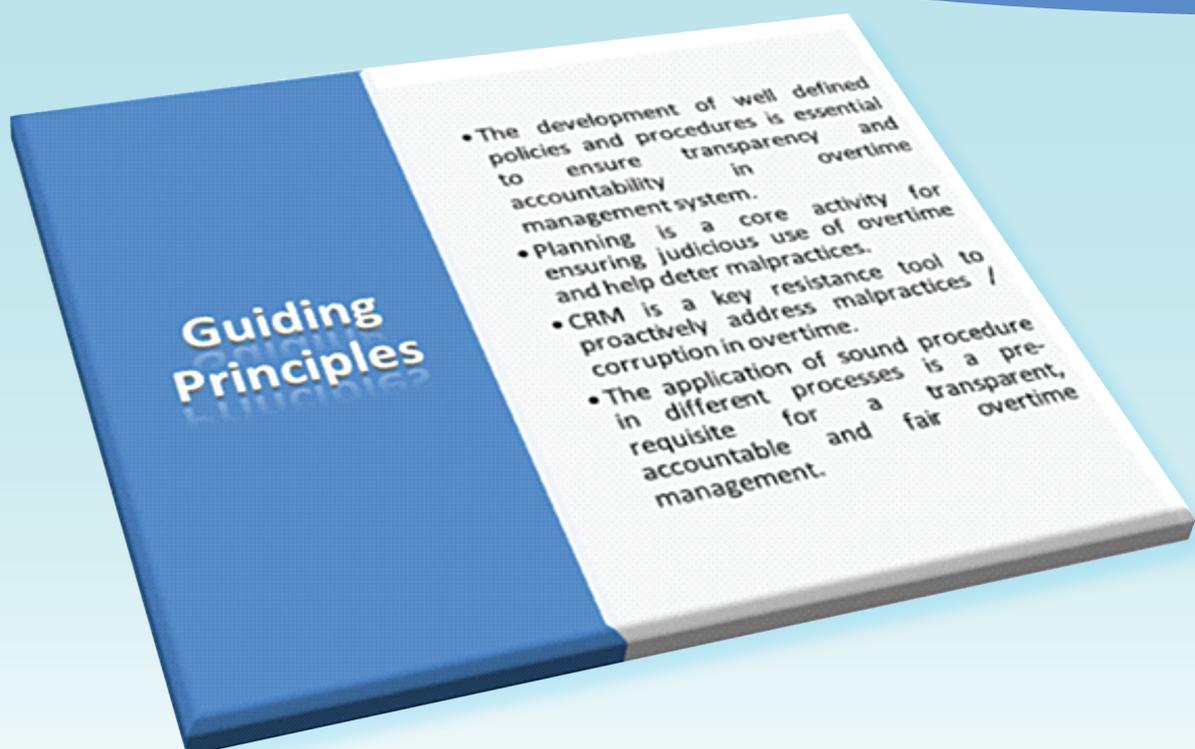




INDEPENDENT COMMISSION AGAINST CORRUPTION

BEST PRACTICE GUIDE ON OVERTIME MANAGEMENT IN THE PUBLIC SECTOR



DECEMBER 2012

TABLE OF CONTENTS

		<i>PAGE</i>
	FOREWORD	i
	LIST OF ACRONYMS	
	INTRODUCTION	1
SECTION 1	ENHANCING THE OVERTIME MANAGEMENT FRAMEWORK	2
SECTION 2	PROMOTING TRANSPARENCY AND ACCOUNTABILITY DURING THE DIFFERENT STAGES OF THE IMPLEMENTATION OF OVERTIME WORK	10
SECTION 3	IMPORTANCE OF MANAGEMENT INFORMATION AND OVERSIGHT MECHANISM IN OVERTIME MANAGEMENT	17
SECTION 4	ENSURING ETHICAL BEHAVIOUR OF EMPLOYEES	20
APPENDIX I	MODEL TIME-OFF FORM	
APPENDIX II	MODEL RISK ASSESSMENT TEMPLATE	
APPENDIX III	MODEL OVERTIME REQUEST FORM	
APPENDIX IV	MODEL OVERTIME CLAIM FORM	
APPENDIX V	LIST OF SUGGESTED OVERTIME MANAGEMENT REPORTS	

Foreword

Overtime Management is becoming a real challenge in public sector organisations. During the past few years, overtime expenditure in government organisations has increased significantly both in terms of payments and as a percentage of regular salaries.

This increase is often attributed mainly to the fact that managers, faced with staff constraints, have resorted to overtime to meet objectives set. Other explanations include the change in work environment where a continuity of services is required and the execution of unexpected additional tasks.

This involvement of substantial amount of money in terms of overtime payments may lead to malpractices and/or opportunities for corruption. Analysis of complaints received at the Independent Commission Against Corruption (ICAC) and investigations carried out in some public sector organisations revealed that overtime management represents an area vulnerable to malpractices and corruption. Common forms of malpractices and corruption include the allocation of overtime work to a non-deserving staff against gratification, the falsification of attendance records and the claiming of undue overtime that very often involves compromised supervisors.

