

18.5 WORKING WEEK, FLEXTIME, WORKERS ON SHIFT/ ROSTER/STAGGERED HOURS AND OVERTIME

18.5.1 This Chapter highlights, *inter alia*, the main provisions governing the standard working week as well as the normal hours of attendance currently in force in the Public Sector; the flexible hours of attendance; and flexitime. It also deals with the pattern of working time for workers on shift, roster and staggered hours, overtime and other provisions governing hours of attendance. In line with Government's vision, we are further making provisions for the introduction of a proper flexitime working system which would provide for a longer office coverage and we are also maintaining the flexible hours of attendance pattern to combat tardiness in the Public Sector, with some modifications.

18.5.2 The standard working week governing Public Sector employees is presently as follows:

For employees of Workmen's Group and other manual grades (excluding Watchmen)	40 hours
Watchmen	60 hours
Employees working on shift	40 hours or a multiple of 40 hours, where the shift covers a cycle.
Employees working on roster and staggered hours	Not less than 33¾ hours and not more than 40 hours as specified by Responsible Officers
Employees belonging to Disciplined Forces	As specified by Responsible Officers
All other officers	Between 33¾ hours and 40 hours as specified by the Responsible Officer

18.5.3 Any employee may be required to operate on a six-day week basis provided the normal working week is in accordance with provisions as specified in table above.

18.5.4 Shift workers may be required to work on roster or at staggered hours, if the exigencies of the service so require.

Recommendation 1

18.5.5 We recommend that the provisions governing the Standard Working Week currently in force in the Public Sector, as enumerated above, be maintained.

Hours of Attendance for Public Sector Employees

18.5.6 Hours of work is a *sine-qua-non* element determining the terms and conditions of public sector employees. At present, the fixed pattern of work for full time employees varies from 33¾ hours to 40 hours weekly except for the grade of Watchman, who is invariably required to put in 60 hours work weekly. Each organisation schedules its employees' commencing and finishing time of work within the specified limits in order to meet its operational requirements.

18.5.7 At present, the normal hours of attendance for full-time employees other than those working on shift, roster and staggered hours and for those working in essential services providing a 24-hour coverage are as specified below:

For officers in the Public Sector working on a five-day week basis:

Monday to Friday : 8.45 a.m. to 4.00 p.m. (half hour for lunch)

For officers in the Public Sector working on a six-day week basis:

Monday to Friday : 9.00 a.m. to 3.30 p.m. (half hour for lunch)

Saturday : 9.00 a.m. to noon

Officers in the Workmen's Group and other manual grades putting in 40 hours weekly:

Monday to Friday : 7.00 a.m. to 3.15 p.m. (one hour for lunch)

Saturday : 7.00 a.m. to 10.45 a.m.

Recommendation 2

18.5.8 We maintain that Responsible Officers of Ministries/Departments/Organisations should continue to specify the working hours of officers working under their supervision taking into consideration the operational needs of their organisations.

Flexible Hours of Attendance to Combat Tardiness in the Public Sector

18.5.9 The concept of the flexible hours of attendance in the Public Sector was first introduced/recommended in the 2003 PRB Report and implemented following Circular Letter No. 47 of 2003 from the Ministry of Civil Service and Administrative Reforms, and its main objective has been to combat tardiness in the Public Sector.

18.5.10 In the context of the present review exercise, the Bureau has received representations from different quarters regarding the implementation of our recommendations on the flexible hours of attendance, which we have been given to understand, are implemented on a piece-meal basis and that not in a standard manner thus giving rise to strained and conflicting situations in organisations.

- 18.5.11 In this context, the Bureau conducted a survey on the flexible hours of attendance in the public sector to take cognizance of such issues with a view to: assessing the current situation; taking stock of the effectiveness of past recommendations in minimizing/reducing tardiness in the public sector; identifying implementation problems/impediments; and providing for remedial actions to improve the system. The survey has also sought the views and comments of our different stakeholders with a view to making the system more conducive of desired employee behaviour and addressing its main objectives of reducing and eliminating late attendance in the workplace. To this end, a Survey Questionnaire was sent to all Heads of Ministries, Departments, Parastatal Organisations, Local Authorities and the Rodrigues Regional Assembly.
- 18.5.12 The major findings as revealed by the survey are, as enumerated in the ensuing paragraphs.

