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Office of the President

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MEMORANDUM CIRCULAR NO: 30

Series of 2016

T O: All Concerned

R E: OVERTIME SERVICES WITH PAY OF GOVERNMENT PERSONNEL

1.0 Purpose

This memorandum is issued to reiterate the provisions of Joint Circular No. 1, Series of 2015 by Civil Service Commission (CSC) and Department of Budget and Management (DBM).

The Joint circular is issued to prescribe policies and guidelines on the rendition of overtime services and the corresponding remuneration, either through CTO or Overtime Pay, including the flexibility granted to agency heads to authorize overtime services and the payment thereof.

2.0 General Policy of Overtime

2.1 The rendition of Overtime services shall be authorized only when extremely necessary, such as when a particular work or activity cannot be completed within the regular work hours and that non-completion of the same will: a) cause financial loss to the government or its instrumentalities; b) embarrass the government due to its inability to meet its commitments; or c) negate the purpose for which the work or activity was conceived.

2.2 As a general rule, the remuneration for overtime services shall be through CTO, in accordance with the guidelines under the CSC-DBM Joint Circular No.2, s. 2004 and No. 2-A, s. 2005

- 2.3 The payment in cash of overtime services through Overtime Pay may be authorized only in exceptional cases when the application of CTO for all overtime hours would adversely affect the operations of the agency.

3.0 Priority Activities that May Warrant Rendition of Overtime Services

The priority activities that may warrant rendition of necessary overtime services may include the following:

- 3.1 Implementation of special or priority programs and projects embodied in Presidential directives with specific dates of completion;
- 3.2 Completion of infrastructure and other projects with set deadlines when due to unforeseen events the deadline cannot be met without resorting to overtime work;
- 3.3 Essential public services during emergency or critical situations that would require immediate or quick response;
- 3.4 Relief, rehabilitation, reconstruction, and other work or services during calamities and disasters;
- 3.5 Seasonal work, such as but not limited to, preparation of budgets and annual reports, in order to meet schedules deadlines;
- 3.6 Preparation of financial and accountability reports required by oversight agencies like Congress of the Philippines, Office of the Philippines, Commission on Audit, Department of Budget and Management, and National Economic and Development Authority;
- 3.7 Services rendered by drivers and other immediate staff of officials when they are required to keep the same working hours as these officials; and
- 3.8 Such other activities as are needed to meet performance targets or deliver services to the public as may be determined by the agency head

4.0 Authority and Flexibility Granted to Agency Heads

Agency heads are authorized to approve the rendition of overtime services and are granted the following flexibilities subject to the conditions and limitations prescribed in this Circular:

- 4.1 Determination of the priority activities that may warrant rendition of overtime services and the timing and duration thereof;

4.2 Determination of agency personnel who may be authorized to render overtime services; and

4.3 Determination of the number of hours of overtime services and the manner of compensating the same pursuant to items 2.2 and 2.3

5.0 Government Employees Who May be Authorized to Render Overtime Services with Pay or Compensation

5.1 Only appointive and salaried civilian government employees holding regular, contractual, and casual positions of division chief or equivalent level and below may be authorized to render overtime services with pay or compensation.

5.2 Incumbents of positions of division chief or equivalent level and below, designated as Officers-in-Charge of higher level positions, may also be authorized to render overtime services as they are still bound to observe the prescribed work hours in their respective agencies.

6.0 Government Officials and Employees Who are Not Authorized to Render Overtime Services with Pay or Compensation

6.1 Civilian personnel holding positions higher than division chief or equivalent levels;

6.2 Those granted other forms of allowances or benefits for services rendered beyond the prescribed work hours under existing laws, rules, and regulations;

6.3 Those who are on travel status;

6.4 Elective officials in the national government and local government units down to municipal level;

6.5 Elective and appointive *barangay* officials and employees ; and

6.6 Military and uniformed personnel of the government.

7.0 Period of Overtime Services

7.1 As provided under Section 5, Rule XVII of the Omnibus Rules Implementing Book V of Executive Order No. 292, "Administrative Code of 1987," officers and employees of departments and agencies shall render not less than 8

hours or work a day for 5 days a week or a total of 40 hours a week, exclusive of time for lunch. Generally, such hours shall be from 8:00 in the morning to 12:00 noon and from 1:00 to 5:00 in the afternoon, except Saturdays, Sundays, and holidays. However, Section 6 thereof allows flexible work hours, subject to the discretion of the department/agency head.

7.2 The period of overtime service in a workday for a full-time employee shall include:

7.2.1 Those rendered beyond the normal 8 work hours on scheduled workdays or 40 hours a week, and those rendered on rest days or scheduled days off, holidays, and special non-working days, both exclusive of time for lunch and rest;

7.2.2 Those rendered beyond the prescribed work hours in a shift of 8 hours or more, such as in government hospitals, on scheduled workdays, and those rendered on rest days or scheduled days off, holidays, and special non-working days.

7.2.3 Those rendered by drivers and other immediate staff of officials who are required to keep the same work hours as these officials, which are beyond 8 hours or the prescribed work hours in a workday, and on rest days or scheduled days off, holidays, and special non-working days.