Such malpractices, besides affecting operating efficiency and increasing staff cost of an organisation, can result into offences both under the Criminal Code and the Prevention of Corruption Act (PoCA) 2002. Thus, high standards of integrity as well as increased transparency and accountability in overtime management have become pre-requisites to eliminate corruption.

In line with its mandate to exercise vigilance and superintendence over systems and procedures in public institutions, the ICAC has developed this Best Practice Guide on Overtime Management for the public sector. The guide covers the strategic aspects of overtime management together with the necessary controls that will help corruption prevention across the different processes involved.

This document will guide public sector organisations towards the best course of action in situations where the integrity of the overtime system may be compromised. However, it is worth noting that the document does not, and indeed, cannot supersede any legal requirements involving overtime management.

It gives me great pleasure to commend this Best Practice Guide on Overtime Management for use in the public sector.

A.K. Ujoodha
Director-General
Independent Commission Against Corruption

List of Acronyms

CRM	Corruption Risk Management
HRMM	Human Resources Management Manual
ICAC	Independent Commission Against Corruption
PoCA	Prevention of Corruption Act 2002 (as amended)

Introduction

Overtime represents the hours worked by an employee in excess of scheduled or normal hours of work and hours of work performed on designated paid holidays to which the employee is remunerated. In the public sector, overtime is regulated by the conditions of service in the public sector and the Human Resource Management Manual (HRMM). Employees who work extra hours beyond their normal working day are generally remunerated for the extra hours put in through overtime payment at 1.5 times or twice the hourly rate or through time-off.

Overtime work in public bodies is performed either on an adhoc basis owing to emergency work or according to a programme. Employees are selected to perform overtime work on a rotation basis or through consensus among eligible employees.

Malpractices in overtime management can result into offences both under the Criminal Code and the Prevention of Corruption Act (PoCA) 2002. Examples include:

- Colluding and condoning falsification of attendance reports;
- Favouritism in allocation of overtime.

This Best Practice Guide has been developed following complaints on alleged malpractices and corruption concerning overtime. The aim of this guide is to assist management in establishing sound and appropriate frameworks that will help prevent corruption.

This guide is primarily meant for employees responsible for overtime management. It can also be of interest to all those involved in the overtime process. It comprises four Sections as follows:

- Section 1: Enhancing the overtime management framework.
- Section 2: Promoting transparency and accountability at the different stages of the implementation of overtime work.
- Section 3: Importance of management information and oversight mechanism in overtime management.
- Section 4: Ensuring ethical behaviour of employees.

The guide contains valuable tools that will assist public bodies in adopting sound practices in the management of overtime. The adoption of the principles highlighted in the guide will no doubt pave the way for ensuring integrity of overtime management in public bodies.

SECTION 1: ENHANCING THE OVERTIME MANAGEMENT FRAMEWORK

This Section provides some guidelines to management and Human Resource Management staff for enhancing the overtime management framework.

Management Commitment

Management of public bodies has the prime responsibility to set up appropriate structures, mechanisms and systems to ensure reliability and integrity of overtime management. It should emphasise the need for a sound and fair application of the principles described as well as the ethical behaviour of employees.

Conditions of service in the public sector and the Human Resource Management Manual set certain parameters to manage overtime work. The general principles governing the payment of overtime in the public service is summarised at paragraph 3.2.1 of the Human Resource Management Manual. An extract is reproduced below:

- 3.2.1 (1) *Overtime work shall not be resorted to except where it is absolutely necessary.*
- (2) *Where overtime work cannot be avoided, a Supervising Officer shall authorize the performance of such work in advance and approve payment of overtime allowance.*
- (3) *Records shall be kept of work performed during an overtime period and the actual time at which an officer commences and ceases overtime.*

Preventing Corruption in Overtime Management

Overtime Management is an area vulnerable to malpractices/corruption. Public bodies need to adopt a proactive and structured approach to corruption prevention in overtime management. This implies:-

- the development of relevant departmental policy;
- the assessment of overtime needs followed by planning;
- a proper risk management framework;
- continuous monitoring and improvement.

1.1 The Development of Departmental Policy

Guiding Principle

Public bodies should develop, document and communicate policy and procedures:

- i. on how, why and when overtime work needs to be considered;
- ii. to ensure transparency and accountability in the overtime management system;
- iii. to ensure fairness.