Findings and Observations

- 18.5.13 49 organisations out of 89 in the Civil Service, 53 Parastatal Bodies out of 91 and all the 12 Local Authorities have responded to the survey.
- 18.5.14 Out of the 49 organisations in the Civil Service which have responded to the survey, 34 have introduced the flexible hours of attendance of which, 30 are equipped with an electronic attendance system. In the Parastatal Bodies, out of the 53 organisations having responded to the survey, only 16 have introduced the flexible hours of attendance with 30 making use of an electronic attendance device. In the Local Authorities, only 5 out of 12 have introduced the flexible hours of attendance though 8 are having recourse to the electronic attendance monitor for recording the time of arrival and departure of their respective employees.
- 18.5.15 In short, the survey has revealed that, out of the 114 organisations which have participated in the survey, 42 agreed that the system has been able to induce desired employee behaviour in service delivery, whereas 21 of them do not agree and the remaining others did not express any opinion.
- 18.5.16 Generally, the observations made, and the suggestions/comments on the flexible hours of attendance are more or less similar to those as enunciated in our previous Reports. Hereunder, we are citing only some of those which are pertinent to the issue.
- A. The reasons why the system has not been introduced in certain organisations are mainly due to:
- lack of commitment of top management and excessive subjectivity on the issue
 - lack of supervision and no close monitoring on output during the period of early arrivals and late departures

- cumbersome to keep individual records of excess hours of attendance on a daily basis
 - the system requires additional human resources and involves additional costs necessitating payment of overtime to Office Care Attendants for closing office premises late
 - the system is not necessary in organisations having easy access and no traffic problem
- B. Those organisations which have implemented the flexible hours of attendance are of the view that:
- the system has been able to induce desired employee behaviour in the work place
 - better motivation and visible outcome should be prescribed and flexibility at the level of each organisation should be encouraged
 - the system is beneficial to employees rather than management as they are allowed to accumulate excess hours and benefit from time-off facilities
 - the system helps to maintain a work life balance and family commitments
 - the system contributes in the reduction of road congestions
- C. On the other hand, Chief Executives and Responsible Officers have commented that:
- there should be a standardised approach throughout the Civil Service for the system to be efficient
 - measures of control should be devised for the monitoring and supervision of officers working beyond normal hours to compensate late arrivals
 - a reliable computerised attendance system/software should be provided to implement the system effectively
 - employees should be allowed to accumulate early arrivals before 8.30 a.m. and work after 16.30 hours to compensate for late arrivals
 - the system be used solely to offset against late arrivals and not to be abusively taken as time off.

18.5.17 However, a major outcome that the survey has revealed is that many organisations which have not introduced the flexible hours of attendance are implementing certain provisions of our recommendations on a piece-meal basis. Such recommendations are keeping of an early/late arrival accounts;

offset late arrivals by deducting from the excess hours account; granting time-off facilities against early arrivals; and in some cases, allowing employees to compensate for late arrivals by working beyond normal working hours.

- 18.5.18 On the whole, we may conclude to say that, if implemented *in toto*, the pattern of flexible hours of attendance would still prove to be an effective tool to combat tardiness in the Public Sector. However, given the diverse views pronounced by the main stakeholders, we recommend that the MCSAR should implement in a standard and consistent manner and continue to report to the Bureau any need for amendments to improve the system further in addressing all cases. The MCSAR should provide for a control and monitoring mechanism.

Provisions Governing the Flexible Hours of Attendance

- 18.5.19 At present, the following provisions govern the flexible hours of attendance to combat tardiness in the Public Sector:

- A. For officers operating on a five-day week basis i.e. Monday to Friday: 8.45 a.m. to 4.00 p.m. (half an hour for lunch) and for those on a six-day week basis i.e. Monday to Friday 9.30 a.m. to 3.30 p.m. (half an hour for lunch) and on Saturday from 9.00 a.m. to Noon:**
- (i) Attendance between 8.45 a.m. to 9.15 a.m. **(on five-day week basis)** and between 9.00 a.m. to 9.30 a.m. **(on six-day week basis)** is not considered as lateness, subject to the ensuing provisions governing hours of attendance.
 - (ii) Early arrivals, i.e. between 8.30 a.m. to 8.45 a.m. **(on five-day week basis)** and between 8.45 a.m. to 9.00 am. **(on six-day week basis)** is taken into account for the purpose of determining the prescribed normal working hours, and may be accumulated on a monthly basis.
 - (iii) Subject to the exigencies of the service, departure time is allowed between 3.45 p.m. and 4.30 p.m. **(on five-day week basis)** and between 3.15 p.m. and 4.00 p.m. **(on six-day week basis)**.
 - (iv) A maximum of half day off at a time is permissible against the corresponding excess hours accumulated in the excess hours of attendance in bank. Same lapses automatically at the end of the year, if not availed, except the excess hours for the month of December which is carried forward.
 - (v) Late arrivals cannot be compensated by working after 4.30 p.m. **(on five-day week basis)** and after 4.00 p.m. **(on six-day week basis)** exception made for senior officers who are neither eligible for overtime nor for extra duty allowance in lieu of overtime.
 - (vi) All periods of lateness in the morning can be offset from the accumulated excess hours of attendance in bank/leave

entitlement. ***If the officer does not have accumulated excess hours in bank, such lateness should be deducted, in the first instance, from his casual leave entitlement. When all the casual leaves have been exhausted, deduction of lateness should be made from the officer's vacation leave entitlement.***