8.0 Payment of Overtime Services

8.1 If Overtime Pay has been determined by the agency head to be the appropriate compensation for overtime services, the same shall be based on the hourly rate of an employee and to the applicable premium on the hourly rate, depending on the day such overtime services was rendered.

8.2 The number of work hours of overtime service rendered on a scheduled workday, N_1 , and those rendered on a rest day or scheduled day off, holiday, or special non-working day N_2 , shall be computed by taking into consideration the provisions under item 9.0 of this Circular.

8.3 The hourly rate of an employed on full-time employment, HR , with a monthly salary, S , for 22 workdays in a month and 8 hours per workday, shall be computed by using the following formula:

$$HR = \left[\frac{5}{1 \text{ Month}} \right] \left[\frac{1 \text{ Month}}{22 \text{ Workdays}} \right] \left[\frac{1 \text{ Workday}}{8 \text{ Work Hours}} \right]$$

8.4 The Overtime Pay shall be 125% or 1.25 of **HR** on a scheduled workday. It shall be 150% or 1.5 of **HR** on a rest or scheduled day off, holiday, or special non-working day.

8.5 The total Overtime Pay, for a month for an employee on full-time employment, **OT Pay**, shall be computed based on the following formula:

$$OT \text{ Pay} = 1.25 (HR) (N_{1Total}) + 1.5 (HR) (N_{2Total})$$

To simply the formula:

$$OT \text{ Pay} = HR \ 1.25 (N_{1Total}) + 1.5 (N_{2Total})$$

9.0 Limitations on Overtime Services and Overtime Pay

9.1 Only employees who arrive on or before the start of the workday shall be allowed to render overtime work with pay, provided that at least 2 hours of overtime services are rendered.

9.2 One-hour breaks shall be observed for breakfast, lunch, or supper and rest, and every 3 hours of continuous overtime service, or as may be necessary.

9.3 Rendering overnight overtime service shall be resorted to only when extremely necessary. No employee shall be allowed to render overnight service for more than 2 consecutive nights, for health reasons and to ensure employee productivity.

9.4 The period of overtime services shall not be used to offset undertime.

9.5 Only a maximum of 12 hours of overtime services on a rest day or scheduled day off, holiday, or special non-working day, shall be compensated through Overtime Pay.

Any excess over 12 hours shall be compensated through CTO

9.6 The total amount of Overtime Pay of an employee in a year shall not exceed 50% of its total Personnel Services (PS) budget for a given year.

- 9.7 The total amount of Overtime Pay to be spent by an agency shall not exceed 5% of its total Personal Services (PS) budget for a given year.

Any grant of Overtime Pay in excess of the 5% limit shall be subject to approval of the DBM in accordance with existing budgeting and accounting rules and regulations.

10.0 Fund Sources

- 10.1 For national government agencies, including SUCs, the Overtime Pay shall be charged against the following sources:

- 10.1.1 The amount specifically appropriated in the agency budget for Overtime Pay, if any
- 10.1.2 Available agency savings, subject to existing rules and regulations on the use of savings.
- 10.1.3 Other fund sources authorized under existing laws, rules and regulations.

11.0 Reportorial Requirements

Each agency shall submit to the DBM's Budget and Management Bureau or Regional Office concerned, copy furnished the CSC, the **"Report on Overtime Services with Pay"** using the template in **Annex A** on or before March 31 of every year.

12.0 Internal Policies

- 12.1 The usual approved request for authority to render overtime services and the accomplishment report shall be submitted together with the claim for overtime pay. Said request shall state, among other, the:
- Purpose – the purpose must be specific and must be supported whenever possible by a memorandum, instructions, or other documents containing the job requisition order.
 - Duration – the duration must be definite it shall be directly and reasonably proportional to the scope, magnitude, importance and complexity of the work to be accomplished and shall not extend beyond the scheduled date of completion.

- Justification – it shall show urgency and necessity of the overtime services and the adverse consequence that may arise if not approve.


12.2 The names, positions and assigned tasks of each employee shall be enumerated. Only the employee (s) handling the specific activities directly to the work to be done shall render overtime services and the number of employees shall not exceed 50% of the total work force of the unit.

12.3 Claims for services rendered other than overtime services as provided for in the Circular shall be funded out of any savings from personal services.

13.0 Effectivity

This Circular shall take effect on November 25, 2015 per CSC & DBM Joint Cir. No. 1

For guidance and compliance.


EDGARDO E. TULIN
President

Annex "A"

**Report on Overtime Services With Pay
For FY_____**

Department/Agency:_____

1. Priority Activities for Which Overtime Pay was Authorized

2. Total Expenditure for Overtime Pay

<u>No. of Personnel</u>	<u>Total Overtime Pay</u>	<u>Total Salaries/ Wages</u>	<u>% Total Overtime Pay/ Total Salaries/Wages</u>
Regular	_____	_____	_____
Contractual	_____	_____	_____
Casual	_____	_____	_____

3. Fund Sources for Overtime Pay

<u>Sources</u>	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Submitted by:

Certified Correct:

Head, Finance/Administrative Unit

Agency Head