



**DETERMINATION AND DIRECTIVE ON WORKING TIME
IN THE
PUBLIC SERVICE**

JULY 2013

**MADE BY THE MINISTER FOR PUBLIC SERVICE AND
ADMINISTRATION**



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PART I: IMPLEMENTATION NOTES ON THE APPLICATION OF THE DETERMINATION AND DIRECTIVE ON WORKING TIME

1. CALCULATION OF OVERTIME PAY: BASIC SALARY FOR CALCULATION OF OVERTIME

- 1.1. The provisions contained in clause 8 of PSCBC Res 4 of 2010 do not have any bearing on clause 9.2 of PSCBC Res 1 of 2007, read with Part IV. Paragraph 1.1 of this Determination and Directive. Clause 9.2 of PSCBC Res 1 of 2007 should be interpreted and applied that the increase in all overtime rates is to be implemented with effect from 1 July of a year. In other words the increase in overtime rates is not linked to the adjustment rates of general salary increases.



PART II: GENERAL

1. AUTHORISATION

- 1.1. This Determination and Directive (hereafter referred to as the Determination) are made in terms of section 3(5)(c) and 5(6) of the Public Service Act, 1994, as amended, by the Minister for Public Service and Administration.
- 1.2. The Determination and Directive on Working Time must be read and applied in conjunction with the Basic Conditions of Employment Act (BCEA), the current Public Service Regulations, prevailing collective agreements and departmental policies on working time.

2. SCOPE OF APPLICATION

- 2.1. This Determination applies to the employer and the employees who -
 - 2.1.1. are employed in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994); as amended, and
 - 2.1.2. fall within the registered scope of the Public Service Coordinating Bargaining Council (PSCBC).

3. COMMENCEMENT DATE

This Determination takes effect on 1 July 2007.

4. DEFINITIONS

In this Determination, unless the context indicates otherwise -

- 4.1. "basic salary" means the actual salary notch of the employee but not higher than a basic annual salary of R212 106 per annum;
- 4.2. "BCEA" means the Basic Conditions of Employment Act, 1998, as amended;
- 4.3. "day" means a period of 24 hours measured from the time when the employee normally commences work, and daily has corresponding meaning;
- 4.4. "overtime" means work in excess of the hours of work per day/week or month that an employee has contracted to perform;
- 4.5. "public holiday" means a public holiday listed in Schedule 1 of the Public Holidays Act, 1994 (Act 36 of 1994), including the Monday following a public holiday that falls on a Sunday as contemplated in section 2(1) of the said Act; and
- 4.6. "week" in relation to the employee means the period of seven days within which the working week of that employee ordinarily falls.



PART III: ORDINARY HOURS OF WORK

1. AVERAGING OF WORKING HOURS

- 1.1. The mechanisms and conditions for the averaging of working hours shall, where required, be determined in respective sectoral bargaining councils.
- 1.2. It is advisable to consider the guidelines contained in the attached Code of Good Practice on Working Time in the design of a shift system/roster.

2. PAY FOR ORDINARY WORK ON A SUNDAY

- 2.1. If an employee is required to work an ordinary shift on a Sunday, the Executing Authority must pay the employee for such ordinary work on a Sunday 1.5 x the employee's basic salary. In other words, the category of staff concerned is shift workers who in terms of their shift rosters have to perform their ordinary work on a Sunday.
- 2.2. The **additional pay** due to the above-mentioned employees must be calculated according to the following formula:

$$[A \div 2 \times B] \div 365$$

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 worked in a month.

- 2.3. 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.
- 2.4. Pro rata additional pay will be paid to an eligible employee commensurate with the hours the employee has worked, provided that the period of absence has been approved by the supervisor/ manager.
- 2.5. The **pro rata additional pay** for purposes of paragraph 2.4 above must be calculated according to the following formula:

$$\frac{[(A \div 2) \div 365] \times B}{24}$$

Where -

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

B is equal to the number of hours the employee ordinarily worked in a Sunday.



3. PAY FOR ORDINARY WORK ON PUBLIC HOLIDAYS

- 3.1. If a Public Holiday falls on a day on which an employee ordinarily works the Executing Authority must pay the employee 2 x his or her basic salary, without the option of granting time-off. In other words, the category of staff concerned is shift workers who in terms of their shift rosters have to perform their ordinary work on a Public Holiday.
- 3.2. The **additional pay** due to the above-mentioned employees must be calculated according to the following formula:

$$[A \div 1 \times B] \div 365$$

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.