- (vii) Refund of lateness is allowed by working beyond 4.00 p.m. and up to 4.30 p.m. **(on five-day week basis)** and beyond 3.30 p.m. and up to 4.00 p.m. **(on six-day week basis)**.
- (viii) The hours of work mentioned at paragraph (vii) above is taken into consideration for determining the prescribed normal working hours, subject to the approval of management.
- (ix) Lateness up to a maximum of 15 minutes, i.e. after 9.15 a.m., **(on five-day week basis)** and after 9.30 a.m. **(on six-day week basis)** can be offset against early arrivals or late departures only in occasional cases.
- (x) Persistent lateness after 9.15 a.m., **(on five-day week basis)** and after 9.30 a.m. **(on six-day week basis)** absences during working time without authorisation and excess time taken for lunch is deducted from leave entitlement. Regulation 42(1) (c) of the PSC Regulations is applied in case of regular defaulters (as defined at paragraph 18.5.22).
- (xi) Late arrivals for reasons beyond individual control, e.g. heavy rainfall, major road accidents, unusual traffic jam, etc., may not be considered as lateness subject to the approval of the Supervising Officer.
- (xii) For officers not eligible to overtime payment and extra duty allowance and who are required to work regularly beyond 4.00 p.m., **(on five-day week basis)** and beyond 3.30 p.m. **(on six-day week basis)** attendance after 9.15 a.m. (on five-day week basis) and 9.30 a.m. (on six-day week basis) is not considered as lateness subject to the approval of the Responsible/Supervising Officer.
- (xiii) The provision made at paragraph (xii) above is also applicable to officers who have been granted permission for homeworking based on completion of allocated assignments.

B. Subject to the provisions of paragraph 18.5.19 (xii), (xiii) organisations should ensure that officers are in attendance during the following core hours of work, as follows:

Officers operating on a five-day week basis – between 9.15 a.m. and 3.45 p.m.;

Officers operating on a six-day week basis – between 9.30 a.m. and 3.15 p.m.

- C. Organisations should ensure that there is adequate office coverage during official hours so that customer service is not affected by the pattern of work attendance. Employees may work beyond the official hours, if required by management, subject to the exigencies of the service.
- D. Organisations should keep an account of late/early arrivals in respect of each officer on a monthly basis. Any excess hours of attendance beyond the prescribed normal weekly hours of work (i.e. 33¾ hours weekly), is credited in the bank on a monthly basis. Hours of attendance below the prescribed normal weekly hours of attendance is deducted from any outstanding balance in bank of attendance or leave entitlement on a monthly basis. Monthly excess hours of attendance beyond normal working hours is carried forward to the next month but lapses automatically if not availed of by the end of the calendar year.
- E. Officers choosing to attend work more than the normal contractual weekly hours of work under the above provisions, are not eligible for overtime.
- F. Where an officer has exhausted all his leave entitlement, the Responsible Officer may then initiate action under Regulation 42(1) (c) of the Public Service Commission Regulations for the duration of lateness to be deducted from his salary.
- G. An officer is, upon request, granted time-off against any excess hours of work put in, subject to the exigencies of the service.
- H. **The normal contractual weekly hours of work is maintained.** Officers working on a five-day week basis, i.e. 8.45 a.m. to 4.00 p.m. (half hour for lunch) and officers working on a six-day week basis, i.e. 9.00 a.m. to 3.30 p.m. (half an hour for lunch) are allowed to maintain the present pattern. This provision also applies to officers mentioned at sub-paragraph (E) above.
- I. For officers required to provide a 24-hour service in the Health Sector, whether on shift or not, the normal attendance hours in force **as at 31 December 2015**, are maintained. Management continues to be responsible for the working hours of officers in the Health Sector.
- J. Management continues to be responsible for establishing the working hours of the teaching profession.
- K. Where flexible pattern of attendance is not feasible particularly on sites outside the capital, Management should continue to operate on the system prevailing prior to **01 January 2016**, subject to the approval of the MCSAR. Cases of lateness and absences during working time without authorisation are deducted from leave entitlement in the first instance. In case of no improvement in the officer's record of late attendance and the

excess time taken for lunch, the Responsible Officer may initiate action, under Regulation 42(1) (c) of the PSC Regulations, for the duration of lateness to be deducted from the officer's salary.

