

**BREEDE VALLEY MUNICIPALITY**

**STANDBY ALLOWANCE**

**APRIL 2010**

# **STANDBY ALLOWANCE**

## **1. OBJECTIVE OF POLICY**

The objective of this policy is to supplement the Breede Valley's Conditions of Service by providing additional guidelines for the administration and management of standby allowance.

## **2. POLICY**

A standby allowance will be payable to operational employees calculated as per Basic condition of services as may be determined from time to time.

## **3. DEFINITION**

Standby is the written instruction to an employee (who can be relied on when needed) to be on standby, because of the possibility that there might be unplanned and unpredictable or emergency work to be undertaken outside normal working hours.

Standby allowance is payment as a result of having worked standby and requested to as such.

Emergency work refers to work that must be done without delay because of circumstances for which the employer could not reasonably have been expected to make provision and which cannot not be performed by employees during their ordinary hours of work. Emergency work excludes the performance routine maintenance work outside normal working hours.

## **4. SCOPE AND APPLICATION**

4.1. Where the Council requires an employee to be available for the performance of duty outside his normal working hours, the employee shall be entitled to a standby allowance.

4.2. The standby allowance shall only be payable on the following conditions:

- a. When the employee is required to be available for duty for a period of at least 8 hours during a 24 hour period (based on a 40 hour working week) after normal working hours, for a maximum of one week (7days) at a time.
- b. An employee cannot be required to be on standby duty for more than 2 weeks per month.

- 4.3. The standby allowance shall not affect or be affected by any remuneration for Overtime worked by the employee during the period of standby duty.

## **5. GENERAL**

- a. Standby duty is subject to the provisions of the Collective Agreement on the Conditions of Service, and the provisions of this policy. In case of conflict between this policy and the provisions of the Collective Agreement on the Conditions of Service, the provisions of the Collective Agreement will prevail.
- b. Standby duty is subject to prior written approval by a competent authority and no standby may be worked without such written approval being obtained. The competent authority may give verbal approval to the working of such standby provided such approval is followed-up with a written confirmation
- c. Competent Authority can only be from officials with delegated authority.
- d. Standby only commences after completion of an employee's ordinary daily working hours.
- e. Standby can only be claimed for actual hours worked and include travelling time.
- f. Standby will strictly be for unplanned, unknown, unforeseen and emergency work and would be approved only for certain categories of employees agreed upon by the specific Directorate as employees authorized to be working standby.
- g. Directorates to send the list to the salaries subsection within finance and as well as to the Human resources subsection within corporate services. The list can only be updated by the specific Director in that directorate.

## **6. EXCLUSIONS**

- a. The following personnel are excluded in terms of this policy and cannot work standby except approval has been granted under conditions to be considered and approved by the Accounting Officer.  
Employees employed from post level 0 to 6
  - b. Employees whose job function is not classified as essential services, except where prior approval has been obtain from the directorate.
7. In exceptional cases the Accounting Officer (Municipal Manager) may consider to approve standby allowance base on the principle of unavailability

# BREEDE VALLEY MUNICIPALITY

## OVERTIME POLICY

APRIL 2010

## 1. OBJECTIVE:

The objective of this policy is to supplement the Breede Valley Municipality's Collective Agreement on Conditions of Service by providing additional guidelines for the administration and Management of overtime.

## 2. DEFINITION

- a. **Overtime** as defined in the Basic Conditions of Employment Act (BCEA) and the Breede Valley Municipality's Conditions of Service.
- b. **Emergency work** refers to work that must be done without delay because of circumstances for which the employer could not reasonably have been expected to make provision and which cannot not be performed by employees during their ordinary hours of work. Emergency work excludes the performance routine maintenance work outside normal working hours.
- c. **Unstructured overtime** is programmed/planned overtime over which the employer has control and for which prior approval is required [ E.g. the performance of routine maintenance work outside normal working hours as well as Council, Committee and official meetings of which minutes have been kept] that continues or takes place after normal working hours;
- d. **Structured overtime** is where payment is compulsory in terms of the BCEA due to Sundays and Public Holidays. Structured overtime is exclusively for shift workers.
- e. **Shift worker** is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

