

AGREEMENT: SAFETY AND SECURITY SECTORAL BARGAINING COUNCIL

AGREEMENT NUMBER	04 /2007
DATE	07 DECEMBER 2007

AGREEMENT ON OVERTIME

1. PURPOSE

1.1 To regulate overtime in terms of a single agreement.

1.2 The following agreements are hereby revoked:

1.2.1 Clauses 2 and 6 of SSSBC Agreement 2/2000;

1.2.2 Clause 1 of SSSBC Agreement 10/2000;

1.2.3 Clause 3 of SSSBC Agreement 5/2002; and

1.2.4 Annexure F of SSSBC Agreement 3/2005.

1.3 This agreement must be read in conjunction with the remaining clauses in the agreements regulating working hours:

1.3.1 SSSBC Agreement 2/2000;

1.3.2 SSSBC Agreement 10/2000; and

1.3.3 SSSBC Agreement 5/2002.

2. SCOPE

2.1 This agreement is applicable to all employees appointed in terms of the South African Police Service Act, 1995 (Act no 68 of 1995), and the Public Service Act, 1994 (Act no 103 of 1994) and who fall within the registered scope of the SSSBC.

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3. PROVISIONS WITH REGARD TO OVERTIME

3.1 Overtime

- 3.1.1 The employees of the Service agree that if and when the need arises, it may be required of them to work overtime.
- 3.1.2 The administrative arrangements regarding the working of overtime will be regulated by a policy on overtime.
- 3.1.3 The recognised employee organisations are to be consulted at provincial level with regard to the distribution of the allocated overtime funds received, taking into account the strategic plan of the SAPS.

3.2 Normal overtime

- 3.2.1 Overtime will be paid at a rate of one and a half times the employee's wage, for overtime worked.
- 3.2.2 All overtime duties performed is payable, unless the employee requests time off. An employee cannot be forced to take time off in lieu of payment. If an employee agrees to time off instead of payment for overtime duties performed on a Monday to a Saturday, such time off would be one hour time off for each actual hour of overtime worked.
- 3.2.3 Time off must be granted within one month of the employee becoming entitled to it. This period may be increased in terms of a written agreement for a period not exceeding 12 months, in which period the time off must be granted.
- 3.2.4 The utilisation of the time off must be mutually agreed upon by the employee and the supervisor.
- 3.2.5 Normal overtime is defined as all overtime duties performed from a Monday to a Saturday, irrespective of whether the duties were performed during the day or night.
- 3.2.6 Overtime duties must be planned in advance and be well structured where possible. Employees must be notified of the overtime duties that they are to perform at least 72 hours before the duty commences. No overtime remuneration can be paid without the prescribed authorisation. Authorisation for the payment of overtime can only be given if funds for this purpose are available.

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In cases where pre-authorisation could not be obtained, the commander may only instruct employees to perform overtime duties in unforeseen circumstances (eg. An act of God, natural disaster). In those instances, ex post facto authorisation must be obtained.

3.3 Overtime duties performed on a Sunday

3.3.1 The overtime rate for duties performed on a Sunday is payable at double the employee's wage.

3.3.2 If an employee agrees to time off instead of payment for overtime duties performed on a Sunday, such time off would be double the actual hours of overtime worked.

3.4 Overtime duties performed on a public holiday

3.4.1 An employee can only be required to work overtime on a public holiday where the public holiday is not his or her normal working day, by giving the employee 72 hours prior notice, unless the circumstances giving rise to the overtime could not have been foreseen. The overtime rate for duties performed on a public holiday is payable at double the employee's wage.

3.4.2 Time off may not be granted for overtime duties performed on a public holiday.

3.5 Travel time

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

In this case-

(a) If the employee was not on authorised standby duty:

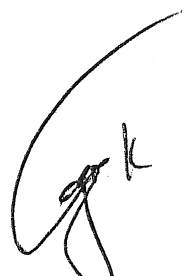
(i) the journey counts as an official journey, but

(ii) the time spent on the journey does not count as overtime worked.

(b) If the employee was on authorised standby duty, the time spent on the journey counts as overtime worked.

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

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3.6 Maximum overtime hours

3.6.1 The maximum hours of overtime an employee can work is a weekly average of not more than 25 hours of overtime duties, calculated over a four month cycle, and provided that:

- an employee who performs an eight hour shift can only be required to perform an additional maximum ten hours of overtime duties per day;
- an employee who performs a twelve hour shift can only be required to perform an additional maximum six hours of overtime duties per day; and
- an employee who performs overtime duties on an occasion when he or she does not perform normal duties, these duties must be restricted to 12 hours, provided that in exceptional circumstances this period can be extended to 18 hours.

3.7 Capped overtime rate

3.7.1 The basis for the payment of overtime worked shall be the actual salary notch of the employee, except in the following circumstances:

3.7.1.1 *SA Police Service Act employees*

Member's who are remunerated at a salary that exceeds R132 162 per annum, will be remunerated at a capped overtime rate calculated on the amount of R132 162 per annum, which amount will be revised from time to time.

3.7.1.2 *Public Service Act employees*

Employees who are remunerated at a salary that exceeds R132 054 per annum, will be remunerated at a capped overtime rate calculated on the amount of R132 054 per annum, which amount will be revised from time to time.

3.7.2 The capped overtime rate will be calculated on the basis of one and a half times the employees wage for normal overtime duties performed and at double the overtime rate for overtime duties performed on a Sunday or a public holiday.

3.8 Payment rates for employees who ordinarily work on a Sunday

3.8.1 The rate of payment for an employee who ordinarily works on a Sunday shall be 1.5 x basic salary.

3.9 This payment rate will come into effect on the 1st of April 2008.

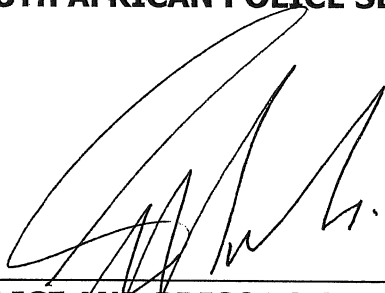
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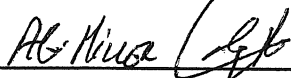
- 3.10 If there is a dispute about the interpretation or application of this agreement, any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of Council.
- 3.11 This agreement binds the parties to the agreement and all employees who are not members of registered trade unions admitted to the Council, who are not parties to this agreement.
- 3.12 This agreement is signed on behalf of the SA Police service as Employer and the relevant employee organisations, all signatories being duly authorised thereto at **CENTURION** on this **7TH** day of **DECEMBER** 2007.
- 3.13 Date of implementation: **11 DECEMBER 2007**



SOUTH AFRICAN POLICE SERVICE



POLICE AND PRISONS CIVIL RIGHTS UNION



SOUTH AFRICAN POLICE UNION