

CHAPTER VIII

OVERTIME AND HOLIDAY PAY

1. Eligibility for Overtime
2. Circumstances in which overtime may be allowed
3. Authorisation of Overtime
4. Control of Overtime
5. Period to be counted
6. Rate of Payment
7. Limits
8. Claims for over-time payment
9. Work on Holidays
10. Work on week-end off days
11. Casual Employees
12. Holidays falling on Week-end off days
13. Work on holidays by persons not eligible for overtime
14. Work on part of a holiday
15. Accommodation of lieu leave
16. Travelling on duty on holidays
17. Holiday pay not part of salary
18. Payment to officers in executive grades working on holidays
19. How holiday pay and overtime are chargeable

CHAPTER VIII

OVERTIME AND HOLIDAY PAY

1. Eligibility for Overtime

- | | |
|---|---|
| <p>1.1 Employees attached to the Commission/ Higher Educational Institutions/ Institutes, excluding those who have been assigned salary codes denoted by U-AC, U-AS, U-EX, U-MO, full time Sub-Wardens and employees of other grades who may be determined by the Commission from time to time as not being eligible for overtime, are eligible for overtime payment on the conditions and at the rates (refer paragraph 6 below) approved by the Commission.</p> | <p>Eligible Staff</p> |
| <p>1.2 Reference may be made to the Commission for clarification in regard to eligibility for overtime in respect of any new post, class or grade of employees whose eligibility for overtime is in doubt.</p> | <p>Refer to the Commission for any doubts</p> |

2. Circumstances in which overtime may be allowed

- | | |
|---|---|
| <p>2.1 Overtime may be authorised only in exceptional circumstances where no other means of getting the work done are available, e.g. where internal arrangements within the Department/ Division/ Centre/Unit or within the Commission/ Higher Educational Institution/ Institute cannot be made.</p> | <p>Where no internal arrangements are possible</p> |
| <p>2.2 Overtime may be authorised only for work which has been specifically ordered, falls quite outside the normal work, is urgent and cannot possibly be done within the normal hours.</p> | <p>For work specifically ordered</p> |
| <p>2.3 Overtime cannot be authorised for work, which constitutes part of the normal work of the Commission/ Higher Educational Institution /Institute and for work which has accumulated as a result of failure to carry it out at the proper time through negligence or through lack of method or disregard of procedures.</p> | <p>Not for work which constitutes the normal work</p> |

- | | | |
|-------|---|--|
| 2.4 | Overtime should not be authorised when an employee is called upon to perform a few extra hours of work in an emergency, but only when an appreciable quantum of work is necessary over a period of time to complete some special work which has to be done expeditiously. | Not for a few extra hours |
| 2.4.1 | Every effort should be exercised to engage the staff at the maximum possible capacity during normal working hours. If necessary, re-scheduling of duty lists/rosters/internal transfers of staff may be made to minimize overtime. Strict supervision of staff at all times is also necessary. | Minimize Overtime |
| 2.4.2 | Unless the supervising officer concerned is personally satisfied that overtime has been actually and fairly earned, he should not approve any payment of overtime. | Supervising Officer should be personally satisfied |
| 2.4.3 | Overtime during weekends/ public holidays should commence at 8.30 a.m. and end at 5.00p.m. | Duration during weekends/ holidays |
| 2.4.4 | On normal working days maximum permissible duration of overtime may be limited to two and a half hours. | During normal working days |
| 2.4.5 | Overtime should not be allowed on Sundays. | Sundays |
| 2.4.6 | However, due to exigency and the urgent nature of work, the Secretary of the Commission/ Registrar of the University/ the most senior administrative officer of an Institute/ Campus or the Chairman of the Commission/ Principal Executive Officer of a Higher Educational Institution/Institute or the Governing Authority as appropriate, may approve overtime in excess of the limits indicated in sub-paragraphs 2.4.3, 2.4.4 and 2.4.5 above. | Exigency and urgent nature |