- 3.3. If the shift worked by an employee falls on a Public Holiday and another day, the whole shift shall be deemed to have been worked on the Public Holiday, but if the greater portion of the shift was worked on the other day, the whole shift shall be deemed to have been worked on the other day.
- 3.4. Pro rata additional pay will be paid to an eligible employee commensurate with the hours the employee has worked, provided the period of absence has been approved by the supervisor/manager.
- 3.5. The pro **rata additional pay** for purposes of paragraph 3.4 above-mentioned employees must be calculated according to the following formula:

$$\frac{[(A \div 365) \times B]}{24}$$

Where -

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

B is equal to the number of hours the employee ordinarily worked in a Public Holiday.

4. NIGHT WORK

- 4.1. The employer shall compensate an employee for the inconvenience of working a night shift.
- 4.2. For this purpose night work in the Public Service shall be deemed to be work performed between 19:00 to 07:00 the next day or 18:00 to 06:00 the next day by agreement between parties in the relevant bargaining council/chamber, taking into consideration the Department's operational requirements.



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- 4.3. The night shift allowance is based upon a fixed rate. Therefore, the night shift allowance will be increased from:
 - 4.3.1 R2.12 to R2.69 per hour from 1 July 2012;
 - 4.3.2 R2.69 to R3.35 per hour from 1 July 2013;
 - 4.3.3 R3.35 to R 4.00 per hour from 1 July 2014.
 - 4.4. The night shift allowance of R 4.00 per hour, referred to in paragraph 4.3.3, will be revised annually with effect from 1 April 2015, and based upon the CPI for the previous year.
 - 4.5. The night shift allowance will be paid to the eligible employees in line with the employee's stipulated monthly pay date.
 - 4.6. Should part of the shift hours fall within the defined night shift period (between 19:00 to 07:00 the next day or 18:00 to 06:00 the next day), the employee will receive the night shift allowance for such hours.
 - 4.7. A pro rata night shift allowance will be paid to an eligible employee commensurate with the hours the employee has worked, provided the period of absence has been approved by the supervisor/manager.
 - 4.8. The night shift allowance will not be paid to an employee who has been granted a leave of absence.
 - 4.9. Should the value of the night shift allowance exceed the value of the personal shift allowance, the personal shift allowance will cease to exist.



PART IV: OVERTIME WORK

1. CALCULATION OF OVERTIME PAY

1.1. BASIC SALARY FOR CALCULATION OF OVERTIME

The basic salary for the calculation of overtime worked shall be the actual salary notch of the employee, provided that it shall not be higher than a basic salary of R212 106 per annum. This amount will be increased by the percentage of the annual general salary adjustment with effect from 1 July of each year, commencing 1 July 2007. This provision excludes employees on commuted overtime.¹

1.2. CALCULATION OF COMPENSATION FOR OVERTIME WORK PERFORMED ON A SUNDAY OR PUBLIC HOLIDAY

The compensation for overtime work performed on a Sunday or a Public Holiday is calculated according to the following formula:

$$C \times 2 \times T$$

Where –

C is equal to the number of overtime hours worked

T is calculated as follows:

$$T = \frac{A \times 7 \div B}{365}$$

Where –

A is equal to the smallest of the basic salary of the employee, **as defined in paragraph 1.1. above**, or if the overtime duty is performed on a working level lower than the normal working level of the individual concerned, the maximum salary notch of the salary grading attached to the post class that is representative of the lower working level.

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

¹ Refer to Part 1 for implementation notes



1.3. CALCULATION OF COMPENSATION FOR NORMAL OVERTIME WORK

The compensation for normal overtime is calculated according to the following formula:

$$C \times 1.5 \times T$$

T is calculated as follows:

$$T = \frac{A \times 7 \div B}{365}$$

Where -

A is equal to the smallest of the basic salary of the employee, **as defined in paragraph 1.1 above**, or if the overtime duty is performed on a working level lower than the normal working level of the individual concerned, the maximum salary notch of the salary grading attached to the post class that is representative of the lower working level.

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

1.4 COMMUTED OVERTIME

Employees receiving commuted overtime are excluded from the provisions contained in paragraphs 1.1 to 1.3, above. The *status quo*, prior to 1 July 2007, regarding the payment of commuted overtime pay and excess overtime hours in the Health and Social Development Sector, remains the same.

2 COMPENSATION FOR OFFICIAL DUTIES DURING MEAL INTERVALS

Compensation for employees who are, due to the nature of their work, required to remain on duty during their meal intervals shall, where required, be determined in the respective sectoral bargaining councils.

END