## 3. SCOPE AND APPLICATION

- a. Senior managerial employees and managerial, as defined in the Basic Conditions of Employment Act, including any employee occupying a position level 0 to 6 do not qualify for any overtime payment, but are entitled to time off.
- b. Employees earning more than the overtime earnings threshold provided for in the Basic Conditions of Employment Act but occupy a position level 7 to 19(or equivalent grades), may be remunerated for overtime worked or may be provided time off in lieu of payment for overtime, subject to the provisions of this policy. The approving authority and the employee involved to agree beforehand in writing on payment or time off for overtime work.

- c. Employees on earning less than the threshold will be fully remunerated for overtime worked.

#### **4. SPECIAL CONDITIONS**

- a. Overtime work is subject to the provisions of the Basic Conditions of Employment Act, 1997, the Breede Valley Municipality's Conditions of Service and the provisions of this policy. In case of conflict between this policy and the provisions of the Basic Conditions of Employment Act, the provisions of the Act will prevail.
- b. Overtime work is subject to prior written approval by a competent authority and no overtime may be worked without such written approval being obtained, except in cases of work related to emergency situations where work has to be done without delay owing to circumstances for which the employer could not reasonably have expected to make provision for and which cannot be performed by employees during their ordinary hours of work. For emergency overtime the competent authority may give verbal approval to the working of such overtime provided such approval is followed-up with a written confirmation. Written standing approval may be granted where justified by operational requirements.
- c. Only officials with delegated authority may approve overtime work and overtime payment.
- d. Overtime only commences after completion of an employee's ordinary weekly working hours. Approved/ Overtime will be regarded as part of the completed ordinary working hours and not as short time.
- e. Overtime can only be claimed for actual hours worked and exclude travelling time except for standby staff. Overtime for the latter starts from the time of call out.
- f. No overtime will be paid for attendance of functions/prize giving, etc. by personal invitation except in cases of compulsory attendance as official representative of Council provided that such employee qualifies for overtime in terms this policy and provided further that such overtime is authorized in advance by the Executive Director.
- g. Council will provide an employee with a meal limited to an amount as determined by the Breede Valley Municipality Manager [his nominee] when an employee is expected to work overtime during an emergency situation and when such emergency overtime work continues for more than four hours after the employee's ordinary working hours.
- h. Where overtime in emergency situations cause an employee to work past midnight on a day, the employee will be entitled to a break of at least 8 hours before the employee is required to report for normal duty, without negatively impacting on his salary.

- i. Should an employee who is appointed on a part-time or 5/8<sup>th</sup> basis be required (and agree) to work overtime, payment or time off in lieu of payment would only be effected at overtime rates after 8 hours worked on that specific day. The hours worked in excess of such an employee's ordinary daily working days will be paid at straight time up to 8 hours and only thereafter at overtime rates.

## **5. TIME OFF IN-LIEU OF OVERTIME**

- a. Time off in lieu of payment for overtime shall be granted only for unstructured and approved overtime;
- b. Application for time off in lieu of payment for overtime worked shall be made on a prescribed application form;
- c. Time off in lieu of payment for overtime worked cannot be encashed except on termination of services.
- d. Time off in lieu of payment for overtime worked must be taken within 6 months from date of accrual. Time off not taken within 6 months will be forfeited. This 6 months period may, for operational reasons, be extended to a maximum of 12 months by the Breede Valley Municipality Manager on good motivational grounds by the responsible Manager.

## **6. OVERTIME WORK ON PUBLIC HOLIDAYS**

- a. Payment or time off in lieu of payment to eligible employees for work on Public Holidays will be dealt with in terms of the Basic Conditions of Employment Act.

## **7. OVERTIME WORK ON SUNDAYS**

- a. Payment or time off in lieu of payment to eligible employees for work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act.

