

# ANTRIM BOROUGH COUNCIL ANNUAL HOLIDAYS POLICY AND PROCEDURE

## POLICY

*It is the Council's policy that employees should be given paid holiday every year. Its purpose is to provide an extended period of leisure time during which employees can have a break from work, relax and, therefore, return to their jobs refreshed. Employees should take the holidays to which they are entitled; Managers should endeavour to ensure that the workload does not prevent this and also that the needs of the business are taken into account*

## PROCEDURE

The contents of this procedure where different override the procedures listed in Annual Leave cards.

This procedure takes account of the provisions set out in the National Agreement on Pay and Conditions and the Working Time Regulations (N.I.) 1998.

### 1. Entitlement and Payment

- a. Employees are entitled to a minimum of twenty days, (i.e. four weeks) annual leave, pro rata for Part time employees irrespective of length of service, with a further five days after five years continuous service and a further three days after ten years continuous service (i.e. a minimum of 28 days leave), pro rata for Part time employees.
- b. Payment for all paid leave will be equivalent to a normal days pay. Payment for overtime hours unless it is contractual overtime is not included, nor are any other payments not made on regular basis.
- c. Annual Leave entitlement will be calculated pro-rata for Part time employees according to their contracted hours.
- d. Where an employee changes from full time to part time or job share working, or vice versa, part way through the holiday year, the holiday entitlement for the current year will be the sum of the proportion of the leave accrued during the full time working period and the proportion of the leave due (pro rata) for the rest of the holiday year, or vice versa. The total actual holiday entitlement already taken will be deducted from this figure and the balance will be the remaining holiday entitlement due for the rest of the holiday year.
- e. Under current legislation casuals, who work on an “as and when required” basis have no right to entitlement to paid holidays. Any future legislative changes in the rights and entitlements of casuals will be reflected in this policy at time of ratification.

## 2. Accrual

- a. Employees are entitled to a minimum of twenty days leave (pro rata for part time employees) per year with additional days depending on length of service, see 1(a) above. This entitlement excludes Public and extra Statutory Holidays. All employees are also entitled to the equivalent of 12 Public and extra Statutory Holidays. Annual holiday entitlement accrues at the rate proportionate to the number of contracted hours per week and the overall length of service as follows;

All annual leave is to be calculated and recorded in hours.

C'tracted hrs per Wk	Holiday hrs 0 - 5 yrs Service	Holiday hrs 5 – 10 yrs Service	Holiday hrs 10 + yrs Service	Public Hol ent'ment in hrs
37	148	185	207	89
36hrs 15mins	145	181	203	87
35	141	175	196	84
28	112	139	157	67
27hrs 30mins	110	138	154	66
23hrs 15mins	93	116	130	56
20	80	100	112	48
13	52	65	73	31
12hrs 20mins	49	61	69	30

Employees who commence employment part way through the leave year, will have their holiday entitlement for the remainder of the year calculated as follows:-

$$\frac{\text{Contracted Holiday entitlement in hours}}{52} \times \text{No of weeks remaining in Holiday year.}$$

- b. No service with any other employer counts for these purposes. However, if an employee transfers from another N.I Council, or predetermined Local Authority, service will be taken into account for the purposes of Annual Leave. Employees who join part way through the holiday year will have their annual holiday entitlement pro rata.

## 3. Obtaining Approval

All annual holiday requests must receive management approval before being taken. Employees wishing to take part of their annual holiday entitlement should follow the procedures set out below.

- a. All requests for annual holiday should be made by the individual in writing on their Annual Leave Card at the earliest reasonable opportunity and in any event no later than;
- i. at least one clear working days notice before a period of one day's leave
  - ii. at least three clear working days notice before a period of three day's leave
  - iii. at least one week's notice must be given for a period of one week or more of leave