Key elements are described below:

KEY ELEMENTS	DETAILS
Policy	<p>The policy must:</p> <ul style="list-style-type: none"> ● emphasise proper planning to ensure that overtime needs are assessed and evaluation of alternative methods other than overtime, is considered to complete defined tasks; ● support the judicious use of overtime to meet unusual or non-recurring workloads that cannot be managed within normal working hours; ● encourage the most effective, efficient and fair use of overtime; ● discourage routine practice of overtime and consider it only under exceptional circumstances.
Purpose	<p>The purpose of the policy should be stated clearly. It should emphasise, among others, the judicious use of overtime and the need for a zero tolerance approach to corruption in overtime management.</p>
Scope and applicability	<p>The policy must indicate whether the provisions contained therein shall apply to all employees of the organisation.</p>

<p>Eligibility of employees</p>	<p>Certain categories of employees are not eligible for overtime payment due to the nature of their work and responsibilities.</p> <ul style="list-style-type: none"> ● Heads of Departments must have a list of employees who are eligible to perform overtime as per the conditions of service in the public sector and the Human Resource Management Manual. ● Checks and balances need to be integrated within the system so that if an employee does not satisfy the eligibility criteria, the latter is not allowed to perform overtime work.
<p>Definitions of terms</p>	<ul style="list-style-type: none"> ● Any word or expression to which a meaning has been assigned in the policy should be clearly defined. Examples include overtime and compensation.
<p>Identification</p>	<ul style="list-style-type: none"> ● Heads of Departments are expected to manage workload and identify situations in which the use of overtime is appropriate and unavoidable.
<p>Justification</p>	<ul style="list-style-type: none"> ● The reasons behind the performance of overtime must be clearly stated. Heads of Departments must ensure that only those works that cannot be performed during normal office hours are scheduled for overtime.
<p>Analysis</p>	<ul style="list-style-type: none"> ● Heads of Departments should analyse the reasons for performing overtime. Overtime must not become recurrent/routine exercise every year. Factors leading to the need for employees to work additional number of hours must be identified and analysed. ● Measures like staffing analysis and deployment can be considered.
<p>Rationality in allocation of overtime work</p>	<ul style="list-style-type: none"> ● A fair and objective mechanism must be in place for allocation of overtime work to eligible employees so that there is no perception of a selective approach in the allocation of overtime work. ● Discretionary power of officers allocating overtime work must be properly structured.

<p align="center">Recording of refusal/acceptance of employees with respect to conduct of overtime work</p>	<ul style="list-style-type: none"> ● Evidence must be secured from those employees who are eligible to perform overtime work but are not willing to do so. <p>This measure will enhance transparency and avoid any grievance on the part of employees.</p>
<p align="center">Approval and authorisation</p>	<ul style="list-style-type: none"> ● Approval must be sought prior to performance of overtime work. ● Heads of Departments must ensure that authority is granted prior to undertaking overtime work.
<p align="center">Extension of overtime</p>	<ul style="list-style-type: none"> ● Any extension of the period of overtime must be properly justified. Necessary approval and authorisation should be sought.
<p align="center">Documentation of exceptional cases</p>	<ul style="list-style-type: none"> ● Proper justifications should be given where overtime work has not been performed after having obtained approval and authorisation.
<p align="center">Monitoring and supervision of overtime work</p>	<ul style="list-style-type: none"> ● The work performed during overtime must be closely monitored by the immediate Supervisors/Heads of Departments to ensure that employees who were allocated overtime work are physically present and records of attendance are kept.
<p align="center">Rates of pay and conditions of payment</p>	<ul style="list-style-type: none"> ● Payment to employees for overtime work must be made in accordance with applicable rates. Unauthorised overtime payment must not be entertained.
<p align="center">Time-off</p>	<ul style="list-style-type: none"> ● The basis for time-off should be clearly stated. ● Records of the overtime compensation earned and to be taken as time-off should be properly maintained. ● Responsibilities of Supervisors/Heads of Departments for the approval of time-off should be clearly stated. ● Employees should be encouraged to use compensatory time as early as possible and be permitted to use such time-off within a reasonable period after making a request.

<p>Management information system</p>	<ul style="list-style-type: none"> ● Regular reports must be generated in relation to overtime work to enhance control on the overtime system.
<p>Communication</p>	<ul style="list-style-type: none"> ● It is the responsibility of the Heads of Departments to communicate the contents of the policy to all employees under their control.
<p>Monitoring and review of the policy</p>	<ul style="list-style-type: none"> ● The policy is subject to monitoring and evaluation during implementation and review, if necessary.
 <p>Tools to Use</p>	<ul style="list-style-type: none"> ● A model form to regulate time-off is provided at <i>Appendix I</i>.

1.2 Assessing the Overtime Needs and Planning

Guiding Principle

Planning of overtime work is a core activity for ensuring the judicious use of overtime and helps deter malpractices in the management of overtime. This consists mainly of an analysis of overtime needs, taking into account among others, evaluation of alternative methods other than overtime work and the preparation of an overtime budget.