- | | | |
|-------|---|---|
| 2.4.7 | Staff officers should not grant standing orders on overtime. | No standing orders |
| 2.4.8 | The restrictions specified in subparagraphs 2.4.3, 2.4.4 and 2.4.5 above are not applicable to drivers, security staff, marshals and other non-academic staff, whose services are considered essential by the Commission/ Governing Authorities of the Higher Educational Institutions/ Institutes. | Those exempted from above provisions |
| 2.5 | It is the responsibility of the supervising officer concerned to decide whether overtime should be assigned to his staff where necessary and to obtain prior approval from the appropriate authority before assigning such overtime. | Responsibility of the supervising officer |
| 2.6 | If a person is called upon to work for any period in excess of his normal hours of work, he shall be entitled to overtime payment in respect of such excess hours in accordance with the overtime rules of this Chapter. | Overtime |
| 2.7 | Average overtime limit hours per month and payment of overtime to employees of the Commission/ Higher Educational Institutions/ Institutes are restricted to 20 hours. Where such limit needs to be exceeded due to exigency and urgent nature of work, such payments should be incurred with approval of the appropriate authority and total overtime payments for the month should be reported to the Commission/ Governing Authority of the Higher Educational Institution/Institute as the case may be, with a breakdown of all relevant details for covering sanction. | Average overtime limit per month |
|
 | | |
| 3. | Authorisation of Overtime | |
| 3.1 | Overtime may be authorised only when specific financial provision has been made for such expenditure in the annual estimates and provided funds are available. | Specific financial provision |

- | | | |
|-----|--|---|
| 3.2 | In regard to activities financed from Advance Accounts, the amount expendable on overtime should previously have been determined by the Chairman of the Commission/Principal Executive Officer of the Higher Educational Institution/Institute and should be used for the payment of overtime only in respect of that particular activity. | Advance account activity |
| 3.3 | The provision allowed in the Estimates and the amount sanctioned under Advance Accounts for overtime should be regarded as the maximum amounts that may be spent during the year on overtime. Chairman of the Commission or the Principal Executive Officer of Higher Educational Institution/ Institute as the case may be, should take steps to ensure that a strict and continuous check on expenditure is maintained so that the availability of funds may always be kept in mind when overtime is authorised. | Control on availability of funds |
| 3.4 | Secretary of the Commission/ Registrar of a University / Secretary of a University College/ the most senior officer of the administrative staff attached to a Campus/ Institute/Centre for Higher Learning may authorise overtime work to be performed, such that the overtime payment earned by the employee does not exceed a maximum of 35% of his salary for the month. | Authorisation of overtime: maximum of 35% of salary for the month |
| 3.5 | Chairman of the Commission/ Principal Executive Officer of a Higher Educational Institution/ Institute, may in very exceptional cases authorise overtime work to be performed such that the overtime payment earned by the employee does not exceed a maximum of 75% of his salary for the month. The Chairman of the Commission or Principal Executive Officer of the Higher Education Institution/ Institute may exempt the category of drivers, security personnel, Marshalls and other non-academic staff whose services are considered to be essential from this limit. | Maximum of 75% of salary for the month |

- 3.6 The maximum of 35% and 75% referred to in the previous two paragraphs are over-riding limits. Every effort should be taken to ensure that the work is completed within the minimum possible time and expense.

Over-riding
limits

However, where due to exigency and the urgent nature of work, the Commission or the Governing Authority of a Higher Educational Institution/ Institute may approve overtime in excess of the 75% of the salary for the month of an employee.

- 3.7 The total overtime expenditure should not exceed 75% of budgetary allocation for overtime for a particular year. This limit should be strictly adhered to ensure that there is a budgetary saving of 25% in the Overtime Vote.

Limit to a
maximum of
75% of
budgetary
allocation

However, within the 75% overall budgetary limitations, higher weightage may be given for the following services;

- Library services
- Health Services
- Utilities, maintenance and landscaping
- Examinations
- Student welfare
- Student Admissions/Registration
- Laboratories/Computer Centres
- Staff of higher officials

4. Control of Overtime

- 4.1 The Secretary of the Commission/ Registrar of a University/ Secretary of a University College/ the most senior officer in the administrative staff of a Campus/Institute/ Centre for Higher Learning should personally satisfy himself that overtime has been actually and fairly earned. For this purpose he should devise and maintain a system of checks and records of work done on overtime to ensure a proper output of work as well as to avoid payment for any idle time.