L. Workmen's Group

Officers falling in this category operate within the prescribed hours. Period of lateness are computed monthly and deducted from leave entitlement.

M. Workers on Shift, Roster and Staggered Hours

18.5.20 Officers working on shift, roster and staggered hours continue to work within the prescribed time. Period of late attendance, excess time taken for lunch and absences from offices without authorisation are deducted from leave entitlement in the first instance. All cases of persistent lateness are dealt with in accordance with Regulation 42(1) (c) of the PSC Regulations.

Recommendation 3

18.5.21 We recommend that the foregoing provisions governing the flexible hours of attendance in the Public Sector as enumerated, at paragraph 18.5.19 be maintained.

18.5.22 At present the measures under Regulation 42(1) (c) of the PSC Regulations are enforced against habitual latecomers so that lateness after 0915 hours or 0930 hours (as applicable) is effectively addressed. For the sake of uniformity in the application of the provisions under the flexible pattern of work, habitual latecomers have been defined as those attending work regularly after 9.15 a.m. or 0930 a.m. (as applicable) for at least five days per month over a period of three consecutive months. Lateness as a result of traffic jam or similar event officially reported to a Supervising Officer, where several officers are involved, is subject to his approval not deemed to be lateness for that day for the purpose of this paragraph. **We are maintaining these provisions.**

Recommendation 4

18.5.23 We again recommend that, with a view to effectively addressing the attendance pattern of habitual latecomers, the provisions made under Regulation 42(1) (c) of the PSC Regulations should continue to be implemented.

18.5.24 With a view to monitoring more correctly the time of arrival and departure, as well as absence from office during office hours, Ministries/ Departments/Organisations should expedite matters for the introduction of time clocks or a computerised attendance system. We recommend accordingly.

Flexitime

- 18.5.25 In the preceding paragraphs, we have elaborated on the various provisions governing the flexible hours of attendance to combat tardiness in the Public Sector. In the ensuing paragraphs, we are dealing with the concept of flexitime proper whereby the working hours in a day are split and distinguished as core and flexible hours and services are made available for longer hours.
- 18.5.26 Flexitime is an arrangement whereby employees can vary their starting and finishing times to suit their work and personal commitments so long as they work the total hours agreed for an accounting period, usually a week or a month. Employees are given the opportunity to attend or leave work during well-defined periods, provided they are at the office within a core time normally during the central part of the working day.
- 18.5.27 Flexitime, thus, provides employers with considerable flexibility in staff deployment to cope with variations in workload or extension of service hours. The system can also have a positive impact on productivity as it can often result in better work organisation and scheduling of work according to employees' needs; improved morale and job satisfaction among employees; and better managerial practices, including a shift from a controlling to a facilitating management style and more worker self-management.
- 18.5.28 In our subsequent Reports, the Bureau has been advocating the introduction of flexitime in the service, subject to resources being available.
- 18.5.29 During consultative meetings, the Ministry of Civil Service and Administrative Reforms informed the Bureau that this Ministry has already spearheaded the introduction of the concept of flexitime proper within the Ministry on a pilot basis. Given that this measure concerned only the MCSAR, a proper evaluation of its impact could not be made.
- 18.5.30 However, we have been given to understand that with a view to having a broader perspective on the introduction of the flexitime proper, the MCSAR has roped in several other Ministries on this pilot scheme. In the process, the Ministry has proposed a bandwidth ranging between 08.00 a.m. to 17.00 hours with the core hours being 9.45 hrs to 15.15 hours, and the following time slots

08.00 a.m. to 15.15 hours

8.45 a.m. to 16.00 hours

9.00 a.m. to 16.15 hours

9.45 a.m. to 17.00 hours

- 18.5.31 The advantages of introducing the flexible working hours for both the organisations and the employees are manifold. For the organisations, the advantages are: improvement in productivity; reduction in absenteeism; less requirement for overtime as employees can manage busy and slack periods; completion of lengthy work assignments without resorting to overtime; potential

for longer opening hours and public desk cover in the flexible periods including lunch time; and balance in family life and professional activities.

For the employees, the advantages are: less stress to reach office before 08.45 a.m. and improvement in morale; rush hours can be avoided and travel time to and from work is reduced; personal matters can be dealt with without taking leave and domestic commitments can be met; work can be finished without being carried over to the next day; lunch break can be used to suit the employee; and increased cooperation between staff.

- 18.5.32 In the light of the above, the Bureau considers that the development and innovation of flexible working arrangements must no longer be regarded as a peripheral issue and should be given serious consideration.