KEY ELEMENTS	DETAILS
<p>Overtime needs</p>	<ul style="list-style-type: none"> ● It is the responsibility of the Heads of Departments/Sections to determine overtime requirements. ● The organisation should perform a thorough analysis of the reasons for the use of overtime. ● The need for overtime work should be well-defined and related to programme(s). ● Management should review and question the validity and necessity of overtime worked by certain employees, especially the most frequent users.

	<p style="text-align: center;">Factors influencing need for overtime</p> <ul style="list-style-type: none"> ● Management should identify the factors that influence the level of overtime in the organisation. These may include the:- <ul style="list-style-type: none"> ❖ characteristics of the work being done; ❖ security and urgency, inherent in jobs; ❖ fluctuations in workload; ❖ level of experience and training needed for a specific task; ❖ attitude of employees towards leave benefits and overtime; ❖ operational modes, such as shift work, timing of service and indivisibility of the job.
<p>Alternative methods other than overtime work</p>	<ul style="list-style-type: none"> ● An assessment of the workload should be done to determine staff requirements. ● Management should prepare action plans to meet unexpected temporary human resource requirements. ● Alternative methods of meeting or eliminating the overtime needs should be considered. ● Decisions to use overtime instead of its alternatives should be supported by cost-benefit analysis.
	<p style="text-align: center;">Reallocation of employees</p> <ul style="list-style-type: none"> ● Where possible, under-utilised employees should be temporarily allocated to Departments/Sections where overtime has to be performed, with a view to alleviate work pressure. ● This should, however, be done with due regard to the Labour Laws and Regulations.
<p>Overtime budget</p>	<ul style="list-style-type: none"> ● Management should determine resource requirements for overtime during the budget exercise. ● The organisation should prepare a budget for overtime for each of its financial year and monitor activities accordingly.

1.3 Corruption Risk Management

Guiding Principle

Corruption Risk Management (CRM) is a key corruption resistance tool that provides a mechanism within which:-

- i. generic risks can be managed proactively;
- ii. specific risks can be identified, assessed and managed;
- iii. ethical behaviour and best practices are actively promoted.

<p>Integrated approach</p>	<ul style="list-style-type: none"> ● Corruption Risk Management of overtime should be integrated into the organisation's overall risk management and governance framework. ● The overall risk management should be based on a comprehensive approach involving the identification, assessment and management of risks across the organisation.
 <p>Tools to Use</p>	<p>A model of a Risk Assessment Template in relation to overtime is provided at <i>Appendix II</i>.</p>

1.4 Continuous Improvement

Guiding Principle

A culture of continuous improvement is necessary to benchmark performance, enhance productivity and further increase the efficiency and effectiveness of overtime management system.

KEY ELEMENTS	DETAILS
<p>Work standards/productivity measures</p>	<p>The organisation should develop work standards or productivity measures as far as possible to support decisions on overtime.</p> <ul style="list-style-type: none"> ● Staffing requirements in relation to work should be established.

<p>Work standards/productivity measures (continued)</p>	<ul style="list-style-type: none">● Supervisors/Heads of Departments must be able to determine whether the work can be done during regular hours without overtime.● Management should assess the<ul style="list-style-type: none">a) efficiency of overtime work;b) impact on productivity i.e employees' measured output per productive hour.
<p>Level of absenteeism</p>	<ul style="list-style-type: none">● Management should determine to what extent absenteeism is a major cause of overtime.● Management should determine to what extent sick leave is a major cause of overtime.● The organisation should have appropriate structures to manage the level of absenteeism.

In the next Section, we look at some guiding principles to promote transparency and accountability during the different stages in the implementation of overtime work.

SECTION 2: PROMOTING TRANSPARENCY AND ACCOUNTABILITY DURING THE DIFFERENT STAGES OF THE IMPLEMENTATION OF OVERTIME WORK

In Section 1, we looked at possible ways of enhancing the overtime management framework. Let's now examine the various stages involved in the implementation of overtime work and consider ways of promoting transparency and accountability.

The different stages in the implementation of overtime work can be identified as:

- Pre-authorisation and approval of overtime work;
- Allocation/distribution of overtime work;
- Supervision of overtime work;
- Verification and certification of overtime work for payment.

The application of sound procedures in the different stages of the overtime work is a pre-requisite for ensuring best practices. This Section gives an insight of the principles to be applied for a transparent, accountable and fair overtime management system.

2.1 Controls Prior to Performance of Overtime Work

Guiding Principle

Pre-authorisation and approval provide the basis for justifiable overtime work and help to reduce malpractices/corruption risks in overtime management.