Maintenance
of checks and
records

- 4.2 An employee should give full particulars of the work he proposes to do when he makes his application for authorisation of overtime.
- The Head of the Department of Study / Division/ Centre/ Unit should examine the work which the employee proposes to do and should not recommend the application unless he considers it to be fully justified under paragraph 2 of this Chapter.
- 4.3 A record of overtime should be maintained in a separate Overtime Attendance Register/ any other electronic device. He should sign "off" in the Overtime Attendance Register/ any other electronic device when he terminates overtime work for the day. The Head of Department of Study / Division/ Centre/ Unit or a person deputed by him should satisfy himself personally that the overtime has been actually and fairly earned, by checking the work out-put against the overtime hours marked in the register/ electronic device.
- 4.4 The Head of the Department of Study/ Division/ Centre/Unit should maintain a register of the quantum of overtime authorised to employees under him. Entries in this register should be made as soon as the overtime is authorised and this should be checked against the actual hours marked in the Overtime Attendance Register/or electronic device.
- 4.5 Whenever overtime is continuous, the Head of Department of Study / Division/ Centre /Unit should review all such cases with a view to a re-arrangement of work internally so as to avoid incurring expenditure on overtime. Where possible, hours of work especially of primary level grades may be staggered to avoid overtime. As the last resort a case should be made out for employment of additional staff temporarily or for the payment of commuted overtime.
- Full particulars of work on application
- Record of overtime and check on output
- A register of overtime sanctioned
- Re-arrangement of work internally etc. Additional Temp. staff or commuted overtime

5. **Period to be counted**

- | | | |
|-----|--|--|
| 5.1 | Overtime may be paid for work done outside the normal hours of duty, subject to the following sub-paragraphs. | Outside normal hours |
| 5.2 | The employee should have performed a full turn of duty for the day. In cases of late attendance or leave of any nature e.g. short leave, half day's leave, duty leave for religious observances etc., the time lost by such late attendance or leave should be set off against the overtime performed for the day and only the balance time should be regarded as overtime for which payment is to be made. | Late attendance short leave etc. |
| 5.3 | The working hours of drivers from Monday to Friday, inclusive of lunch interval, are 9 ½ hours per day and overtime is payable to them for work done beyond 9 ½ hours. | Overtime hours of Drivers |
| 5.4 | In respect of overtime work done on weekend off days or weekly off-days and holidays (vide paragraph 1 of Chapter IX) no deduction should be made for lunch interval, if the employee concerned did not avail himself of the lunch interval. The employee's superior who certifies the number of hours worked, should also certify that the employee did not avail himself of the lunch interval. If no such certificate is given, it will be reckoned that the employee availed himself of the lunch interval and one hour will be deducted from the number of hours claimed. | Overtime for lunch interval when working on holidays |
| 5.5 | No payment should be made for less than half an hour's work at a stretch or for less than an aggregate of one hour's overtime work for a day. No fraction of an hour less than a quarter of an hour shall count in the aggregate of overtime work done at any one stretch. | Fractions of an hour which are not to be included |
| 5.6 | The time spent on travelling on duty outside normal hours should not be regarded as work for purpose of payment of overtime unless such travelling time involves the actual performance of duty [e.g. driving] | Travelling time |

5.6.1 Where such travelling time involves work of an intermittent nature, it should be regarded as stand by duty and counted for payment of half the normal rate of overtime.

5.7 Overtime should normally be reckoned on the basis of the hours worked in excess of the normal hours of duty for the day. Where, however, the hours of duty are fixed on a weekly basis [i.e. Employees on roster or shift duty who are expected to do a certain minimum number of hours for the week] it should be calculated on the basis of the hours worked in excess of the number of hours prescribed for the week.

Employees on roster or shift duty

6. Rate of Payment

6.1 The hourly rate of payment of overtime should be considered as one-and-a-half ($1\frac{1}{2}$) times the consolidated (basic) salary per hour of the employee concerned.

Hourly rate of overtime

6.1.1 An employee's normal salary per hour will be determined by dividing the employee's monthly consolidated (basic) salary by 240.

Computation of an hour's wage

6.1.2 A daily paid employee's normal salary per hour will be one-eighth ($1/8^{\text{th}}$) of his daily wage.

Daily paid employees

6.2 The hourly rate of payment of overtime for stand by duty is one half of the rates given in subparagraph 6.1 above.

Stand-by duty

6.2.1 Stand-by duty means duty where the amount of actual work to be done is negligible but during which the employee is required to be at a defined post of duty. It also includes cases in which employees are required to sleep in their work place so as to be readily available if needed.

