

## **6. Overtime and Time Off in Lieu (TOIL)**

- 6.1 Overtime pay is defined as the additional pay claimed as a result of additional hours worked to contracted hours. It can be planned or occasionally unplanned. Unless an employee has a contractual entitlement to overtime or it has been authorised in advance by the appropriate line manager a claim for overtime will not be considered.

Planned overtime is pre- determined and the need for the overtime will have come about either from special one off project work or to carry out essential work.

- 6.2 Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours.

Subject to working patterns and contractual arrangements TOIL should normally only apply to hours worked before 7.15am and after 7.00pm.

- 6.3 Employees who work additional hours on an ad hoc basis are recompensed either with an overtime payment or time off in lieu (TOIL) through the flexible hours recording system.

- 6.4 If the starting point for overtime worked is the employee's home address any travel time included should be less than the time that it normally takes to travel from home to normal work base and back.

### **6.5 Employees on or below scp 22**

Employees on or below scp 22 who are required to work additional hours beyond their working week are entitled to receive overtime payments / TOIL on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)

### **6.5 Employees paid on scale point 23 or above**

Those who are paid on scale point 23 and above will receive overtime payments as outlined above but these will be calculated at scp 22.

Staff paid on scale point 23 and above will be entitled to TOIL at plain time for hours worked from Monday to Thursday, time and a half for Fridays and Saturdays and double time for Sundays and Bank Holidays.

### **6.6 Part time employees**

Part time employees are entitled to receive overtime payments / TOIL only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full time employees (37 hours) shall be worked by a part time employee before these enhancements apply.

### **6.7 Work undertaken under the emergency plan**

Where recall to work is outside an employees' usual/contracted working hours and their skill and professional knowledge means their attendance is critical to the emergency, the normal restriction that part time workers will need to have worked 37 hours before attracting overtime payments / TOIL at enhanced rates will be set aside. This arrangement must have been previously agreed with the Corporate Director for payment to be made.

Employees recalled to work under the emergency plan will be paid as follows:

Employees on or below scp 22 who are required to work additional hours beyond their working week are entitled to receive overtime payments on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)

Work carried out from midnight onwards will be paid at double time.

Those who are paid on scale point 29 and above will receive overtime payments as outlined above but calculated at scp 22.

Travel time will be included in the time worked.

Staff recalled to work on a day's leave will have their leave reimbursed. Overtime rates will only apply outside of normal working hours.

Sleep time for those working through the night and contracted to work the next day will be granted depending on the circumstances and only with the agreement of a Corporate Director up to a maximum of 7 hours 24 minutes.

## **6.8 Working Hours**

The Council is mindful of the Working Time Regulations and has a duty of care to protect the health and safety of its employees by ensuring that they do not work too many hours. The normal working week is one of 37 hours and employees should not work more than 48 hours a week unless agreed by the line manager. Any requirement to work beyond the Working Time Regulations should be referred to the human resources team in the first instance.

If any employee regularly works additional hours, then working hours may need to be formally amended to reflect this.

## **6.9 Record Keeping**

Where an employee currently utilises the Council's flexitime system this will be the mechanism by which additional hours worked will be managed. The arrangements for the operation of the flexitime system are detailed in the relevant policy and procedure.

Post holders who are required to work outside the normal core flexi time (7.15 am to 7.00pm Monday to Friday) on a regular basis, may have their carry over limit increased up to a maximum of 4 days to accommodate operational requirements.

Any increase in the carryover from 2 to 4 days must be agreed by the Head of Service in consultation with the HR team.

It is the responsibility of Line Managers to monitor the accumulation of TOIL and additional hours should normally only be worked with the prior agreement of the Line Manager.

#### **6.10 Taking TOIL**

Every effort should be taken to take TOIL as soon as possible after it is accrued, however, it is recognised that this may be restricted due to operational requirements.

Where TOIL of more than half of a normal working day is being claimed this should be claimed in line with the principles of booking flexi or annual leave.

#### **6.11 Staff with high TOIL balances must speak with their manager and agree a plan to reduce the balance by taking TOIL leave whilst maintaining service delivery.**

TOIL balances should not exceed 37 hours (pro-rata). Director approval will be required for any exceptional balances over this threshold.