KEY ELEMENTS	DETAILS
Pre-authorisation and approval of overtime work	<p>This stage comprises three distinct steps:</p> <ul style="list-style-type: none"> ● Request from employees; ● Recommendation; ● Approval. <p>Decisions on overtime work should be guided by established policy and procedures and should comply with legal requirements.</p>
Request from employees	<ul style="list-style-type: none"> ● Employees should submit a request to perform overtime work through their respective Supervisors for the recommendation of remunerated overtime. ● The Overtime Request Form should comprise the following:

<p>Request from employees (continued)</p>	<ul style="list-style-type: none"> ❖ Reasons for the performance of remunerated overtime work. ❖ The name and designation of each employee who will be assigned the overtime work. ● The estimated number of hours that will be required as well as the period during which overtime work will be performed.
<p>Recommendation</p>	<ul style="list-style-type: none"> ● When considering requests for the performance of remunerated overtime work, immediate Supervising Officers/Heads of Departments should take into account the following criteria: <ul style="list-style-type: none"> ❖ Circumstances which justify the performance of overtime work. ❖ Steps that were taken to avoid the performance of overtime work. ❖ Particulars of any voluntary overtime work performed by employees. ❖ Number of employees according to rank who will be required to perform the overtime work. ❖ Estimated duration of the overtime work. ❖ The financial implications of the overtime work and whether funds are available.
<p>Approval</p>	<ul style="list-style-type: none"> ● Management should ensure that criteria for the approval of remunerated overtime work are developed and consistently applied. ● Any departure from established criteria should be supported by proper justifications in writing.
<div style="text-align: center;">  <p>Caution</p> </div>	<ul style="list-style-type: none"> ● The need for remunerated overtime work in the organisation should not be motivated by the need for additional income. ● Management should ensure that reasons for the performance of overtime work are genuine.



- A model of an Overtime Request Form is provided at *Appendix III*.

2.2 Allocation of Overtime

Guiding Principle

The premise for the allocation of overtime work among employees within an organisation should be based on the principles of fairness, transparency and accountability. In line with best practices, a fair and objective mechanism for the allocation of overtime work is essential.

KEY ELEMENTS	DETAILS
Structuring discretionary powers	<ul style="list-style-type: none"> ● Management should develop well-defined written policy and procedures regarding discretionary powers. The policy should also address discretionary powers of employees involved in overtime management. ● The exercise of discretionary powers for allocation of overtime work to employees should be supported by proper justification in writing. ● The exercise of discretionary power should be closely supervised. ● A reporting system should be in place to ensure transparency and accountability in the exercise of discretionary power.
Method of allocation	<ul style="list-style-type: none"> ● The allocation of overtime work should be made after due consideration to the following: <ul style="list-style-type: none"> ❖ Seniority of employees; ❖ Employees' performance; ❖ Grade of employees. <p>Overtime work should be allocated on a rotation basis by seniority as fairly as is practical among qualified volunteer employees within the Department/Organisation.</p>

<p>Consensus method</p>	<ul style="list-style-type: none"> ● In case the consensus method is used, management should ensure that the consent or refusal of all employees concerned is duly recorded prior to the proposed date of overtime work. ● In the event that there is no volunteer, the most appropriate employee (determined on the basis of seniority, competence, etc) shall be assigned the overtime work.
<p>Disqualifications</p>	<ul style="list-style-type: none"> ● Management should ensure that employees should be disqualified for remunerated overtime work if they <ul style="list-style-type: none"> (a) are absent from work (sick leaves) too often; (b) take their duty late frequently; (c) fail to perform to the required standard.
<div style="text-align: center;">  <p>Caution</p> </div>	<ul style="list-style-type: none"> ● Written requests to be excused from overtime assignment need to be considered.

2.3 Supervision of Overtime Work

Guiding Principle

A close supervision of overtime work is important for effective monitoring of working hours and output of individual employee and reduces malpractices/corruption risks in the system. This includes employees engaged in field work.

KEY ELEMENTS	DETAILS
<p>Ensuring effective supervision</p>	<ul style="list-style-type: none"> ● Overtime work should be performed under appropriate supervision. ● Supervisors should utilise predetermined performance standards to verify that overtime has been performed.

<p align="center">Ensuring effective supervision (continued)</p>	<ul style="list-style-type: none"> ● Management should ensure that supervision of overtime work is effectively conducted by Supervisors of high integrity. ● Information on each employee's movements in and out of the office should be provided to Heads of Departments through a sound and foolproof system. The fingerprint system is very effective and appropriate. ● Surprise checks should be conducted where warranted.
<p align="center">Monitoring of outdoor / field employees</p>	<ul style="list-style-type: none"> ● Management should ensure that all outdoor employees submit their daily work schedules in advance as far as possible. ● Management should keep a movement book to record the movement of all outdoor employees. ● Surprise site visits should be conducted by Supervisors. ● The existing Global Positioning System (GPS) and mobile fingerprint attendance systems, where applicable, should be integrated in the vehicles used for the conveyance of on-site employees.

2.4 Verification and Certification of Overtime

Guiding Principle

Public bodies should ensure proper verification and certification of overtime work as these are essential both as measures of control and for the elimination of malpractices/corruption. Verification of overtime claims is done through attendance registers and other control mechanisms and thereafter their certification by a staff having the appropriate authority.