6.2.2 In the case of drivers and cleaners of motor vehicles, "Stand-by-duty" is that period of duty during which a driver/cleaner though temporarily discharged and free to return to his quarters is liable to be called up at any time in case of need. It does not include periods during which a driver/cleaner is temporarily discharged and is not liable to be suddenly recalled to duty though he is expected to report for duty again at a specified time. Drivers/Cleaners who have necessarily to remain by their vehicles during a period of temporary discharge from duties and who have, therefore, no freedom of movement should be reckoned as on full-time active duty.

Stand-by duty
of drivers and
cleaners

6.2.3 In the reckoning of period spent on stand-by-duty, fractions of an hour which are less than half an hour should not be taken into account.

Fractional
periods of
stand-by

7. Limits

7.1 In order to curtail expenditure on overtime within the present levels, no employee should be paid by way of overtime in respect of a particular month more than 35% of his salary for that month except under exceptional circumstances, for which authority has to be granted in terms of paragraph 3 of this Chapter.

In order to
curtail
expenditure

8. Claims for over-time payment

8.1 Form General 35A should be used for the purpose of making claims for overtime payment (vide Appendix X).

Form to be
used:
Appendix X

8.2 All claims should bear reference to the approval obtained from the appropriate authorising officer.

8.3 In claiming overtime the following information should be included;

- (a) The number of hours of overtime worked for each day giving the times of arrival and departure marked by the employee in the Overtime Attendance Register or any other electronic device vide sub-paragraph 4.3 above.
- (b) Periods of late attendance or leave of any nature availed of for each day in respect of which overtime is claimed vide sub-paragraph 5.2 above.
- (c) The net hours for which overtime is claimed for each day i.e. (a) minus (b) above.
- (d) Hours of stand-by duty each day where applicable

8.4 A certificate from the Head of Department of Study/ Division/ Centre/ Unit that he has personally satisfied himself that the overtime has been actually and fairly earned, should accompany the claim.

Certification

9. **Work on Holidays**

9.1 The authority of the Chairman / Secretary of the Commission or the Vice-Chancellor / Registrar of a University or the Director/Secretary of a University College or the Rector/ Director/ the most senior officer in the administrative staff of a Campus/Institute/ Centre for Higher Learning as appropriate, should be obtained to employ any person employed in the Commission/ Higher Educational Institution/ Institute on a holiday. Such authority shall be granted only if such staff is to be employed on any special assignment and not in connection with any day to day work.

Authority

9.2 A person of the non-academic staff other than a casual / temporary / daily paid employee, who is authorised to work on a holiday, will be eligible for lieu leave in respect of such work instead of claiming overtime. Lieu leave

9.2.1 Granting lieu leave for the number of days worked in excess of one day per month shall be decided and authorized by the Chairman of the Commission/ Principle Executive Officer of the Higher Educational Institution/ Institute. Excess days

10. **Work on week-end off days**

When a person referred to in paragraph 9 above is called upon to work on a week-end off day, he will be eligible at his option for lieu leave or overtime payment in accordance with the overtime rules of this Chapter. Option

11. **Casual Employees**

11.1 Casual employees are entitled to paid holidays in respect of the following holidays; Paid Holidays

- (a) Thai Pongal day
- (b) Prophet Mohamed's Birthday
- (c) The day before the Sinhala and Tamil New Year day
- (d) Sinhala and Tamil New Year day
- (e) May day
- (f) The day following the Wesak full-moon day
- (g) Independence day
- (h) Christmas day

11.1.1 If a casual employee is detailed for work on any of the public holidays given in sub-paragraph 11.1 above, he is also entitled to an additional day's wage, in respect of work on such holiday. Additional day's pay

11.2 Casual employees are entitled to paid holidays on full moon poya days. Full moon holidays

11.2.1 If a casual employee is detailed for work on a full moon poya holiday, he is also entitled to an additional ½ day's wages in respect of work on such full moon poya day.

