

ADDITIONAL HOURS/ OVERTIME POLICY

This document applies to all Council employees.

LFR Grey book staff should continue to refer to Service Orders

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ADDITIONAL HOURS/OVERTIME POLICY

Purpose

This policy aims to ensure that managers are clear about the LCC rules regarding employees working additional hours and that employees receive the correct pay and annual leave if they work in excess of their contracted hours.

Lincolnshire County Council (LCC) seeks to ensure that workloads are planned according to the resources available and is committed to ensuring a healthy and safe working environment which supports all employees in maintaining and enhancing their personal health and wellbeing at work.

On occasions, staff may be required to work additional hours in excess of their contracted hours. This can be best managed via the flexible working hours scheme (often known as 'flexitime'). Different service areas may operate different flexible working schemes, subject to the needs of the specific service area.

The Flexible Working Hours Scheme is designed to offer employees more flexibility. A department or service area will agree standard or core working hours that must be worked by employees, as well as flexible working hours where employees can vary their start and finish times, subject to business demands and in agreement with colleagues to ensure appropriate cover is provided.

Employees must work between the basic core hours and have the flexibility, subject to operational needs, to start and finish between the other hours. Employees have a bank of hours that are credited or debited to LCC over a 4 week period. Additional hours worked can be converted into flexi-leave at the maximum rate of 24 half days / 12 full days per year. Taking flexi-leave will be subject to the normal controls for the booking of annual leave.

In service areas where it is not suitable to have in place a flexible working hours scheme, or additional hours in excess of contracted hours cannot be managed under this scheme, payments are made for additional hours and/or overtime.

Definitions

For the purpose of this policy:

- **Overtime Working** is defined as being hours worked beyond a full time working week. For most roles this is 37 hours per week, where full time hours are different, this will be outlined in the relevant terms and conditions of employment.
- **Additional hours** are those worked by part time employees beyond their contracted hours. Additional hours are counted up to full time hours.
- **Paid Additional Hours and Overtime** are subject to conditions in local agreements and terms and conditions.

Principles of Managing Additional Hours/Overtime

- All workload is planned and managed to keep the need for additional hours/overtime to an absolute minimum, taking into account the health and safety issues outlined in this policy and the Working Time Regulations.
- Flexi-time is to be used where appropriate in advance of paid additional hours/overtime in order to promote a good work life balance for staff.
- Additional hours are paid at plain time and overtime is paid in line with terms and conditions of employment.
- Payments for additional hours/overtime for employees on GLPC graded posts up to and including Grade 8 are to be considered in exceptional circumstances and to be approved in advance of working by a manager of Grade 12 or above or a budget holder as determined by the Head of Service. Employees on or above Grade 9 are not eligible to receive overtime payments. However, it is recognised that there may be exceptional circumstances when staff on G9 and above are required to work overtime. If this cannot be managed through the flexi-time scheme, claims should be made at plain time. These arrangements will be considered on a case by case basis and will require approval of the Head of Service or above in accordance with the current Scheme of Authorisation.
- For employees on TUPE Terms and Conditions (for example NHS contracts) the rates payable for enhancements will be in line with the TUPE terms.
- Employees in the Place Directorate, who are required to be temporarily based on site and to carry an exceptional burden in terms of hours worked and endurance of all-weather conditions in construction and/or engineering works, may be paid a site allowance for a period when they are site based in substitution of overtime arrangements. Please refer to Local Scheme of Conditions of Service for further details.
- Examples of when additional hours/overtime may be required:
 - one off events for activity to be undertaken at short notice e.g. External Inspections
 - short term peaks in workload
 - unplanned projects, which cannot be rescheduled or carried out by someone else
 - responding to emergency situations. However, it is recognised that depending upon the severity of the emergency arising, it may not always be possible to authorise additional hours/overtime in advance. Employees that have had to work overtime in an emergency, should discuss with their line manager at the earliest opportunity so that any payments due can be agreed.
 - Where there is a need to cover a frontline service and there is no suitable resource available to ensure the service continues.
- All claims should normally be submitted and authorised on a monthly basis.
- Managers should regularly monitor the usage and cost of additional hours/overtime and to ensure regular and/or excessive additional hours/overtime working is not occurring.
- Senior Leaders have the following clause in contracts "The salary for this post reflects its seniority and the expectation that you will work the hours needed given the requirements of the post." Therefore it is not expected that overtime or additional hours will be paid to staff in Senior Leadership roles.