Recommendation 5

- 18.5.33 We once again recommend that, where demand exists and resources permit, Ministries/Departments/Organisations should expedite the introduction of flexitime after consultation with the staff side and subject to the approval of the MCSAR.**

- 18.5.34 We also recommend that, as far as possible, Ministries/Departments/Organisations operating counter services and introducing flexitime should, in the design of the *modus operandi*, ensure that a continuous uninterrupted service is provided over an extended period.**

Flexiplace: Homeworking

- 18.5.35 The concept of flexiplace – homeworking in the Civil Service was sounded in the last two Reports of the Bureau.

- 18.5.36 Flexiplace is an arrangement whereby staff perform work in places other than the office whereas Homeworking is an arrangement involving people undertaking work primarily in their homes or who travel extensively but are primarily based at home.

- 18.5.37 We have recommended that Chief Executives of Ministries/Departments/Organisations may, for assignments that are project-based with verifiable performance indicators and for which there can be no disagreement on what is needed for the target to be achieved, allow officers particularly of the level of a professional and above to work from home on certain assignments where demand exists and resources permit.

Recommendation 6

- 18.5.38 We again recommend that the above provisions in respect of Flexiplace and Homeworking be maintained.**

Definition

- 18.5.39 **Shift work** is a flexible working arrangement for a 24-hour coverage where one employee replaces another or where different group of workers do the same job one after another and whereby workers normally work 40 hours weekly, or an average of 40 hours weekly in a cycle. These workers work in relays on a 24-hour basis including invariably night duty and work on Sundays and public holidays.
- 18.5.40 **Workers operating on a roster basis** do not work on a 24-hour basis but according to a structured pattern of work specifying the starting times and finishing times of turns of duty which may or may not include night duty. **Workers operating on roster (day)** are those whose turn of duty starts either at or after 4.00 a.m. or goes up to 8.00 p.m. **Workers operating on roster (day and night)** are those whose turn of duty may start either before 4.00 a.m. or extend beyond 8.00 p.m.
- 18.5.41 **Workers categorised as working at staggered hours** work normal hours but are called upon to work, on a regular basis, at irregular hours including Saturdays and Sundays against time-off during their normal working hours. It is a way of covering a longer day.
- 18.5.42 **Night work** means work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5.00 a.m.

Workers on Shift, Roster and Staggered Hours

- 18.5.43 At present, workers on shift, roster and staggered hours are governed by special provisions regarding, *inter alia*, work on public holidays and the different forms of compensation.
- 18.5.44 **Sunday is considered as a normal working day for workers on shift, roster and staggered hours unless it coincides with a proclaimed public holiday.**
- 18.5.45 During consultative meetings, the Bureau has been apprised about some inconsistencies leading to erroneous interpretations while implementing certain recommendations made for compensating officers working on shift, roster and staggered hours whose day off coincides with a public holiday (other than a normal Sunday not coinciding with a proclaimed public holiday), and for those who effectively work on a public holiday (other than a normal Sunday not coinciding with a proclaimed public holiday).
- 18.5.46 A critical analysis of our recommendations have disclosed some ambiguities in the interpretation of the recommendations made at paragraph 18.5.48 C (i), (ii), (iii) and (iv). We are bringing clarifications and corrective measures.

Recommendation 7

18.5.47 We recommend that Sunday should continue to be considered as a normal working day for employees working on shift, roster and staggered hours unless it coincides with a proclaimed public holiday.

18.5.48 We additionally recommend that workers operating on shift, roster and staggered hours should, henceforth, be governed by the following provisions:

A. An additional day off should be given to workers on shift and workers employed on a roster basis whose day off coincides with a public holiday. Those who work on a public holiday should be granted two days off.

B. The ensuing provisions have been made for workers on shift and workers on roster who cannot be granted days off as per provision at paragraph 'A' above:

(i) one day's pay for a day off coinciding with a public holiday; and

(ii) two days' pay for actually working a whole shift/roster on a public holiday.

C. When a shift or roster covers part of a public holiday and part of a normal working day, officers working on that shift or roster should be granted:

(i) no compensation for working less than one hour on a public holiday;

(ii) half day off or half day's pay for working more than one hour and less than four hours on a public holiday;

(iii) one day's off or one day's pay for working more than four hours and less than eight hours on a public holiday or the officer may accrue one additional day of casual leave;

(iv) two days' off or two days' pay whenever they work eight hours or more on a public holiday or the officer may accrue two additional days of casual leave; and

(v) a maximum of three days off or three days' pay for working for a continuous period of 24 hours spread over two consecutive public holidays or the accrual of three additional days of casual leave.

D. The maximum accrual of additional casual leave should be five days which should be availed within the same year. The computation for such leave accruals is kept separate from any other form of leave.

