

Working Hours, Leave and Public Holidays

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WORKING HOURS

300 Whilst the normal working hours within an Association are laid down in these Regulations, the actual daily hours of attendance, meal breaks, the introduction of flexitime working if required, including specifying core hours, and other such details are the responsibility of the Association. Normal working hours (which do not include meal breaks) are detailed below:

a. **Normal Working Hours.** The normal working hours for employees are 36 in the inner London area and 37 in all other areas spread over 5 days of the week, normally Monday to Friday.

b. **Part-Time Employees.** Part-time employees are defined as those who work less than the normal working hours. The number of hours they work are specified by the Association.

c. **Meal Breaks.** All full-time employees are allowed five hours per week, in addition to normal working hours, for lunch breaks. A minimum of 30 minutes is to be taken each working day. Part-time employees are not entitled to paid meal breaks save where they work either a complete day or in excess of five hours on any one day.

d. **All Hours Worked:** Exceptions to the general rule on weekly working hours are full time Cadet Executive Officers, Cadet Quartermasters, Cadet Support Officers and Cadet Administrative Assistants employed on an "All Hours worked" contract of employment.

The all hours worked formula was introduced to provide a comprehensive method of remuneration as a permanent and stable addition to basic pay for ACF Professional Support Staff. It recognises the requirement for some additional hours to be worked in the evenings and at weekend on a routine basis. The formula takes into account the peaks and troughs of the workload and is based on average hours worked per week of:

CEO - 47.5 CQM & CSO - 46.5 CAA - 47 Overtime payments are not permissible for excess hours worked, but time off in lieu (TOIL) may be given.

Payment or time off in lieu (TOIL) for additional hours worked for those not employed on an "all hours worked" basis shall be as laid down in Annex B to Chapter 2.

e. Those employees, who, with permission, are permitted to take up secondary employment are required to sign a Working Time Directive Opt Out, a template of which is at Annex 3A.

ANNUAL LEAVE

301 Annual Leave Year. The year, for leave purposes, for all employees is from 1st April to 31st March inclusive.

302 Annual Leave Entitlement. The annual leave entitlement for employees is shown at Annex 3B.

303 Principles.

a. Under no circumstances are employees to make arrangements for absence on leave without the prior agreement of their Line Manager. Before authorising leave the Line Manager must ensure that essential work can continue and that the maximum amount of leave allowable in the circumstances is not exceeded. All annual leave is to be recorded.

- b. Employees should be encouraged to take their full annual leave entitlement and, subject to the requirements of the Association, should be allowed a measure of selection of the period to be taken as leave, although they cannot claim to take it at any particular period of the year.
- c. Subject to the needs of the Association, employees may be allowed to take all of their paid annual leave entitlement at one time or they may take it in two or more shorter periods. At least one period of leave with pay is, however, to be for an unbroken period of one week, which minimum period may include public or privilege holidays.
- d. The minimum period of leave which may be taken at any one time is to be half a day.
- e. Employees accrue annual leave on a monthly basis of 1/12th of their annual entitlement. Any additional entitlement to annual leave with pay is not acquired, however, until the end of the leave year. Provided, however, that there is a reasonable expectation of service to the end of the leave year, employees may, at the discretion of the Association, be allowed to anticipate the amount of leave due to them for the whole leave year. Casual employees are not allowed to anticipate leave.
- f. Employees are required to take the minimum annual leave as prescribed by legislation in each leave year. In respect of any annual leave days additional to the statutory minimum requirement, however, employees have no right to any form of compensation if, for any reason, they do not take their full annual leave entitlement, except in their final year of service in the particular circumstances given at Paragraph 5 of Annex 3~~0~~³ (but see Paragraph 30~~3~~⁴ for carry-over arrangements).
- g. In cases of resignation or voluntary retirement the Association will make every effort to allow employees, if they so wish and wherever it is practicable, to arrange their last day of service to enable them to take all the outstanding annual leave due to them.

