duty will be performed.

(iv) The total number of hours that will be worked.

(v) The number of hours each employee will be working. It is important to adhere to the measures regarding overtime hours contained in the BCEA which stipulates that employees may not work overtime for more than 3 hours per day or 10 hours per week.

(vi) The financial implication of the planned overtime duty.

(d) It is the supervisor’s responsibility to ensure that an attendance register is kept and strictly adhered to and that there will be adequate supervision at all times.

(e) Funds must be available in the directorate’s budget. As overtime is also part of compensation of employees funding should therefore be confirmed by the Chief Financial Officer or his/her delegate.
(f) The claims for remuneration, along with a copy of the register, must be submitted to the Salary Section on a normal basis after approval has been obtained by the Director who is responsible for the section needing to perform remunerative overtime. The employee will be paid through the PERSAL System.

16. POLICY REVIEW

This policy shall be reviewed after 24 months or as directed by change in legislation and DPSA determinations.

17. DISPUTE RESOLUTION

If any issue arising out of this policy cannot be resolved, the grievance procedure may be followed or the issue may be referred to the GPSSBC for dispute resolution as provided for in the GPSSBC Constitution and the Labour Relations Act.

18. APPROVAL

Signed at Pretoria on this day 07 October 2015

Mr QF Qonde  
Director-General: Higher Education and Training
# Claim for Payment: Overtime

**Department of Education**

**Claim for Payment: Overtime**

**Page 1**

Claim for payment: Prof/Dr/Mr/Ms ____________________ Month: ____________ 201__

Division: ____________________ Paypoint: ______________

Authorisation number: ____________________ Dated: ______________

PERSAL NUMBER: ____________________ Salary Notch: ______________

Rank: ____________________ Objective: ____________________ Item: ____________________

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<th>Date</th>
<th>Overtime duty</th>
<th>Number of hours</th>
<th>Concise description of duty performed</th>
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<tbody>
<tr>
<td></td>
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Sub total page 1

Sub total page 2

Grand total: Ordinary hours

Grand total: Sunday time

\[
\begin{align*}
X \text{ tariff} & = R \\
X \text{ tariff} & = R \\
\text{Amount claimed} & = R __________
\end{align*}
\]

Claimed by: ____________________ SIGNATURE Date: ____________________

Checked by: ____________________ Rank: ____________________ Date: ____________________

PAYMENT AUTHORISED

I am satisfied that the overtime duties as performed, were necessary.

Date: ____________________ Head of Division: ____________________
<table>
<thead>
<tr>
<th>Date</th>
<th>Overtime duty</th>
<th>Number of hours</th>
<th>Concise description of duty performed</th>
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<tbody>
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