

ADVICE NOTE: Hours of Work

Hours of work

A normal full-time working week for a local authority outside of the Metropolitan Police District is 37 hours (36 hours within the Metropolitan Police District as defined in the London Government Act 1963) unless local agreement states otherwise. However, there are a number of factors which should be borne in mind when looking at the hours of work of a local authority employee.

Contracting to work in excess of 37 hours

Unless the position requires it for its proper performance, a Council employee should not be contracted to work for more than 37 hours as outlined in the Purple Book (predecessor of the Green Book), or 36 hours (please see above) and should this be necessary, any work done in excess of the Council's normal full time working week, should be compensated for (please see below).

However, some Local Authorities operate a shorter week under local agreements.

Part-time Working

A large proportion of Council employees work on a part-time basis. It is therefore crucial to remember that such employees are entitled to the same benefits as full-time employees but on a pro-rated basis e.g. holiday entitlement or sick leave entitlement. To calculate the leave entitlement for part-time staff please refer to the advice note "part time leave entitlement calculator".

Flexible Working Hours or 'Flexi-time'

A Council may consider implementing a flex-time policy, whereby employees can choose within set limit how they fulfil their contracted hours of work.

This may be suited to allow for childcare needs or even to avoid peak time traffic. Such a policy may stipulate that an employee must work certain core hours and can then be flexible around these core hours. In addition, a policy may also allow employee to carry over a certain number of their contracted hours to be fulfilled within a certain time frame.

Time off in Lieu or TOIL

Many council employers also operate a TOIL system which operates in conjunction with its Flexi-time policy.

Under such a policy, an employee may work in excess of their normal contracted hours and carry over or 'bank' these accrued hours, which can be taken at a later date in the form of paid time off work, perhaps a half or full day.

Any such policy should stipulate how much time can be carried over by an employee and for how long this time can be carried over. It is usual to stipulate that all time accrued must be taken within a four week period.

Working Outside Normal Hours

Where a Council abides by the Green Book provisions, an employee who works non-standard patterns of work should be compensated for this work.

1. Additional Hours/Overtime

Employees, in receipt of basic pay at or below point 22, who are required to work beyond the full-time equivalent hours for the week in question, on Saturday or Sunday, at night, on public holidays, sleeping in duty or other non-standard working arrangements are entitled to compensation as set out below. Alternatively, an inclusive rate of pay to recognise these requirements may be negotiated locally.

An employee who is required to work hours in additional to their normal working week, should be paid at the following rates under Green Book provisions:

- a. Monday-Saturday: time and one half;
- b. Sundays and public holidays and extra-statutory holidays: double time. Green Book provisions state that a minimum of 2 hours must be worked on these days to receive such additional pay.

If an employee works on a part-time basis, then such overtime provisions would not normally apply until the employee had worked in excess of a full-time working week i.e. 36 or 37 hours.

2. Weekend Workers

Certain Council employees may work on a Saturday or Sunday as part of their normal working week, for example a groundsman who oversees the use of football pitches over the weekend's matches.

Should an employee work weekends as part of their normal contracted hours, then those hours worked at the weekend should be paid at time and a half. If an employee is paid at or below Spinal Column Point 10/11, work on a Sunday should be at double time.

3. Night work

An employee who is required to work during hours between 8pm and 6am, such work should be paid at time and one third.

4. Public or extra-statutory holidays

A Council employee who is required to work on a public holiday or a designated extra-statutory holiday, will receive normal pay for that day if the hours worked are within the employee's normal hours of work. In addition, they should receive time off in lieu. If the employee has worked less than half their normal working day on the public holiday, they

should receive a half day in lieu. If they have worked more than half of their working day on the public holiday, they should receive a full day in lieu.

Unusual working patterns

A Council may require certain employee to work unusual patterns, such as shift work or be on call or work split shifts and if Green Book provisions do not specify, should the Council have such a need, it is always advisable to attempt to establish local agreement on how these patterns of work will be administered and also remunerated.