304 Anticipation and Carry Over.

- a. Applications to anticipate up to seven days leave from the next year's entitlement are to be submitted to the Chief Executive of the Association who may approve where special circumstances merit exceptional treatment.
- b. Up to ten days' annual leave may be carried over with the agreement of the Association and taken during the next leave year, but staff are required to take the minimum statutory amount of annual leave in each leave year (see Paragraph 303f).
- c. With effect from 1 April 2009, the minimum statutory leave entitlement is 28 days, inclusive of public and privilege days. Account must therefore be taken of the number of public and privilege days which have been taken when calculating the minimum number of days taken and also the number of days which may be carried over.
- d. An employee who has been prevented from taking annual leave due to the essential requirements of the Association will be entitled to carry over that leave to the next leave year. Where such a carry-over would result in a build-up of untaken leave, the granting of which causes a problem to the Association, or if such a carry-over is in excess of the ten days at Paragraph 304b, and the employee agrees, payment at the full daily rate of pay may be offered for all or part of such untaken leave in excess of the statutory minimum entitlement.

305 Sickness Preceding or During Annual Leave.

- a. Annual leave may not be taken in place of sickness absence. An employee will not normally be granted annual leave immediately following a period of sickness absence without first returning to work.
- b. If an employee falls sick for four or more days continuous sickness during annual leave, the period of incapacity may be treated as sickness absence instead of annual leave if a doctor's certificate covering this period is furnished on the first day back after the period of annual leave.

CALCULATION OF LEAVE ENTITLEMENT

306 The methods of calculating leave entitlement for full and part-time employees and covering paid annual leave, leave during the year of appointment, or cessation of employment and on public and privilege holidays are found at Annex 3C.

307 Public and privilege holidays.

- a. A total of 10½ days in each leave year is allowed as paid public and privilege holidays. The actual days to be taken will be published by the Association and notified to all employees before the start of the leave year concerned. Whenever possible the same days will be observed by all grades throughout the Association.
- b. When a public or privilege holiday occurs during an employee's absence on annual leave, that holiday will normally not reckon against the annual leave entitlement.
- c. Details of any arrangements for industrial employees required to attend on public and privilege holidays are at Annex 2B Paragraph 6.
- d. Associations may request employees to take a specified number of days of their annual leave in the period between the Christmas and New Year Public and Privilege Holidays.

SPECIAL LEAVE

308 Domestic Reasons. Employees may be entitled to additional leave for domestic emergencies as follows:

- a. Special paid leave is granted on a discretionary basis and is intended to recognise genuine domestic emergencies, and to help employees deal with short term domestic problems or to make satisfactory longer term arrangements for dealing with them. Examples are: death of partners or dependants, death of close relatives, serious illness or short term care of partners, dependants or close relatives.
- b. Since special leave for domestic reasons is intended to allow an employee to deal with the initial emergency situation but not for on going situations, one or two days SPL should be sufficient in most cases, and paid leave should not normally exceed five days.
- c. Employees may have the right to additional unpaid special leave for domestic reasons or may wish to use another category of special leave. For instance, in the case of care of a child the use of parental leave may be appropriate, such leave would be unpaid.

- 309** Public and privilege holidays, Saturdays and Sundays occurring at the beginning or end of a period of special leave (with or without pay) are not to be reckoned as part of the period of special leave. Time off in lieu (TOIL) of a public or privilege holidays occurring during a period of Special Leave is not to be allowed.
- 310 Trade Union Purposes.** Details of time off for employees involved on Trade Union business are at Chapter ~~12~~ **14**.
- 311 Reserve and Cadet Forces Training.** Associations encourage employees to become members of the Reserve and Cadet Forces.
- 312** A list of Reserve Forces which involve a training liability is at Annex 3D.
- 313** Special leave with pay may be granted to attend training with the Reserve Forces and Cadets, normally two weeks and three days in one leave year. Details are at Annex 3E.
- 314 Youth Leadership Training Courses.** Up to one week's Special Leave with pay may be granted to employees who are part-time Youth Leaders and Assistant Youth Leaders to attend training courses in Youth Leadership run by National Voluntary Organisations or by other recognised training establishments. Special Leave for this purpose will not normally be given to individual employees more frequently than once in every three years.
- 315 Jury Service.** Employees who are called for Jury Service are allowed Special Leave with pay and may retain any travelling or subsistence allowances received from the Court. They must not claim from the Court or accept any compensation for loss of earnings which have not in fact been lost.
- 316 Time Off for Public Duties.**
- a. Employees who are involved in the carrying out of public duties laid down by statute or are a Mayor (Provost in Scotland) may be granted special leave with pay for up to 18 days in a leave year to attend those of their duties which necessitate absence during working hours.
 - b. In certain cases where voluntary unpaid service is relied upon to fulfil statutory duties, and where circumstances are such that all of the work cannot be carried out in leisure time, a measure of special leave with pay may be granted for attendance at meetings and for other essential business.
 - c. Employees should neither claim nor accept attendance fees from any body for any day on which they are given Special Leave with pay.
- 317 Service as a Magistrate.** Employees are entitled to 18 days for service on the bench.

