



POLICY ON OVERTIME COMPENSATION

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1. PURPOSE

- 1.1 Should circumstances require an employee to work more than the contractual hours of work, the employer may require additional work to be performed outside the stipulated normal hours of work. All work performed beyond the contractual normal hours of work is regarded as overtime for which the employer may provide compensation for in the form of overtime payment and/or time off in lieu of pay for overtime which must be taken within a specified period.
- 1.2 The purpose of this document is to provide criteria and policy regulation regarding the management of overtime and the compensation for overtime worked.

2. OBJECTIVES

- 2.1 The objectives of this policy are to regulate overtime work beyond the stipulated normal working hours which could include work over and above normal hours of work, Saturdays, Sundays, Public holidays and University holidays, where such days are defined as rest days for employees as well as compensation (payment/ time off) for overtime work.

3. APPLICABILITY

- 3.1 The provisions of this policy shall apply to all employees of the University of Johannesburg, excluding those who fall within Peromnes 1 to 4 job grades. The provisions of this policy also include collective agreements entered into with recognised unions.

4. TERMINOLOGY

4.1 Definitions and abbreviations

Employee	Refers to a person employed and remunerated by the University of Johannesburg (excluding those employed on academic or research Conditions of Service).
Employer	Refers to the University of Johannesburg.
Emergency Overtime	Work that must be done without delay because of circumstances for which the Employer could not reasonably have expected to make provision and which employees cannot perform during their ordinary work hours. Emergency work excludes the performance of routine maintenance work outside regular working hours.
Line Manager/ Management	Refers to the management of a specific department, such as the relevant ELG member/invitee , Peromnes 7 or higher.
Overtime remuneration	Compensation for overtime performed, which is calculated based on the number of additional hours worked, the rate per hour and the factor, depending on when the work was performed.

UJ Holiday	Refers to a University holiday as declared by the University Council as per the approval UJ Annual Calendar
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5. REGULATORY FRAMEWORK AND AUTHORISATION

- 5.1 All overtime will be regulated by the provisions of Section 10 of the Basic Conditions of Employment Act (BCEA) as well as individual contracts of employment which may be more favourable than the stipulations of the BCEA or collective agreements entered into with recognised unions as is permitted for in the BCEA.
- 5.2 It is the line manager's responsibility to ensure that overtime worked is justified and applied within the scope of the policy.
- 5.3 Overtime should be approved prior to it being worked. All requirements for overtime need to be pre-approved unless 'emergency' overtime is required, for which a unique motivation needs to be submitted. Regular overtime must be approved before it is worked on the prescribed 'pre-approval to work overtime' application.

There are currently several existing pre-approval templates within the University that are being utilised. An exercise to consolidate them into one universal template is nearing completion and will be implemented as an annexure to the policy.

6. POLICY PROVISIONS

6.1. Conditions for compensation for overtime worked

6.1.1. Authority

The authority to approve overtime compensation rests with a line manager appointed at Peromnes P7 or higher. Overtime should be approved *per paragraph 5.3 by an Executive Leadership Group (ELG) member before the work occurs as per Delegation of Authority. The direct line manager approves actual hours worked on the system via workflow to approve the payment.*

The following factors should be taken into consideration when obtaining written authority:

- a) ensure that all the steps have been considered to prevent overtime, for example, redistribution of duties amongst available employees, reallocation of employees, temporary utilisation of employees in other divisions,
- b) determine whether the number of overtime hours, number of staff members and their respective levels are justified to achieve the stated goal,
- c) level of expertise required is relevant to the work required,
- d) when the performance of overtime is aimed at the completion of work that has fallen in arrears, the circumstances should be investigated, and corrective steps should be implemented to prevent the re-occurrence, and

- e) fair and acceptable limits on the extent of overtime.
- 6.1.2 Overtime must not be approved if an employee performs overtime during a period of leave. Under exceptional circumstances, where an employee has been recalled from leave, such leave must be cancelled. No overtime will be paid to such an employee.
- 6.1.3 An employer may not require or permit an employee to work overtime except in accordance with agreement and more than ten (10) hours in a week. An agreement in terms of the above may not require or permit an employee to work more than twelve (12) hours on any day. A collective agreement may increase the maximum permitted overtime to fifteen (15) hours a week. A collective agreement in terms of the above may not apply for more than two (2) months in any period of twelve (12) months.
- 6.1.4 Employers may not compel employees to perform non-contractual voluntary overtime work. Employees are not obliged to work overtime for periods in excess of what is prescribed by the BCEA or a collective agreement.
- 6.1.5 Although overtime is voluntary, the employer has a right to require employees to work overtime in terms of the contract of employment or collective agreement. Refusal by an employee to perform contractual overtime may constitute misconduct.
- 6.1.6 Employees are obliged to work overtime during emergencies where it is proven that such an emergency is genuine
- 6.1.7 The ordinary hours of work and overtime of an employee may be averaged over a period of up to four (4) months in terms of a collective agreement. Such an agreement may permit that employees work an average of five (5) hours per week overtime for an agreed period. The collective agreement in terms of the above lapses after twelve (12) months.