- b. Applications for annual leave of more than one calendar week to be taken during the summer months (June/July/August) must be given final approval by the relevant Director \ Assistant Director. Notification of such holiday arrangements should be given at the earliest date possible.
- c. Leave cards should be passed to the Officer(s) authorised to recommend and approve leave, to be initialled. The appropriate Officers are shown on the individual leave card.
- d. Employees should not commit themselves to any holiday plans until the above have been complied with. No responsibility will be taken by the Council for any holiday deposit paid or other losses incurred as a result of a failure to comply with this aspect of the procedure.
- e. The appropriate Officer(s) will consider the application having regard to the needs of the department and the rules on annual holiday. In certain circumstances, the Human Resources Department will be consulted before a final decision is made.
- f. A copy of the leave card, and where applicable a reason for refusal, should be passed to the Human Resources Department for recording purposes.
- g. The Human Resources Department will record the amount of leave to be taken against the overall entitlement in hours according to the actual number of hours taken which may vary according to shift length or as in (5) below.
- h. Once approval for annual holiday has been given it will not normally be withdrawn. Where possible, the Council will give employees notice of cancellation of an annual leave request (by giving at least twice as many days notice as the number of days leave requested). However, there may be occasions when the business needs of the Council prohibit the possibility of any notice being given and in those circumstances the Council reserves the right to withdraw such approval. Every effort will be made to minimise any inconvenience or hardship for the employee.
- i. The Council's right to withdraw its approval of holiday is subject to the provisions of the Working Time Regulations 1998 ("the Regulations") which stipulate that employees must be allowed to take four weeks' annual leave. If it becomes apparent towards the end of the holiday year that employees have not been given the opportunity to take their minimum statutory entitlement, arrangements will be made to ensure that every employee will have been given the opportunity to take all his or her statutory holiday entitlement before the end of the holiday year.

#### **4. Carrying Holiday Over**

- a. The Council's holiday year runs from 1 April to 31 March.
- b. All holiday entitlement for the year must be taken within the year with the exception of five days, which may be carried forward, into the next leave year. This may only be done with the written prior approval of their Line Manager. In exceptional circumstances and with the written agreement from the relevant Director, employees may carry over up to a maximum of nine days leave into the following leave year. All written requests for carry over to be made by 15 March.
- c. No payment in lieu will be made for any holiday not taken. In exceptional circumstances where it has not been possible to take all holiday entitlement as a result of the business needs of the Council, payment may be made for holiday entitlement in excess of the minimum four weeks as laid down in the Working Time Regulations.

#### **5. Minimum period of leave taken**

- a. Employees may elect to take one half day of annual leave in one, two or three hour periods or any combination of these, the sum of which is four hours.
- b. After using the entitlement given in 5a. above the minimum period of leave which may be taken for the remainder of the total leave entitlement of an individual, is half a day. Half a day is defined as follows;
  - i. Where there is a standard working day with a set time for a lunch break then half a day will mean all the hours due to be worked either before the beginning of the lunch break or after the end of the lunch break.
  - ii. Where the working day is not standard and/or there is not set time for lunch break then half a day means half the total number of hours worked in a full day.
  - iii. If, for operational reasons, timings differ from those outlined above then the actual number of hours taken off will always be deducted from annual leave entitlement.
- c. If at the end of the leave year, when all leave has been taken according to 5a and b above except any whole days to be carried forward, there is a number of hours remaining which do not equate to the minimum period of one half day then, these hours may be taken on one occasion only to ensure that all leave is taken during the leave year.

#### **6. New Employees**

- a. Every effort will be made to meet the needs of new employees in respect of commitments to holidays already made. New employees must tell the Human Resources Officer when agreeing to join the Council of prearranged holiday commitments.
- b. Where holidays arranged prior to commencement with the Council exceeds the new employee's annual holiday entitlement, unpaid holiday up to a maximum of two weeks may be granted at the discretion of the new employee's Line Manager.

## **7. Holiday Rules**

The following rules apply to all holidays (subject to the discretion of Line Managers).

- a. Annual holiday may not be taken at certain times of the year due to business needs. These may be stipulated in individual contracts.
- b. Where closure of facilities occur – for example Christmas \ New Year \ July Holidays, employees may have to reserve up to a maximum of 8 days annual holiday entitlement to cover such closures.
- c. Annual holiday may be taken in conjunction with public holidays.
- d. It may be necessary that at certain peak holiday times to limit the number of people going on holiday at any one time. Where there are conflicting holiday requirements, priority will be given to the employee whose request was received first, subject to the limits in 7f. below.
- e. No more than two weeks of annual holiday may normally be taken at any one time. Employees wishing to exceed this limit must make their request in writing to the Authorising Officer nominated on their leave card, as soon as is reasonably practical.
- f. Where an employee's working week does not follow a regular pattern of days of equal length, for example Refuse Collectors, those on annualised hours etc. the number of "short" days which may be taken per annum is restricted as follows. An individual will not be allowed to take days which are programmed to be less than or equal to five hours in duration on more than three separate occasions during the leave year. This restriction does not apply to any period of continuous leave of five days or more.
- g. Any employee who takes annual holiday, which has not been previously approved, may be subject to disciplinary action, which includes dismissal.