KEY ELEMENTS	DETAILS
<p align="center">Verification</p>	<ul style="list-style-type: none"> ● Where attendance registers are used Managers/Supervisors should verify the time against the attendance register. ● Heads of Departments should rely on their knowledge of the work to assess whether specific tasks performed

<p>Verification (continued)</p>	<ul style="list-style-type: none"> ● during overtime actually take as long as claimed by their subordinates.
<p>Other Control Mechanisms</p>	
<p>Control mechanisms on computer networks</p>	<ul style="list-style-type: none"> ● Where employees work on computer networks or on personal computers the date and time the work is saved may be used for cross verification. ● In case a Fingerprint Attendance System is used, the system should provide relevant information for the control of overtime work with sufficient security features to avoid tampering.
<p>Certification</p>	<ul style="list-style-type: none"> ● Management should ensure that all employees who perform overtime work use the prescribed claim form. ● The claim form should provide for a description of duties performed on each occasion that overtime work was carried out. ● The claimant should certify that the overtime work indicated has been performed. ● The claimant's immediate Supervisor must certify that he/she has ascertained that the overtime work has actually been performed. ● Attendance registers kept by Managers/Supervisors and the claims submitted for the payment of overtime work should be properly inspected. ● Overtime claim forms should consistently include reasons for overtime. ● Overtime claims should be certified by staff having the necessary authority. ● Claim forms should normally contain evidence of the hours of overtime work performed. ● Management should ensure that employees do not certify their own overtime work.



- The utilisation of uniform register and claim form in respect of remunerated overtime work is a prerequisite.
- See *Appendix IV* for a Model of Overtime Claim Form.

2.5 Pay Administration of Overtime Work

Guiding Principle

Administration of overtime work in a transparent and accountable manner provides necessary safeguards to reduce corruption risks. A common example of corruption risk with respect to overtime work includes the claiming of undue overtime allowance that very often involves compromised supervisors.

KEY ELEMENTS	DETAILS
Segregation of duties	<ul style="list-style-type: none"> ● Management should ensure that there is segregation of duties between the preparation, verification and authorisation of payment. ● The person responsible for the recording of overtime pay should not be involved in the payment of overtime.
Preparation of payment	<ul style="list-style-type: none"> ● All payments should be supported by the relevant claim forms.
Calculations of overtime pay	<ul style="list-style-type: none"> ● Miscalculations of overtime payment such as using the wrong overtime rate, miscalculating the number of hours worked, or making double payments for the same overtime hours should be checked for.
Examination	<ul style="list-style-type: none"> ● All payments should be checked and examined prior to effecting payment.

In this Section, we examined the four main stages in the implementation of overtime work and looked at various ways of improving transparency and accountability.

In the next Section, we shall elaborate on the importance of management information and oversight mechanism in overtime management.

SECTION 3: IMPORTANCE OF MANAGEMENT INFORMATION AND OVERSIGHT MECHANISM IN OVERTIME MANAGEMENT

In Section 2, we looked at the guidelines of overtime management in terms of improving transparency and accountability. Let's now consider the importance of management information and oversight mechanism in overtime management.

3.1 Management Information

Guiding Principle

A sound management information system on the performance of overtime work is an essential feature of good overtime management. This enhances accountability in the system and also helps to detect any abuse.

KEY ELEMENTS	DETAILS
<p>Generation of information</p>	<ul style="list-style-type: none"> ● A management information system on overtime work should be able to produce key information on the following: <ul style="list-style-type: none"> ❖ Overtime hours worked and applicable rates (straight time, time and a half, double time); ❖ Timing or reasons for the overtime work; ❖ Overtime compensated for by time-off should also be part of the data base of the system. ● The reliability and timeliness of information are pre-requisites for a good overtime management system. ● Periodic management reports should be prepared to help monitor and track overtime use. ● Management reports on overtime should provide for overtime budget and well-organised, clear and useful information to help Managers/Supervisors monitor and control overtime. ● Management reports should contain summarised information on overtime work in a user-friendly manner.



- Management should identify frequent users of overtime.
- Management may identify any abuse through a review of statistics such as, employees working mainly during periods when the double rate is applicable.



- A list of suggested overtime management reports is provided at *Appendix V*.

3.2 Oversight Mechanisms

Guiding Principle

Public bodies should have a sound and effective oversight mechanism as this is an essential element of the corporate governance framework and is key for the prevention of corruption. This includes mainly the establishment of an Audit Committee, an effective Internal Audit and regular External Audit reviews. These measures promote accountability within the organisation and thus help to reduce malpractices/corruption risks.