TO BE PRINTED ON LETTERHEAD OF RFCA REGION

WORKING TIME OPT OUT

The Working Time Regulations 1998 (the 'Regulations') contain a limit on the average working hours (including overtime) of employees of 48 hours in any seven day period. The reference period over which average hours are calculated is 17 weeks.

In view of the fact that you have informed us that you will be undertaking secondary employment it is possible that you may work for more than 48 hours in any seven day period when your total working hours are considered. The Regulations allow employees to agree to work for more than 48 hours in any seven day period by "opting out" of the limit in the Regulations.

As a condition of our consent to your secondary employment, you are required to opt out of the limit. Please therefore sign this formal notice confirming your agreement that the limit should not apply to you. One copy of your signed notice should be returned to [insert name] and you should keep the other copy for your records.

You are able to cancel your opt out at any time by giving 3 months' notice in writing but, unless it is terminated in this way, this agreement shall remain in force until your employment with us ends.

I (Name)

of

..... (Address)

agree as follows:

The limits on my average working time, including overtime, contained in Regulation 4(1) of the Working Time Regulations 1998 shall not apply in relation to my employment with [insert name of employer].

I understand that I can terminate this agreement by giving 3 months' notice to [insert name of employer] at any time.

Signed Date

ANNUAL LEAVE ENTITLEMENT

Category of Employee	Days	Leave Entitlement Change Point (see Notes 1 and 2)
All employees other than Chief Executives	25	On entry
	30	After 5 years' reckonable service If 5 years with HM Forces or OGD; 30 Days on entry
Chief Executives	30	On entry

1. All previous HM Forces' service, and other Government Departments will count towards qualifying service.
2. When in the course of a leave year an employee becomes eligible for a higher leave allowance they are to be given in that year the part of the increase due proportionate to the part of the leave year remaining, fractions of a day being rounded up to the next half day.

PAID ANNUAL LEAVE**1. General.**

a. **Leave Taken in Days.** If leave is granted in periods of less than one week, i.e. one to four days, then a total of five days excluding weekends is to count as one week's leave for all grades of employee.

b. **Leave Taken in Half Days.** Half a day's leave involves attendance for half the net hours (i.e. excluding meal breaks) which would normally be worked on the day concerned.

2. Eligibility for Increased Leave Entitlement.

a. When, in the course of a leave year, employees become eligible for an increased annual leave entitlement they are to be given an increase proportionate to the part of the leave year remaining, fractions of a day being rounded up to the next half day.

b. The following service only will reckon for increased annual leave entitlement provided that service was not terminated for misconduct or inefficiency.

(1) All full or part-time Public Sector service including service before the age 18.

(2) All previous service with HM Armed Forces or Merchant Service.

(3) Periods of unpaid sickness absence or unpaid special leave totalling more than ten days do not reckon as qualifying service but will not be regarded as breaks in otherwise continuous service.

3. Year of Appointment or Cessation of Employment.

a. Annual leave with pay in respect of the leave year of entry to or termination of service must not exceed one-twelfth of the annual entitlement for every complete month of service between the start of the leave year and the date of entry or the date of termination and the end of the leave year.

b. Annual leave with pay in excess of this entitlement will not normally be granted after notice of termination of employment (including employees who have received a warning or notice of termination) or resignation has been given. If excess leave with pay has been granted before such notice is given, pay must be refunded by the employee as shown in Paragraph 4 below.

c. Partly completed months in the year of entry or termination of employment will be calculated at a rate of one-twenty-first of a month's entitlement for each working day, fractions of a day to be rounded up to the next half day.

4. Recovery of Overpayments Occasioned by Anticipation of Leave in Final Year of Service.

a. If when service ends, employees have already taken annual leave in the final leave year in excess of the entitlement calculated as in Paragraph 3 above, they will be required to make a refund of pay unless they are in one of the exempted categories listed at sub paragraph b. below. Such refund may be deducted from any final monies due to the employees.

b. Refunds will not be required:

(1) From employees with five or more years' service, unless they resign voluntarily or they are dismissed on disciplinary grounds.

(2) From employees with less than five years' service who have completed six months' service in the current leave year, unless they resign voluntarily or they are dismissed on disciplinary grounds.

(3) From employees who resign voluntarily with the consent of the Chief Executive of The Association after preliminary warning of their redundancy has been given.