## **8. ADMINISTRATIVE MEASURES FOR MANAGING AND CONTROL OF OVERTIME AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS.**

- a. Each Director is responsible and accountable to constantly monitor and review the provisions for overtime on his/her budget and to ensure that trends are noted early; funds are adequate; over expenditure is noted, justified and provided for timeously.
- b. Each Director is responsible and accountable that only officials who are authorized in terms of the delegated powers approve overtime work and payment or time off in lieu of payment. The authorizing bodies must determine

whether the information on the overtime form is accurate and correct before they authorize the form for payment/ time off.

- c. Attendance registers, time sheets and overtime approval forms, which should indicate dates, starting and ending times, must be kept at source for three years in respect of all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers/time sheets serve as source documents to complete overtime sheets.
- d. All employees have to complete and sign an attendance register/ time sheet on a daily basis. Line Managers/ Supervisors have to check and sign such attendance registers/time sheets on a weekly basis. Attendance registers/ time sheets which are signed/ approved by the competent authority must be submitted to the pay office on a monthly basis.

## **9. COMPENSATION FOR OVERTIME AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS**

- a. Qualifying employees may be remunerated either in monetary terms or by means of time off in lieu of payment with their salaries of the next month.
- b. Payment for the various categories of overtime is summarized in the attached table.

## **10. TRANSITIONAL ARRANGEMENT**

- a. This policy replaces all previous policies from date of implementation

## **11. IMPLEMENTATION DATE**

- a. This policy will be implemented from the first of July 2010 following approval and after the consultative process with the Local Labour Forum.

## **12. GENERAL**

- a. Employees who are earning more than the threshold but fall between post levels 7 to 19 may qualify for payment of overtime worked subject to the following conditions:
  - (1) The Director or his nominee agrees with the employee before overtime is worked that; of the hours worked 100% paid overtime or 60% will be paid overtime and 40% to be taken as time off.



- (2) The above percentage basis is subject to job function for each specific employee who is required to work overtime.
  - (3) Essential services employees as defined in the Act will qualify for 100% remuneration for overtime worked, all other employees may be remunerated based on the two options as may be determined by the Director of that specific department.
  - (4) Each directorate to send a list of all its employees it consider to be essential services employees to Human Resources subsection for approval in consultation with the directorate
  - (5) The list can be updated accordingly by the Director with the department following the process as listed in (4) above.
  - (6) Human resources to submit the list after approval to the salaries section for effecting / processing of overtime payments.
- b) In exceptional cases the Accounting Officer (Municipal Manager) may consider to approve overtime allowance base on the principle of unavailability

BREEDE VALLEY MUNICIPALITY

ACTING POLICY SECTION 57 POST

APRIL 2010

**1. OBJECTIVE:**

- a. The objective of this policy is to govern acting allowance payable to Directors reporting directly to the Municipal Manager.

## **2. BACKGROUND**

- a. The payment of an acting allowance for Directors directly reporting to the Municipal Manger has been consistently applied based on the legal opinion sought.
- b. (See annexure A)
- c. The legal opinion regarded and made reference to directors reporting to the Municipal manger as employees and treated them on the same conditions of service of other municipal employees.
- d. This is in fact incorrect as the directors reporting directly to the Municipal Manger are excluded on the conditions of services governing conditions for municipal employees.

## **3. DEFINITION**

- a. Section 57 means; In accordance with section 57 of the Municipal Systems Act a person appointed as a municipal manager or a manager directly accountable to a municipal manager in terms of a written employment contract complying with the provisions of section 57 of the Act.
- b. Temporary assuming the duties or authority of another

## **4. SCOPE AND APPLICATION**

- a. A Manager directly accountable to a municipal manager in terms of a written employment contract complying with the provisions of section 57 of the Act will be remunerated as follows;
  - 1. An acting allowance payable where such Manager has acted for more than 10 consecutive days
  - 2. Such Manager was requested in writing by the Municipal Manager to act in the Municipal Manager capacity for the period
  - 3. Acting allowance will be the difference between the total package of the Municipal Manager and the total package of that Manger  
E.g. Total package MM less Total Package Manager X 10/250