## **8. Religious Holidays**

Employees who wish to observe religious holidays which do not coincide with public holidays in Northern Ireland, will be required to use their normal annual holiday entitlement or take unpaid leave. Every effort will be made to accommodate such requests, which will be refused only in exceptional circumstances.

## **9. Illness during Holiday**

- a. Employees who are ill during a period of annual leave may be entitled to treat the days of sickness as days of sickness absence and count them against sick pay entitlement. They must satisfy the Council that the illness was genuine. They must report the sickness according to the Sickness Reporting Procedure, in the same way that they would report if they were due to be at work that day. They may also be required to provide a doctors medical certificate, regardless of the length of the sickness. Days of annual holiday lost through sickness may be taken again at a later date according to the normal method of approval.

- b. Annual leave should not be granted immediately following a period of sick absence unless the employee produces a self certificate or doctors certificate indicating that the employee is fit to return to work.
- c. Annual leave for employees may not accrue in the following situations over and above the statutory 20 days in the following circumstances:

During unpaid sick leave or sick absence following the exhaustion of half pay.  
 Periods of extended Maternity absence (following paid and unpaid maternity leave up to and including 22 weeks which are not affected)  
 During prolonged periods unpaid Special Leave  
 During periods of suspension without pay.

## 10. Late Return from Holiday

If, for any reason, employees know that they will be late returning from holiday they must contact the Council and notify their late return as soon as possible. Failure to do so will render the employee liable to disciplinary action for unauthorised absence. Such disciplinary action may include dismissal.

## 11. Termination

- a. Employees who are working out their notice period will only be guaranteed holiday during that time if the holiday was booked prior to the start of the notice period.
- b. Holiday requests submitted during the notice period will be approved where possible but it may not be practicable to approve such requests because of the need to complete outstanding work or hand over to a successor. The Council therefore reserves the right to refuse requests for leave made during the notice period (subject to the requirement to comply with the Working Time Regulations).
- c. A payment will be made in lieu of any outstanding holiday entitlement, which has been accrued but not taken, which will be calculated at the normal rate of holiday pay, such payment will be subject to deductions for tax and national insurance contributions and superannuation. The outstanding payment will be calculated as follows:-  $(A \times B) - C$   
 Where A = the contracted Holiday Entitlement.  
 B = the proportion of leave accrued to date  
 C = leave taken in current holiday year.
- d. Where in accordance with paragraph 4 above the employee has, in previous years, set aside days of annual holiday for use in future years but has not in fact used them, he or she will be entitled to receive payment in lieu of those days.
- e. Where annual holiday taken exceeds the number of days which have been accrued at the date of termination, the Council will deduct the appropriate sum from the employee's final salary.
- f. Where the amount of the deduction exceeds the final salary the employee will be held legally liable for the reimbursement to council.

## **12. Time Off in Lieu**

- a. Any time off in lieu must be agreed by the employee's Line Manager. The appropriate form must be completed and forwarded to the Human Resources Department.
- b. Any time in lieu must be used before annual leave and should in any event be used where possible within four weeks of being worked up.
- c. Time in lieu not used within a 13 week period will be forfeited, unless agreed otherwise in writing with the relevant Director.

## **13. Public and Statutory Holidays**

- a. The Council recognise 12 Public and Statutory Holidays. These are as follows:

New Years Day	St Patrick's Day
Good Friday	Easter Monday
Easter Tuesday	May Day (1 <sup>st</sup> Monday in May)
Spring Bank Holiday (last Monday in May)	12 July
13 July	August Bank Holiday
Christmas Day	Boxing Day

Further details in relation to the working of Public and extra Statutory Holidays are to be agreed at Joint Consultative Committee and will be added to this policy when ratified.