- E. Days off granted for work performed on a public holiday and in respect of days off coinciding with a public holiday should be considered as approved leave for the purpose of computation of overtime.**
- F. Workers should be allowed to exchange shifts or rostered days off by mutual agreement and with the consent of their supervisors, provided that such an arrangement does not give any employee an entitlement to the payment of overtime.**
- G. The normal entitlement of sick/casual leave of all shift workers should be converted into the corresponding number of hours on the basis of one day being equal to eight hours' work. For absence on any shift, the exact number of hours the shift worker was scheduled to work should be deducted from his sick/casual leave entitlement. However, the officer may be given the option to reimburse by working additionally the number of hours in excess of the eight hours, in lieu.**
- H. Shift schedules must, as far as possible, ensure that:
 - (i) shift starts or ends at times which would be convenient to both management and employees in the interest of the service;**
 - (ii) public transport is/would be available within a reasonable time; and**
 - (iii) unduly long shifts, without lying-in period be avoided.****
- I. For shift involving night work, the following measures must be ensured:
 - (i) two consecutive full time shifts should not be performed by the same shift workers, except in unavoidable circumstances;**
 - (ii) as far as possible, a rest period of at least 11 hours between two shifts should be guaranteed, except for disciplined forces; and**
 - (iii) employees do not permanently work on night shifts.****

One day's pay in respect of workers on shift/roster/staggered hours should be equivalent to eight times the hourly rate.

Hourly rate = Annual salary for the financial year

52 x 40

Compensation for Shift Work/Roster/Staggered Hours

- 18.5.49 The compensation for workers operating on shift/roster/staggered hours has been made in their respective salaries, unless otherwise specified.
- 18.5.50 We have maintained the recommendation that Management should ensure regular rotation of such categories of staff in a spirit of equity to all employees.
- 18.5.51 A night shift allowance is paid to all those shift workers who effectively perform night shift; i.e. those effectively working the hours of midnight up to 5.00 a.m.
- 18.5.52 We recommended that the compensation outside salaries in respect of shift work performed at night, be maintained.
- 18.5.53 The following special provisions in respect of night shift workers have been maintained.
- (i) employees not falling in areas of high turnover/scarcity who have completed 25 years on shift work may be given special consideration with respect to posting of day work, if available, subject to the exigencies of the service;
 - (ii) Shift workers aged 50 years or more, who have worked as night shift workers for 25 years or more may be given special consideration with respect to opportunities for voluntary early or phased retirement, subject to the exigencies of the service;
 - (iii) Night shift workers drawing overtime allowances or any other allowance for work performed between 11.00 p.m. and 5.00 a.m. should not be paid the night shift allowance.

Recommendation 8

- 18.5.54 The compensation measures for Shift Work/Roster/Staggered Hours as enunciated above are maintained.**

Overtime

- 18.5.55 Employees who work extra hours beyond their normal working day are generally compensated for the extra hours either through overtime payment or compensatory time (equivalent time off).
- 18.5.56 The general principles and the conditions under which overtime is granted as well as the manner in which overtime is calculated are outlined below.

General Principles

- 18.5.57 Overtime work is work undertaken over and beyond an officer's normal working hours. The general principles governing the payment for overtime in the public service may be summarised as follows:

- (a) overtime work should be kept to a minimum and should only be undertaken when unavoidable;
- (b) overtime work may be compensated by time-off in lieu of payment;
- (c) employees would not work overtime unless specifically requested to do so by their supervisors in the interest of the service; and
- (d) senior officers of certain levels are not eligible to payment of overtime.

Control of Overtime

18.5.58 Overtime is occasionally necessary to get the job done but excessive overtime is hurtful to taxpayers. Every attempt should, therefore, be made to schedule workload so that the need for overtime is kept to a minimum. However, situations may arise which make overtime unavoidable such as staff illness, special projects, and emergencies. Improved monitoring should ensure that overtime when performed is the most cost-effective way to meet goals and responsibilities.

18.5.59 To control overtime, Management, subject to the concurrence of the MCSAR, must:

- (a) arrange for work shifts/pattern of work to be changed in case of work of long or continuous duration that need to be completed after normal working hours;
- (b) ensure that reports and records be improved to strengthen accountability of overtime use;
- (c) develop procedures and standards for evaluating when an unscheduled absence in identified posts may require scheduling officers for overtime work;
- (d) identify posts which may not need scheduling officers for overtime if workload is light; and
- (e) adequately monitor overtime on an individual basis to prevent employees from working excessive overtime.

Administration of Overtime Payment

18.5.60 Overtime must be authorised in advance by an officer who is himself not eligible for overtime. Records should be kept of the work performed during an overtime period, i.e. the actual times at which an officer commences and ceases to work overtime.