6.2 Payment for overtime

6.2.1 Sunday, public holiday and University holiday work

- 6.2.1.1 The employer must provide compensation or time off for Sunday, Public holiday and University holiday work when the manager requires an employee to work and where the Sunday work is not defined as an ordinary work day for the employee –
 - a) Sunday work must be remunerated at double the normal rate for each hour worked by the employee, or at time and a half if the employee ordinarily works on a Sunday, or at the ordinary daily wage, if that exceeds the amount earned for the time worked,
 - b) if the greater part of the shift falls on a Sunday, the whole of that shift is

deemed Sunday work. There may be an agreement/s with employees and recognised unions which permit for a time off equivalent to the difference in value of the pay received by the employee on a Sunday and the prescribed Sunday and the prescribed Sunday rates,

- c) employers may not require employees to work on proclaimed public holidays and University holidays. Employees who are not required to work on a public holiday or University holiday which falls on an ordinary working day must be paid the normal wage for that day, and
- d) where an employee works on a public holiday that falls on an ordinary working day, such an employee must be paid at double the ordinary rate. If the public holiday falls on a day when the employee does not normally work the employee must be paid the ordinary wage as well as the amount earned for the work done on that day. Where a public holiday falls on a Sunday, the Sunday and the following Monday are separate public holidays. An employee who would normally work on a Sunday will therefore be entitled to both days off on full pay.

6.2.2 Normal overtime

6.2.2.1 The employer must provide compensation or time off for normal overtime, when the manager has required an employee to perform official duties for more hours than the employee's normal working hours, on days other than Saturday and Sunday during the week, provided that -

- a) the employer must compensate or provide time off on authorised normal overtime by -
 - i) paying the employee concerned one and a half times her/his normal hourly remuneration, or
 - ii) granting an employee at least ninety (90) minutes paid time off for each hour of overtime worked, and
- b) the employer must grant paid time off in terms of 6.2.2 (a) (i) and (ii) above within one (1) month of the employee becoming entitled to it. An agreement in writing may increase the period contemplated above to twelve (12) months.

6.2.3 Collective Agreements with recognised trade unions

6.2.3.1 The specific overtime arrangements entered into with recognised unions for specified bargaining units and/or for specific purposes will apply if stated differently than the stipulations stated elsewhere in this policy.

6.2.4 Payments on termination

6.2.4.1 On termination of employment, employees must be paid for any overtime and Sunday work that was exchanged for days off but not yet taken.

6.2.5 Overtime for employees between Peromnes levels P5 and P7

The following conditions apply for overtime for employees on Peromnes level P5 to P7:

6.2.5.1 Work that cannot be reasonably performed during normal working hours, due to events/emergencies/breakdowns that could not be performed by a contractor or subordinate.

6.2.5.2 The activities requiring overtime has an impact on the core business of the University or will lead to financial loss to the institution.

6.2.5.3 Time off should be offered for overtime worked. Where this is not possible, overtime should be paid.

6.2.5.4 The overtime rate is based on the median basic salary for P8 as per the salary matrix.

6.2.5.5 Overtime may not exceed two hundred and forty (240) hours per year.

6.2.5.6 The Executive Leadership Group (ELG) member for the respective environment should motivate overtime on these levels to their Member of Executive Committee (MEC) . Historical trends should be considered in the environment.

6.2.6 Travel

In order to perform authorised overtime, an employee may travel from home to her/his normal place of work, or from the normal workplace to home, at a time when she/he usually would not travel.

In this case -

6.2.6.1 If the employee was not on authorised standby duty -

- a) the journey counts as an official journey, but
- b) the time spent on the journey does not count as overtime work.

6.2.6.2 If the employee was on authorised standby duty, the time spent on the journey counts as overtime work.

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

7. CONTROL MEASURES

- 7.1 It is the responsibility of the line manager to see to it that there is adequate supervision and control measures at all times during the performance of overtime including -
- a) overtime is efficient and cost-effective,
 - b) quality and quantity of the work performed during overtime must be monitored,
 - c) a record (attendance register) of all overtime must be kept and must be signed by the employee concerned and authorised by the supervisor/line manager,
 - d) a supervisor collates the department's overtime and completes the overtime form (available on intranet), which needs to be approved by the line manager; thereafter submits the forms electronically to the payroll department for processing,
 - e) the above records must be available for scrutiny at any time by the relevant authority,
 - f) the person who certifies the overtime must be the one who is designated to control the overtime,
 - g) the terms of the written agreement(s) must be adhered to, and
 - h) all overtime to be worked must be pre-authorised by the relevant line manager. Overtime will not be paid unless it was not possible to obtain prior authorisation or where emergencies arose, provided that the emergency is genuine.
- 7.2 If applicable, record of the "time off" taken by the employee in respect of overtime compensation must be kept by the supervisor/line manager.
- 7.3 A copy of the above record must also be kept on the personal file of the employee in question.

Approved by MEC on 18 October 2011

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Aligned to Organisational Design Project approved by Council on 22 September 2021

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8. OVERTIME FLOW DIAGRAM

