



# **BOGNOR REGIS TOWN COUNCIL OVERTIME AND TIME OFF IN LIEU POLICY AND GUIDANCE**

**Adopted by the Council at its Meeting held on 7<sup>th</sup> March 2016**

**to be effective from 1<sup>st</sup> April 2016**

## 1. INTRODUCTION

Bognor Regis Town Council recognises that, on occasion, employees will be required to work outside their normal working hours. As an employer, we are required to protect the health and safety of our employees by ensuring that they do not work excessive hours, and that any additional hours are agreed in advance and monitored appropriately.

Line managers are required to manage overtime when applicable and TOIL accrued by their staff ensuring that the latter is taken at times that minimise disruption to service provision.

## 2. SCOPE OF GUIDANCE

The guidance applies to all staff employed by Bognor Regis Town Council.

## 3. DEFINITION

### **OVERTIME;**

Overtime relates to the time worked beyond normal hours. However the Council's Town Force employees are the only staff contractually entitled to receive overtime payments whereas all other staff are contractually entitled to Time of in Lieu (TOIL)

Overtime is payable when a Town Force employee has worked beyond 40 hours Monday to Friday and the rate it is paid at is detailed in either the employee's contract of employment or the handbook.

The appropriate line manager, who has delegated responsibility for agreeing overtime, must authorise all overtime in advance and confirm with the employee.

Overtime must be claimed using the appropriate Timesheets provided.

### **TOIL;**

Time of in lieu (TOIL) is defined as time off granted with pay to compensate for additional hours worked out of normal working hours. Managers should ensure that TOIL is used only occasionally to deal with fluctuations in workload.

### **Town Force**

TOIL is applied to Town Force when Monday to Friday working hours are between 37 and 40 hours beyond which such staff are entitled to overtime payments as detailed above.

### **All Bognor Regis staff other than Town Force**

In all cases other than Town Force, TOIL is applied to staff at the following rates:

1. The Town Clerk must work 4 hours extra per week prior to claiming TOIL.
2. All Office Managers must work 2 hours extra per week prior to claiming TOIL.

3. All other staff other than Town Force may accumulate toil for all extra hours worked subject to the following conditions.
  - 3.1 Accrued TOIL for any staff must be used within 4 weeks of accrual or otherwise it will be lost.
  - 3.2 Employees are entitled to 'bank' up to 15 hours to be used by the end of the holiday year. These will be referred to as controlled hours. These controlled hours cannot be carried forward into the following annual leave year.
  - 3.3 The cap on accruing only 15 hours TOIL (controlled time) and the timeline in which TOIL must be taken does not apply to the Town Force team and to the Council's Events Team employees between the months of June and September. In order to take account of service requirements relating to regular essential seasonal maintenance work and other seasonal issues, relevant employees can accrue TOIL to be taken within 8 weeks of the last day of September. During this period, TOIL can be accrued without the 4 week limit in which to take it but is capped at 12 normal time extra hours per week.

The conditions relating to TOIL contained within this policy document will not change the existing terms and conditions of current staff contracts. However, staff will be required to comply with the policy its requirements and conditions.

#### **4. MANAGEMENT OF OVERTIME/TOIL**

1. Whenever possible Managers should ensure that the working of overtime or TOIL is on a short term or temporary basis or driven by the urgent needs of the Service.
2. Alternatives should always be considered before any request for overtime/TOIL is approved. Overtime/TOIL should not always be seen as the default option.
3. Other alternatives may include:
  - Appointing temporary or permanent employees.
  - Increasing the hours of part-time employees.
  - Introduction of alternative working arrangements/patterns.
4. The Town Clerk should be consulted for further guidance and advice on the most suitable alternative arrangement based upon the requirements of the Service.
5. All additional hours/overtime worked must be authorised in advance by the appropriate line manager.
6. If the employee wishes to take time off in lieu for the additional hours / overtime worked then this arrangement must also be authorised in advance by the line manager.

#### **5. ADDITIONAL HOURS**

Where a part-time employee works additional hours, these can be claimed as TOIL on an equivalent basis, subject to agreement with their line manager.

## 6. ENHANCEMENTS

Where additional hours are worked on Saturdays lieu time will be given at the rate of one and one half of additional hours worked.

Where additional hours are worked on Sunday or a public holiday lieu time will be given at the rate of two hours for each hour worked.

When TOIL is undertaken over a period of time where more than one enhancement is applicable the highest rate of enhancement should be selected.

## 7. RECORDING OF TOIL

All members of staff will record their daily hours worked on the record sheets provided. This will include details of hours worked in excess of normal working hours which will be recorded as excess hours on the record form including the reason for working the excess hours. Line managers will monitor the forms to ensure that in the case of Town Force Overtime is not accruing in excess of the Council's profiled budget for Overtime working. In addition to which managers will monitor all excess hours worked to ensure compliance with this policy.

Where staff take back time they will record this on the record sheets and in accordance with the Council's policy on taking leave which in all cases must be agreed with the line manager.

## 8. EXCEPTIONS

In all cases the Town Clerk may agree the accumulation of TOIL hours outside of the policy in exceptional circumstances which would subsequently be reported to the Joint Consultative Sub-Committee (Staffing).

## 9. MISUSE

The Overtime and TOIL guidance and its operation depend on mutual trust. Any employee who is found to have abused the schemes may have them withdrawn and may be subject to disciplinary action up to and including dismissal. Managers should refer to the [Disciplinary Policy](#) or contact Town Clerk for further guidance and advice.

For further advice and guidance on any of the above please contact the Town Clerk.