



**the dpsa**

Department:  
Public Service and Administration  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X916, PRETORIA, 0001. Tel: (012) 336 1000, Fax: (012) 326 7802  
Private Bag X9148, CAPE TOWN, 8000. Tel: (021) 467 5120, Fax: (021) 467 5484

Enquiries : Ms Claudia Sekgoele  
Tel. no. : (012) 336 1024  
File : 17/8/P

## TO HEADS OF DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

### CIRCULAR 1 OF 2018

#### ORDINARY WORK ON PUBLIC HOLIDAYS AND SUNDAYS (PART III OF THE DETERMINATION AND DIRECTIVE ON WORKING TIME)

1. The DPSA is inundated with enquiries with regard to the manner in which the hours of work, with specific reference to shift workers, are interpreted when additional pay for Ordinary Work on Sundays and Public Holidays are captured on PERSAL. These enquiries referenced PERSAL message 6299.
2. For purposes of context cognisance must be taken of the following background:
  - 2.1. Heads of Department are in terms of Regulation 51 of the Public Service Regulations, 2016 authorised to determine the working time for his/her department taking into account, among others, the provisions contained in the Determination and Directive on Working Time, read with clause 9 of PSCBC Resolution 1 of 2007, chapter 2 of the Basic Conditions of Employment Act, 1997, as amended. It therefore follows that in the departments where continuous services must be rendered 24/7, employees have to perform shifts. The duration of the shifts may vary depending on the service delivery needs of the department and/or the configuration of the shift roster. For example, some employees may work 4 hour shifts whilst others might work for example shifts of either 6 or 8 or 12 hours per day.
  - 2.2. In terms of paragraphs 2 and 3, respectively, of Part III of the Determination and Directive on Working Time (Determination), read with the applicable collective agreements, an employee who ordinarily works (shifts) on a Sunday and/or Public Holiday are eligible to additional pay for such work as stipulated in paragraphs 2.2 and 3.2, respectively, of Part III of the Determination. The Determination was amplified to address the calculation of *pro rata* additional pay in instances where an employee has completed only a part of his/her shift as

a result of an approved period of absence. Paragraphs 2.4 and 3.4, respectively, of Part III of the Determination refers.

2.2.1. The additional pay for an employee who performs an ordinary shift on a Sunday is computed in terms of the formula as contemplated in paragraph 2.3 of Part III of the Determination, i.e.:

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

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.

2.2.2. The *pro rata* additional pay for an employee who performs an ordinary shift on a Sunday is computed in terms of the formula as contemplated in paragraph 2.5 of Part III of the Determination, i.e.:

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

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.

2.2.3. The additional pay for an employee who performs an ordinary shift on a Public Holiday is computed in terms of the formula as contemplated in paragraph 3.2 of Part III of the Determination, i.e.:

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.

2.2.4. The *pro rata* additional pay for an employee who performs an ordinary shift on a Public Holiday is computed in terms of the formula as contemplated in paragraph 3.5 of Part III of the Determination, i.e.:

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

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.

3. In pursuit of understanding the Departments' concerns and to assist them in resolving them, the DPSA conducted an investigation. As part of the investigation the DPSA has also looked into case studies. The following transpired from the investigation:

3.1. The PERSAL message 6299 referenced in the Departmental communication received could not be located but PERSAL message M4331 was located. (A copy of the message is attached for easy reference at **Annexure A**). PERSAL message M4331 announced adjustments to function 5.3.14 to allow for the *pro rata* payment in the form of hours and minutes to an employee who worked an ordinary shift on a Sunday or a Public Holiday. The announcement also provides the formula that will serve as function. The announcement message then concludes with an explanation of the parameters relevant to factor B of the formula, i.e. "a shift consists out of 12 hours. The system will therefore only allow a *pro rata* payment up to 11 hours and 59 minutes. If a full 12 hour shift was performed the shift work must be captured as a day."

3.2. The fields on PERSAL under function 5.3.14 provides, among others, for the following fields:

3.2.1. Days worked **OR**

3.2.2. Hours worked.....minutes

It transpired from the case studies that, instances where an employee's actual complete shift (work day) is, for example 8 hours, the Departments captured it as hours worked and not as a day worked. This resulted in the employee's pay for ordinary work on Sunday and Public Holidays be calculated and paid at a *pro rata* rate, instead of the day rate.

4. In light of the afore-going Departments are advised as follows:

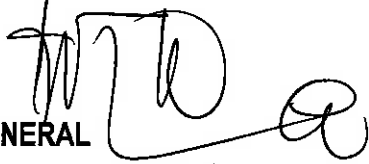
4.1. An employee who has completed his/her full shifts on a Sunday/Public Holiday should receive the additional pay as computed in paragraphs 2.2 and 3.2, respectively, of Part III of the Determination.

4.2. An employee who has completed only part of a shift as a result of an approved absence should be calculated and paid at the *pro rata* rate in paragraphs 2.4 and 3.4, respectively, of Part III of the Determination.

4.3. The descriptions in the PERSAL message M4331 explains the parameters of the function and does not replace the working hours determined for an employee. In other words the shift as determined for a Department or categories of employees prevail. It is not altered by the descriptions of the PERSAL message.

4.4. To capture a completed shifts as days worked under function 5.3.14 and shifts partially worked as a result of an approved absence as hours worked.

4.5. Departments are reminded that section 5(7)(a) of the Public Service Act, 1994, as amended determines that (7)(a) *"A functionary shall correct any action or omission purportedly made in terms of this Act by that functionary, if the action or omission was based on an error of fact or law or fraud and it is in the public interest to correct the action or omission."* To this end, the additional pay for ordinary work on a Sunday and/ Public Holiday of all affected employees must be reviewed for purposes of correcting the capturing errors and incorrect payments processed.



DIRECTOR-GENERAL

DATE:

2018/02/15

Annexure A

**MESSAGES**

The search facility is available for all Persal messages since 1 January 2002.

Search

Message  
NumberMessage  
TitleMessage  
Content

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**M 4331 FUNCTION 5.3.14 "SHIFT WORK"****FUNCTION 5.3.14 'SHIFT WORK'**

Kindly be advised that function 5.3.14 was adjusted to allow pro rata payment in the form of hours and minutes to an employee who worked an ordinary shift on a Sunday or a public holiday.

The following formulas will apply:

- Sunday Hours:  $[(A / 2) / 365] * B / 24$
- Sunday Minutes:  $[(Notch / 2) / 365] * B (Sunday Min Worked) / 24 / 60$
- Public Holidays Hours:  $(A / 365) * B / 24$
- Public Holidays Minutes:  $(Notch / 365) * B (Public Min Worked) / 24 / 60$

WHERE -

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

B is equal to the number of hours and/or minutes the employee ordinarily worked on a Sunday or a public holiday.

Please take note that a shift consists out of 12 hours. The system will therefore only allow a pro rata payment up to 11 hours and 59 minutes.

If a full 12 hour shift was performed the shift work must be captured as a day.

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