KEY ELEMENTS	DETAILS
Audit Committee	<p>The Audit Committee should ensure that:</p> <ul style="list-style-type: none"> ● Management has, through the proper establishment of internal control, identified, minimised and managed risks in relation to the overtime management system. ● The recommendations from the Internal Auditors regarding the improvement of the overtime management system are implemented. ● The recommendations on overtime issues of the External Auditors are duly implemented and follow-up are done and appropriate actions taken.
Internal Audit	<ul style="list-style-type: none"> ● During the planning stage, the Internal Auditor should ensure that staff overtime is considered as a mandatory item in his/her checklist/audit plan.

External Audit

- There should be no restriction on access to information for the External Audit on overtime work.
- Management should ensure the implementation of recommendations on overtime issues of the External Auditors.

In this Section, we have highlighted the importance of management information system, oversight mechanism and the relevance of management reports in ensuring effective overtime management.

In the next Section, we shall consider the mechanisms for managing the ethical behaviour of employees with respect to overtime management.

SECTION 4: ENSURING ETHICAL BEHAVIOUR OF EMPLOYEES

In the last Section, we looked at the importance of management information and oversight mechanism in overtime management. In this final Section, we consider the ethical behaviour of employees as this is an essential component in promoting integrity in overtime management.

4.1 Ethical Dilemmas

Guiding Principle

Organisations should develop appropriate tools to better consolidate their employees' integrity infrastructure and promote ethical behaviour of the employees. An integrity system requires a combination of institutional arrangements, sound management control including regulations to foster integrity and transparency and to reduce the risk of unethical behaviours.

KEY ELEMENTS	DETAILS
<p>Managing conflict of interests</p>	<p>Conflict of interests is a corruption offence, under Section 13 of the PoCA 2002.</p> <p><i>Section 13 of the PoCA 2002 reads as follows:</i></p> <p><i>(1) Where</i></p> <p><i>(a) a public body in which a public official is a member, director or employee proposes to deal with a company, partnership or other undertaking in which that public official or a relative or associate of his has a direct or indirect interest; and</i></p> <p><i>(b) that public official and/or his relative or associate hold more than 10 per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking, that public official shall forthwith disclose, in writing, to that public body the nature of such interest.</i></p> <p><i>(2) Where a public official or a relative or associate of his has a personal interest in a decision which a public body is to take, that public official shall not vote or take part in any proceedings of that public body relating to such decision.</i></p> <p>A "relative", in relation to a person is defined under the PoCA 2002 as:-</p> <p><i>(a) a spouse or conjugal partner of that person;</i></p>

<p>Managing conflict of interests (continued)</p>	<p>(b) a brother or sister of that person; (c) a brother or sister of the spouse of that person; or (d) any lineal ascendant or descendant of that person.</p> <ul style="list-style-type: none"> ● Management of public bodies should urge employees involved in the authorisation or processing of overtime to formally declare any situation of conflict of interests in writing and to abstain from taking part in the decision so as to be in conformity with Section 13 of the PoCA 2002.
<p>Acceptance of gratification</p>	<ul style="list-style-type: none"> ● In the performance of their duties, employees involved in the management of overtime should not take advantage (or seek to take advantage) of their status, position, or office in order to obtain any form of gratification for themselves or for any other person or body. ● Any employee involved in overtime management should refrain from accepting for himself or for another person, any form of gratification. The rationale is to prevent any situation or perception of bias since such gratification may well:- <ul style="list-style-type: none"> ❖ Influence the employee, or ❖ Reasonably be interpreted as likely to cause the employee to act in a particular way, or ❖ Otherwise cause the employee to deviate from the proper exercise of his official duties.
<p> Caution</p>	<ul style="list-style-type: none"> ● An act of corruption, under the Prevention of Corruption Act 2002, includes any conduct whereby in return for a gratification, a person does or neglects from doing an act in the contravention of his public duties as well as the abuse of public office for private gain. Corruption offences under the PoCA 2002 include: <ul style="list-style-type: none"> ❖ <i>Section 4 - Bribery by public official</i> ❖ <i>Section 5 - Bribery of public official</i> ❖ <i>Section 10 - 'Trafic d'influence'</i> ❖ <i>Section 11 - Public official taking gratification</i>
<p> Example</p>	<ul style="list-style-type: none"> ● Gratification include among others, free accommodation, entertainment, hospitality and travel.

APPENDIX I: MODEL TIME-OFF FORM

Please use this form to request time-off in respect of the additional hours previously authorized through the Overtime Request Form to secure leave to recover the additional hours worked.