Eligibility for Overtime

18.5.61 Employees, except those in the grade of Watchman, qualify for overtime allowance after having performed more than 40 hours' work in a week. Watchmen qualify for overtime for work performed in excess of 60 hours.

18.5.62 Employees who normally put in less than 40 hours weekly are paid overtime allowance for any work done in excess of their normal hours provided they work in excess of 40 hours in a week.

18.5.63 Employees who normally put in less than 40 hours weekly, and who work overtime for a continuous period of over one week, are paid for any work done in excess of their normal hours of work, provided they have worked an average of 40 hours a week during the period of overtime.

Overtime for Shift Work

18.5.64 The practice regarding overtime for shift workers is as follows:

- (a) a shift worker is not entitled to overtime allowance for any work performed on Sundays and public holidays except where such work is performed in excess of the normal hours for the day or such work falls outside his shift;
- (b) a shift worker is not required to perform more than six days' work in a week;
- (c) shift workers are paid overtime at approved rates for work in excess of 40 hours in a week, where the shift is of 40 hours weekly; and for work in excess of the appropriate multiple of 40 hours, where the shift covers a cycle; and
- (d) Watchmen are paid overtime at approved rates for work in excess of 60 hours in a week.

Overtime Rates and Computation of Overtime

18.5.65 Overtime allowance is based on the actual number of hours put in and the number of hours which the officer is deemed to have worked, as the case may be. A worker, on approved leave on any working day, is deemed to have put in eight hours of work or the number of hours he should have worked on that day, whichever is less. A non-shift worker is deemed to have put in eight hours of work or the number of hours of work he should normally have worked, whichever is less, in respect of any public holiday falling on a weekday.

18.5.66 Where an officer performs the duties of a higher office, overtime allowance is computed on the basis of the total emoluments of the officer, inclusive of any acting or responsibility allowance drawn by him.

18.5.67 The computation of the hourly rate for overtime in respect of officers who are performing the duties of a higher office should be

(Monthly Salary + Responsibility Allowance) x 12

52 x 33.75 or 40 (as applicable)

18.5.68 The rates for payment of overtime are presently as follows:

Period	Hourly Rate
Between 6.00 a.m. and 11.00 p.m. on weekdays	1.5 times hourly rate
Between 11.00 p.m. and 6.00 a.m. on weekdays	twice hourly rate
On Sundays or public holidays and officially declared cyclone days	twice hourly rate

18.5.69 Hourly rates are calculated on the following basis:

- (a) For Workmen's Group including Watchmen and shift workers, workers on roster/staggered hours as well as officers who put in 40 hours of work weekly:

$$\frac{\text{Annual salary for the financial year}}{52 \times 40}$$

- (b) All other workers/officers

$$\frac{\text{Annual salary for the financial year}}{52 \times 33.75}$$

Recommendation 9

18.5.70 We recommend that all the provisions governing overtime be maintained.

18.5.71 We recommend that the working week for computation of overtime should be as specified at paragraph 18.5.2.

Salary Ceiling for Overtime

18.5.72 Presently, officers drawing less than Rs 39275 monthly are entitled to payment of overtime allowances.

18.5.73 Furthermore, officers drawing basic salary from Rs 39275 to Rs 52775 monthly, who are required to work beyond their normal working hours owing to the nature of their duties for the execution of urgent tasks or for completion of work which cannot be postponed, are paid the hours of overtime at 80% of the prescribed rate.

Recommendation 10

18.5.74 We recommend that officers drawing basic salary of less than Rs 42325 be eligible for the payment of overtime allowances.

18.5.75 We also recommend that officers drawing basic salary from Rs 42325 to Rs 56450 monthly, who are required to work beyond their normal working hours owing to the nature of their duties for the execution of urgent tasks

or for completion of work which cannot be postponed, should be paid the hours of overtime at 80% of the prescribed rate.

18.5.76 According to MCSAR Circular Note No. 5 dated 26 September 2005, Supervising Officers and Officers-in-Charge of Ministries/Departments are authorised to approve the payment of such overtime at their own level, with effect from 01 October 2005 subject to the availability of funds under the appropriate Vote item.

18.5.77 However, in so doing, they should ensure:

- (a) that such work is performed only when it is absolutely necessary and is cost-effective and is authorized in advance;
- (b) strict monitoring of the work, on an individual basis, to prevent employees from resorting to excessive overtime; and
- (c) that quarterly detailed returns of any such payments made is submitted to the Ministry of Civil Service and Administrative Reforms.

Recommendation 11

18.5.78 We recommend that Supervising Officers and Officers-in-Charge of Ministries/Departments should continue to approve the payment of overtime allowance at their own level, subject to availability of funds under the appropriate Vote item.