Additional Hours

- **How to Claim**

Employees must have the approval of a manager of Grade 12 or above or a budget holder as determined by the Head of Service in advance of working the paid additional hours. Upon completion of the additional hours, employees need to claim on Business World for time worked over and above their contracted time up to the full time hours for the post per week. Refer to [Entering Variable Payments Quick Card](#).

All additional hours payments are paid retrospectively and included in the employee's salary in the subsequent pay period.

- **Annual Leave Entitlement**

Where it is not appropriate to increase contractual hours either on a temporary or permanent basis, managers need to calculate the additional annual leave entitlement for the additional hours worked to ensure it is a true reflection of the hours that the part-time employee works.

Refer to [Guidance for Calculating Annual Leave and Holiday Pay for Part Time Employees who work Additional Hours up to the full time hours per week](#)

Overtime

- **How to Claim**

Employees must have the approval of a manager of Grade 12 or above or a budget holder as determined by the Head of Service in advance of working paid overtime. Upon completion of the overtime, employees need to claim on Business World for time worked over and above the full time hours for the role. Refer to [Entering Variable Payments Quick Card](#).

All overtime payments are paid retrospectively and included in the employee's salary in the subsequent pay period.

- **Additional Holiday Pay (AHP)**

When employees take annual leave, the pay they receive must reflect what they would have earned if they had been at work. Whenever an employee takes annual leave, basic pay will apply to that period of leave (i.e. annual salary / 12 months). However, for those employees who work overtime they will receive additional holiday pay.

Refer to [Guidance for Calculating Additional Holiday Pay \(AHP\)](#)

HEALTH AND SAFETY

It is in the interests of the health and safety and well-being of staff that work in excess of their contracted hours should be kept to a minimum wherever possible.

When allocating/authorising overtime managers need to be aware of health and safety considerations and consider any potential risks, particularly the following:

- (i) Fatigue - excessive overtime may make staff tired. This may then pose a risk to themselves or others. Line managers should carry out risk assessments and take whatever steps are reasonable and necessary to eliminate or minimise those risks.

- (ii) Breaks - it is important to note that in line with Working Time Regulations, all employees who are required to work for more than 6 hours continuously are entitled to an unpaid rest break of 20 minutes within that 6 hour period. Staff under the age of 18 are entitled to take 30 minutes break (unpaid) if they work for more than 4.5 hours continuously.
- (iii) Lone Working - if working alone is necessary, line managers should check that employees do not have any medical condition making it unsuitable for them to work alone. In addition, line managers should check that the environment where the employee is due to work is safe and carry out a Lone Working Risk Assessment. Further information can be found here <http://www.lincolnshire.gov.uk/professionals/downloads/file/899/g23-working-alone>
- (iv) Working Time Regulations - Line managers are also responsible for ensuring that the total hours worked do not exceed the Working Time Regulations.

Working Time Regulations stipulate that adults (i.e. workers aged 18 and over) cannot lawfully be required to work more than an average 48 hours a week calculated over a rolling (or static) reference period of 17 consecutive weeks. The Regulations do, however, allow an adult worker to “opt out” of the maximum 48-hour week so long as they do so voluntarily and in writing. Please refer to the [Working Time Opt Out Form](#)

Staff and line managers should also ensure that the following entitlements under the Working Time Regulations are adhered to:

- Staff are entitled to 11 hours uninterrupted rest between each working day
- Staff are entitled to one whole day off per week, or two whole days off every two weeks - only in exceptional circumstances should staff be requested/permitted not to have at least one whole day of relaxation per week
- In terms of young workers (i.e. those aged 16 and 17) they must not be permitted to work for more than eight hours a day or 40 hours in any week, including overtime. Young workers are entitled to 12 hours uninterrupted rest between each working day and are also entitled to two days off each week.

For advice on this matter, please contact your Senior HR Adviser.