(4) Where failure to earn the leave is due to unpaid sickness absence occurring after the leave has been taken.

(5) When an employee retires on medical grounds or dies in service.

(6) When an employee is called up for service in HM Forces.

c. The refund to be made is as follows:

(1) If the employee was in post at the beginning of the leave year, pay in respect of any leave taken in excess of one-ninth of the annual leave entitlement for each completed month of service during the current leave year, subject to a maximum refund of one week's pay.

(2) If the employee was not in post at the beginning of the leave year, pay in respect of any annual leave taken in excess of the annual leave entitlement calculated as in Paragraph 3 above, subject to a maximum refund of one week's pay.

5. Cash Compensation. Untaken Leave in Final Year of Service. The circumstances in which cash compensation can be given on the authority of the Chief Executive of the Association for untaken leave in an employee's final year of service are listed below, subject always to the statutory requirements in respect of an employee's entitlement to accrued holiday pay in the final year of service.

a. Where genuine management considerations prevent the leave being taken. This does not apply in cases where it is merely convenient for either party for the employee to forego the leave.

b. Where an employee resigns. The employee may opt to convert up to two weeks of any untaken leave into a cash payment. Any balance of leave in excess of this may only be converted into cash where a. above applies.

c. Where an employee is medically retired whilst on sick leave. Cash compensation is restricted to that part of his or her leave entitlement which accrues in the leave year in which the medical retirement occurs but remains untaken at the date when the final absence leading to medical retirement began.

d. Where an employee dies. Subject to the rules on carry-over, payment is to be made for all leave which accrued up to, but remained untaken at, date of death.

e. When an employee falls sick while on annual leave during the last days of service and is therefore unable to take all his or her outstanding leave before retirement. Cash compensation up to a maximum of five days may be allowed, provided that a medical certificate from a qualified medical practitioner is produced.

Note: Where it is sickness absence that has prevented the taking of annual leave cash compensation cannot be paid in respect of any circumstances other than those indicated in c. and e. above.

f. Where employees' appointments are terminated during or at the end of a period of probation. No payment will be made for any outstanding leave which might remain in excess of the employee's minimum statutory entitlement.

Note: Employees' dismissed for serious misconduct or relieved from duty are not eligible for cash compensation in relation to any accrued holiday in excess of the employee's minimum statutory entitlement.

6. Part-Time Employees.

a. Part-time employees are entitled to paid annual leave appropriate to their grade and length of service, proportionate to the number of days/hours worked.

b. The calculation of annual leave in hours should be resorted to only when the pattern of working is so variable that it is impracticable to calculate it in days. Any resulting fraction should then be rounded up to the next half day.

ATTENDANCE ON PUBLIC AND PRIVILEGE HOLIDAYS

7. a. **Full-Time Employees.** Employees who are required to be on duty on any of the holidays published under Paragraph 307a should, wherever possible, be granted time off in lieu. Details of pay arrangements are at Annex 2B Paragraph 2.

b. **Part-Time Employees.** Part-time employees should be given proportionate time off in lieu in respect of public and privilege holidays in accordance with the following provisions:

- (1) The arrangements apply only to employees working less than five days a week on a regular basis and remunerated by a part-time wage or salary, and to employees working a week of five days not all of which are of approximately the same number of hours, e.g. four full days and two half days. Part-time employees who work the same number of hours each day during a five-day week will automatically receive the appropriate proportion of public and privilege holidays.
- (2) Time off in respect of public and privilege holidays is limited to a proportion of the total, equal to the proportion of full-time hours that the employee actually works (e.g. two full-time days a week would attract two-fifths of the total public and privilege hours in time off. Normally the entitlement is calculated on an annual basis except for service of less than a year, when it is the due proportion of the public and privilege holidays falling within the period of service. Entitlement is calculated in hours rounded up to the next half day.
- (3) When a part-timer's proportionate entitlement to public and privilege holiday exceeds the number of days on which an employee would normally be due to attend but which falls on such holidays the employee is allowed additional time off equal to the excess, at a time agreed between the employee and the Association.
- (4) When an employee's proportionate entitlement is less than the number of days on which the employee would normally be due to attend, but which falls on public and privilege holidays, the employee is, at some time agreed between the part-timer and the Association, to put in additional attendance equal to the difference. The additional attendance need not be in whole days but may be made up of a number of periods of additional time on the normal days of attendance.