Ministry/Parastatal _____ Department _____
 Unit/Section _____ Officer's Name _____
 Designation _____ Authority Ref _____

Reasons for Additional Hours: (Request and Claim Forms should be attached)

Proposed dates/number of hours required to carry out duties as per Overtime Request Form :

Proposed Dates of Extra Work:	Day:	Hours Required:

Actual dates/number of hours required to carry out duties as per Overtime Claim Form:

Actual Dates of Extra Work:	Day:	Hours Worked:

Request to Take Time-Off Accrued

Previous Accrual not taken:	Accrual this time:	No of hours requested for:	Date/Time Request to be taken:

Remaining Accrual:

Prepared by : Employee Signature	Date
--------------------------------------------------	-------------------

Verified by : Name of Officer Designation Signature	Date
---------------------------------------------------------------------------------------	-------------------

Authorised by : Name of Head of Department Designation Signature	Date
----------------------------------------------------------------------------------------------------	-------------------

APPENDIX II: MODEL RISK ASSESSMENT TEMPLATE

Ministry/Parastatal:					
Activity/Function :					
Date of Assessment:					
Conducted by:					
Step 1 Identify the Risks		Step 2: Assess the Risk		Step 3: Treat the Risk	
Identify the task	What are the risks associated with the function?	Is the risk low, moderate, significant or high?	If the risk is deemed unacceptable for the task what will be done to reduce or remove the risk?	By whom and by when?	Reassess the Risks
How do you assess the risk? For each risk identified answer A then answer B together to determine risk and action required					
A - what is the potential impact or consequence of the risk.	B - what is the likelihood of the risk happening?	Add A and B together.	Risk Score	Actions	
1 - Minor	1 - Low – it could happen, but only rarely		Score 2 = Low risk	Proceed with caution	
2 - Moderate	2 - Moderate – It could happen occasionally		Score of 3 – 4= Medium Risk	Regularly monitor the situation	
3 - Major	3 - High – It could frequently happen		Score of 5 – 6 = High risk or extreme risk	Review of strategy	

APPENDIX III: MODEL OVERTIME REQUEST FORM

EMPLOYEE INFORMATION		
Ministry/Parastatal Body _____		Department _____
Unit/Section _____	Request Form No _____	Pay site Code _____
Name _____	Designation _____	
Date _____	From <input type="checkbox"/> a.m <input type="checkbox"/> p.m	To <input type="checkbox"/> a.m <input type="checkbox"/> p.m No of hours _____
LOCATION OF WORK		
<input type="checkbox"/> Office	<input type="checkbox"/> Other Location (Please specify) _____	<input type="checkbox"/> Availability of Funds _____
TYPE OF COMPENSATION		
<input type="checkbox"/> Time off	<input type="checkbox"/> Cash Payment	
JUSTIFICATION		
Why overtime is necessary? _____		
What duties will be performed? _____		
Why work cannot be performed during normal working hours? _____		
Why work will be performed outside the office? _____		
PREPARED BY		
Employee's Signature		Date.....
VERIFICATION		
Name of Immediate Supervising Officer		
Signature		Date.....
AUTHORITY		
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	
Reasons for disapproval (if applicable)		
.....		
Head of Department		
Signature		Date
CANCELLATION (if applicable)		
Reasons for cancellation		
.....		
Head of Department		
Signature		Date

APPENDIX IV: MODEL OVERTIME CLAIM FORM

Ministry/ Parastatal: _____
 Department: _____
 Unit/Section: _____
 Name of Officer: _____
 Designation: _____
 Period: _____
 Authority Reference: _____
 Claim Form No: _____

Date	Day	Duties	Hours of work				Total no of hours worked on Sunday & Public Holiday	Overtime Rate
			A.M	No of hours	P.M	No of hours		
			From	To	From	To		

Prepared by: _____ Date: _____
 Signature: _____

Overtime as claimed above has been duly performed
 Verified by :
 Name: _____ Designation: _____
 Signature: _____ Date: _____

Authorised by :
 Name: _____ Designation: _____
 Signature: _____ Date: _____

APPENDIX V: LIST OF SUGGESTED OVERTIME MANAGEMENT REPORTS

S/N	Name	Purpose
1	Total overtime expenditure to date	<ul style="list-style-type: none"> ● To provide a snapshot of the status of total overtime expenditure by month.
2	Overtime management category summary	<ul style="list-style-type: none"> ● To provide: <ul style="list-style-type: none"> ❖ An overview of overtime categories. ❖ A comparison of current expenditures to the previous fiscal year.
3	Highest overtime earners	<ul style="list-style-type: none"> ● To identify employees working excessive overtime.
4	Overtime by employee and activity	<ul style="list-style-type: none"> ● To identify: <ul style="list-style-type: none"> ❖ Employees working excessive overtime. ❖ Employees working minimal overtime
5	Employee time-off records	<ul style="list-style-type: none"> ● To provide employee time-off records to Heads of Departments for proper monitoring.

This best practice guide is for general guidance only. It does not discuss all possible situations and it cannot supersede any relevant legislation. Readers are advised to consult the Prevention of Corruption Act 2002 (with amendments) and to seek legal advice when they have any doubt.

The ICAC will not take responsibility for any legal damage arising from action or absence of action of any person on account of the contents of the guide.



68, Harbour Area, Quay D, Port Louis, Mauritius

Tel: (230) 206 6600 : Fax: (230) 217 1643

Email: icacoffice@intnet.mu – Website: www.icac.mu

DECEMBER 2012