18.5.79 We further recommend that, in so doing, they should continue to ensure:

- (i) that such work is performed only when it is absolutely necessary, is cost-effective and is authorised in advance;**
- (ii) strict monitoring of the work on an individual basis to prevent employees from resorting to excessive overtime; and**
- (iii) that quarterly detailed returns of any such payments made are submitted to the MCSAR.**

Overtime Allowance in the Disciplined Forces

18.5.80 Officers of the Disciplined Forces (Fire, Police, Prisons) are not eligible for overtime allowance but are paid a commuted allowance in connection with special assignments.

Recommendation 12

18.5.81 We recommend that officers of the Disciplined Forces (Fire, Police, Prisons) should continue to be paid a commuted allowance in connection with special assignments.

Additional Provisions governing Overtime

- 18.5.82 At present, according to the general principles governing overtime, an officer putting in any additional hours of work beyond his normal weekly hours of work, is compensated by time-off in lieu of payment.
- 18.5.83 During the course of consultations in the context of the present review exercise, representations have been made from various quarters to the effect that very often officers who are called upon to put in beyond 33 ³/₄ hours and less than 40 hours a week, on a regular basis, are neither granted time-off nor any form of compensation, the more-so, the grant of time-off which may disrupt services or may be due to the lack of human resources.
- 18.5.84 We have examined the issue holistically and are of the view that appropriate measures be taken to address the issue. We are recommending accordingly.

Recommendation 13

- 18.5.85 We recommend that officers who are called upon to put in beyond 33 ³/₄ hours and less than 40 hours weekly on a regular basis and who cannot be granted time-off for the extra hours put-in, be paid at the normal hourly rate provided that the officer puts in a minimum of five hours in excess of 33³/₄ hours weekly.**

Compensation for work performed on Saturdays

- 18.5.86 In the 2013 PRB Report, following Government's decision to improve access to public services, wherever possible, Government would open offices on Saturdays, the Bureau decided that officers operating on a five-day week basis, who would be called upon to work on Saturdays, should be granted some form of compensation.

Recommendation 14

- 18.5.87 We again recommend that officers operating on a five-day week basis who are required to work on a Saturday, should, as far as practicable, be granted, in the ensuing week, time-off equivalent to the number of hours put in on that Saturday.**

Attendance of duty after the lifting of a Cyclone Warning

- 18.5.88 Past experience has shown that, after the lifting of a cyclone warning Class III or IV, and depending upon the time at which the official communiqué is issued by the Meteorological Services, it is not always clear to officers whether they should attend duty or not.
- 18.5.89 According to MCSAR Circular Letter No. 46 dated 17 November 2006, officers are required (a) to attend duty as soon as a cyclone warning Class III or IV is officially lifted, provided this is done before 1000 hours and on the assumption

that public transport has resumed; and (b) those who are required and bound to attend duty during a cyclone warning Class III or IV should continue to do so.

18.5.90 Heads of Ministries/Departments are required to closely monitor the situation once a cyclone warning is in force in the country and to take appropriate action for the release of staff as soon as a cyclone warning Class III is issued during working hours. They should ensure that officers who travel by their own car or by public transport to attend duty and who reside furthest from their place of work should be released first, followed by officers who live in the vicinity of the office and lastly, those who stay within walking distance of their workplace.

Recommendation 15

18.5.91 **We maintain that, after the lifting of a cyclone warning Class III or IV, and depending upon the time at which the official communiqué is issued by the Meteorological Services, officers should attend duty as soon as the cyclone warning Class III or IV is officially lifted, provided this is done before 1000 hours, and on the assumption that public transport has resumed.**

18.5.92 **We also recommend that those who are required and bound to attend duty during a cyclone warning Class III or IV should continue to do so.**

18.5.93 **We further recommend that Heads of Ministries/Departments should closely monitor the situation once a cyclone warning is in force in the country and should take appropriate action to release their staff as soon as a cyclone warning Class III is officially issued during working hours.**

18.5.94 **We recommend that those officers who travel by their own car or by public transport to attend duty and who reside furthest from their place of work should be released first, followed by officers who live in the vicinity of the office and lastly, those who stay within walking distance of their workplace.**

Payment of Overtime for Workers on Shift/Roster on officially declared cyclone days

18.5.95 At present workers on shift or roster, eligible for overtime, are remunerated at twice hourly rate for working on officially declared cyclone days and from the time cyclone warning Class III or IV is removed up to the time the next scheduled officers take over.

Recommendation 16

18.5.96 **We recommend that workers on shift or roster, eligible for overtime, who continue to work after a cyclone warning Class III or IV is removed and until they are relieved, should be paid overtime at twice the hourly rate.**