ROYAL NAVY

- Maritime Reserve
 - Royal Naval Reserve
 - Royal Marines Reserve

ARMY

- Territorial Army

ROYAL AIR FORCE

- Royal Air Force Reserve
 - Royal Air Force Reserve of Officers
 - Royal Air Force Reserve of Airmen
 - Royal Air Force Volunteer Reserve (Training)
 - Royal Air Force Volunteer Reserve (University Air Squadrons)
 - Royal Auxiliary Air Force

Membership of the following Reserve Forces does not normally involve training liabilities:

ROYAL NAVY

- Emergency List of Officers
- Pensioners
- Queen Alexandra's Royal Naval Nursing Service Reserve
- Retired List Officers
- Royal Fleet Reserve

ARMY

- The Regular Army Reserve of Officers
- Pensioners
- The Regular Reserve Section A and D
- The Long Term Reserve

ROYAL AIR FORCE

- Pensioners
- Retired List of:
 - Royal Air Force
 - Princess Mary's Royal Air Force Nursing Service

RESERVE FORCES

1. Special leave with pay may be granted as shown below to all full-time employees except those employed on a casual basis for Reserve Forces Training as a member of one of the Reserve Forces listed at Annex 3C. Those on limited period appointments may be granted such leave on a pro-rata basis. Regularly employed part-time employees may also be allowed special leave, but pay received during the training period is not to exceed the pay due for the equivalent period of part-time employment.

Period of Training

Annual limit of special leave with pay

- a. 15 days or more 2 working weeks and 3 days (13 days)
 - b. Less than 15 days The 2 working weeks is to be reduced proportionately
2. There may be in addition the following:
 - a. Employees whose annual leave entitlement is less than 7 weeks and who, in addition to normal annual training, attend special courses or exercises may be allowed, if the Association's workload permits, up to a further working week's special leave with pay in any one leave year.
 - b. For attendance at weekend camps outside the normal compulsory training commitments special leave with pay may be allowed on up to 9 Saturdays a year to employees who normally work on Saturdays. Similarly any Saturdays allowed as special leave with pay under this paragraph are to be taken into account when calculating the number of days to be granted for special courses or exercises so as not to exceed 9 days.
 3. Members of the RNR and RMR undertaking the maximum training required by regulations may be granted special leave with pay on the scale set out in Paragraph 1 above but the overriding limit may be exceeded in any year in which more than 14 days' training is undertaken, provided that in any period of years used to govern the training the total of special leave with pay does not exceed A times B divided by C where:
A = the annual limit shown at Paragraph 1 in days
B = the amount of training in the period, in days
C = the amount of annual training of the TA (i.e. 14 days)

CADET FORCES TRAINING

4. a. Special leave with pay may be granted for Cadet Forces training to all full-time employees except those employed on a casual basis and those on limited period appointments who have not completed six months' service, as follows:
 - (1) Members of, or instructors or officers in the Army Cadet Force (ACF), other than those employed as CEOs, CQMs, CSOs, CAAs, and CSAs the Air Training Corps, Sea Cadet Corps or Combined Cadet Force (CCF) may be allowed special leave with pay for up to 10 days in any leave year for attendance at camp or special instructional courses provided they are held under naval, military or air force auspices.
 - (2) Employees who are members of the ACF and who are required to undergo a course in addition to attending annual Cadet Camp may be allowed special leave for the course within the limits of the permitted allowances for voluntary members of the Reserve Forces (see Paragraph 1 above). Regularly employed part-time employees may also be allowed special leave but pay received should not exceed pay due for the equivalent period of part-time employment.
- b. The amount of pay (as distinct from allowances in lieu of accommodation or rations) received during attendance at a Cadet Camp or course for which special leave with pay is granted, should be deducted from the Association pay of members (but not officers or instructors) of the Cadet Forces.

ISSUE OF PAY

5. With the exception of RFCA employees who are required to attend camp as part of their normal duties, it should be noted that both civilian and military (TA, ACF or CCF) pay must not be issued for the same period unless special leave with pay has been authorised in accordance with Paragraphs 1-5 above or annual leave has been taken. There is a requirement for certain RFCA employees to be members of the ACF and to attend annual camp. For such personnel RFCA Chief Executives have discretion to permit up to 14 days ACF pay per year to be taken at annual camp without loss of RFCA Pay.

MEMBERS OF A REGULAR RESERVE RECALLED FOR DUTY

6. A member of a Regular Reserve recalled for duty is regarded as being on unpaid special leave.