11.3 If a casual employee is detailed for work on a holiday other than any of the holidays in subparagraph 11.1 above or on any full moon poya holiday, he is entitled to either lieu leave or wages as opted by the employee. Other public holidays: lieu leave or wages

12. **Holidays falling on Week-end off days**

If a holiday falls on the normal week-end off days, or on off days within the week to which a person is entitled (whether it is a Saturday or Sunday or any other day) and he is called upon to work on such a day, he shall be entitled to such concessions as are granted in respect of work done on off days and not those granted for work done on holidays. When public holidays falls on weekend off days or weekly off days

Example: If a person is required to work on a holiday which falls on a Sunday and Sundays are the normal off days of that person, he should be granted such concessions as are normally given for work done on Sundays i.e. overtime or lieu leave for monthly paid employees eligible for overtime (vide paragraph 11 of this Chapter). If, however, a holiday falls on a Sunday and Sundays are normal working days of the person the provisions of paragraph 9 of this Chapter shall apply.

13. **Work on holidays by persons not eligible for overtime**

Employees of the Commission/ Higher Educational Institutions/ Institutes, who are not eligible for overtime will only be permitted lieu leave in respect of work on holidays and week-end off days, and shall not be paid any remuneration except in the case of employees in paragraphs 18 and 19 below. Only lieu leave

- 14. Work on part of a holiday**
Where a person identified in paragraph 13 above is called upon to work only for a part of the day on a holiday, lieu leave as provided in these rules should be allowed only for the actual hours worked. The hours that may be reckoned for the purpose are only those falling within the normal working hours of the person.
- Work on part of holiday
- 15. Accommodation of lieu leave**
Any lieu leave accruing under this Chapter should be availed of before the lapse of one year.
- Lieu leave expiry
- 16. Travelling on duty on holidays**
Travelling on duty on holidays should not be regarded as work done for the purpose of payment of holiday pay, but lieu leave may be granted provided the travelling is done for the performance of an official duty.
- Not to be regarded as work done
- 17. Holiday pay not part of salary**
Holiday pay should not be aggregated with normal pay for any purpose such as for computing allowances on salary, or for any other purpose such as recovery of rent of quarters, provident fund etc.
- Not to be aggregated with normal pay
- 18. Payment to officers in executive grades working on holidays (refer paragraph 19 of Chapter VII)**
- 18.1 The rates of payment to officers in Executive Grades of the Commission, Higher Educational Institutions/ Institutes working on holidays, for attending to any urgent duties are as follows:
- Rates of payment
- 18.1.1 1/20 of the officer's consolidated (basic) monthly salary for a minimum of 8 hours of work.
- 18.2 The above rates of payment should be paid subject to following conditions:
- 18.2.1 The officer concerned should have been in attendance in office on five (05) consecutive working days prior to the weekend and public holidays on which
- Eligibility for working on weekends and non-working

- he proposes to work to be eligible to receive the payment. Those officers who are unable to attend office for five (05) consecutive working days, but work on weekends or public holidays will be entitled for lieu leave for such working days and not entitled for holiday payment.
- 18.2.2 Prior approval of the Chairman of the Commission/Principal Executive Officer of the Higher Educational Institution/ Institute on a recommendation made by the Secretary of the Commission/ Registrar of a University/ Secretary of a University College/ most senior officer in the administrative staff of a Campus/ Institute/ Centre for Higher Learning to work during week-ends and public holidays should be obtained. The Chairman of the Commission/ Principal Executive Officer of the Higher Educational Institution/ Institute should satisfy himself regarding the need for such work and should exercise strict control regarding attendance, quality and quantity of work done on holiday.
- 18.2.3 The officer will be required to work a minimum of 8 hours on a weekend or other public holiday to be eligible for the holiday payment.
- 18.2.4 Payments should be limited for working during the weekends and/ or non – working days to two (2) days (8 hours per day) per calendar month.
- 18.2.5 Services of an officer for more than two days per calendar month, if necessary could be obtained with the prior personal approval of the Secretary of the relevant Ministry and payments should be made accordingly.
- days
- Prior approval to work during week-ends and public holidays
- Minimum duration for holiday pay
- Limited for two days per calendar month

19. How holiday pay and overtime are chargeable

19.1 Holiday pay is chargeable to the provisions under which normal pay is included.

How holiday pay is chargeable

19.2 Overtime arising from work on a public holiday as provided in paragraph 9 should be charged to the normal overtime provision.

How overtime on public holidays is chargeable