

This policy applies to all employees

TIME OFF WORK POLICY

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This is a Council Policy which has been subject to consultation with the Single Status Joint Trades Unions. Any review or amendment by the Council will be following consultation with the trades unions.

TIME OFF WORK POLICY

June 2008

1. Introduction

- 1.1 East Lothian Council recognises that some employees may seek or be required to take time off work to fulfil statutory obligations, serve on public bodies, become involved in voluntary or community organisations, take part in sporting competitions or exercise democratic rights as citizens. The Council wishes to provide reasonable support to employees for these purposes in recognition of the benefits to the local community and the wider society.
- 1.2 This policy details the time off work, both paid and unpaid, that may be given for various purposes. These arrangements are separate from leave and time off provisions contained in other Council policies and collective agreements.
- 1.3 If an employee requests time off for reasons not covered by this or other policies or agreements, the Personnel Services Division should be consulted before a decision is taken on the request.

2. Public Duties

- 2.1 The Council recognises that, under the terms of the Employment Rights Act 1996, employees have a statutory entitlement to reasonable time off without pay to carry out functions as members or officials of certain public bodies. Examples of public duties include being a:
 - Justice of the Peace
 - Member of a Local Authority
 - Member of a Statutory Tribunal e.g. Employment Tribunal, Children's Panel
 - Member of a Health Authority
 - Prison Visitor
- 2.2 Employees who wish to seek appointment or election to a public body should inform their Head of Service in writing of their intentions. The Head of Service, in consultation with the employee, should consider whether there is any potential conflict of interest between the public duty and the employee's job duties.
- 2.3 Where an employee is appointed or elected to a public body time off with pay will be granted. The amount of time off granted will depend on the specific requirements of the public office but will not exceed 208 hours per year (pro rata for part-time employees).

- 2.4 Where an employee undertaking public duties is entitled to receive an allowance or other payment, the amount of this allowance/ payment will be deducted from the employee's normal contractual pay.
- 2.5 The Head of Service may approve additional time off without pay subject to operational requirements.
- 2.6 The above provisions will not apply to employees elected as Members in another Council as they are entitled to receive an annual salary. Heads of Service shall grant time off without pay for up to 208 hours per year (pro rata for part-time employees) to employees serving as Members. Additional time off without pay may be granted as considered appropriate in the light of the demands of the role and the operational requirements of the service.

3. Service in Volunteer Reserve Forces

- 3.1 The Council recognises the important role played by members of the Volunteer Reserve Forces and will support employees who are or become members of the Reserve Forces. Employees will require written approval from their Director/Head of Service to become a member of the Reserve Forces and are expected to keep their line manager fully informed of their commitments as a Reservist.
- 3.2 The Council recognises the training commitments of Reservists and particularly the importance of the Annual Training period. The Council will grant special leave for up to fifteen working days to enable an employee to attend Annual Training. Approval of special leave will be on the following basis: -
- The employee must inform their line manager of the dates of Annual Training at the earliest opportunity;
 - The period of special leave will be with pay but the employee is expected to claim the allowance available and advise the Council of the amount received which will result in deductions from pay equal to the amount of the allowance.
 - In exceptional circumstances, it may not be possible to grant the leave requested due to the impact on service delivery.
- 3.3 Requests for time off for additional training may be granted as special leave without pay.
- 3.4 The Council recognises that, under the Reserve Forces Act 1996, Reservists can be subject to compulsory mobilisation on a full-

time basis. The Council also recognises the employment protection provided by the Reserve Forces (Safeguard of Employment Act) 1985. Where an employee is mobilised, her/his job will be covered on a temporary basis during the period of mobilisation and the employee will be reinstated to the same post or, where this is not practicable, to an equivalent post on the same terms and conditions of employment. The Council will submit a claim to the relevant Adjudication Officer for financial assistance as appropriate to cover additional costs arising from replacing the employee on a temporary basis.

- 3.5 Exceptionally, the Council may seek exemption from, or deferral or revocation of, the employee's mobilisation where this would have a substantial impact on the provision of services.

4. Retained Fire Fighters

- 4.1 The Council recognises the important role played by retained fire fighters in protecting local communities within the Lothian and Borders area and will support employees who are or become retained fire fighters. Employees seeking to become retained fire fighters require written approval from their Director/Head of Service but approval will be withheld only where the nature of their work is not compatible with the demands of the fire service.
- 4.2 Employees called out to fulfil their duties as retained fire fighters will be granted time off work. Where the employee's level of pay as a retained fire fighter is less than their normal contractual pay the Council will make a payment, subject to the provision of appropriate evidence, to ensure the employee suffers no reduction in pay.

5. Jury Service/Court Witnesses

- 5.1 The Council recognises that individuals who are at least 18 years old and fulfill electoral registration and residential requirements may be required to undertake jury service.
- 5.2 On receiving a citation for Jury Duty or to appear as a witness, an employee should take the citation to the Payroll Section who will provide them with confirmation of their rate of pay/ earnings that will be lost. The employee will then require to give this confirmation to the court/defence solicitors for re-imburement.
- 5.3 An employee receiving a summons to serve on a jury must inform their manager immediately. Unless an exemption is secured (some employees may be exempted because of their role and function within the Council) time off will be approved but the employee is

expected to claim the allowance available to jurors and provide evidence to the Payroll Section (e.g. a copy of the claim form submitted or the cheque paid by the court) which will result in a deduction from pay equal to the amount of the allowance (the employee should neither gain or lose monies due to being called as a juror).

- 5.4 Time off will also be granted on the same basis to an employee who receives a citation to appear for the prosecution in Court or at a Tribunal as a witness. Employees who are cited to appear for the defence shall be granted unpaid time off and they should request payment for the period of time taken off from the defence solicitors.
- 5.5 In addition to the above requirements employees who are required to be absent from work due to jury duty or to attend court as a witness should submit a special leave form. They will normally be granted unpaid leave on the basis that the court or defence solicitors will re-imburse them for the salary that they would normally earn.

6. Volunteering Activities

- 6.1 The Council is committed to supporting the work of voluntary and community organisations, recognising the important and valuable role they play in supporting individuals, families and communities.
- 6.2 An employee seeking time off work to participate in volunteering activities in an external organisation, for example the RNLI, should submit a request in writing to her/his Head of Service. Such requests may be approved as unpaid leave where the Head of Service considers that the voluntary activity can be supported and no significant service implications would arise.
- 6.3 Exceptionally, time off with pay may be approved if the voluntary activity is of direct benefit to the Council.
- 6.4 Any agreement to second an employee to a voluntary organisation will be covered by the terms of the Council's Secondment Policy.

7. Local, National and European Elections

- 7.1 The Council recognises that employees may wish to stand for election to become a member of a local Council, a Member of the Scottish Parliament, a Member of Parliament or a Member of the European Parliament. The Council supports the right of employees as citizens to seek election except for those employees who, under the terms of the Local Government and Housing Act 1989

as amended, are employed in a politically restricted post.

- 7.2 An employee standing for election to one of the bodies referred to above may be granted up to 5 days' unpaid leave (pro rata for part-time employees) in the period up to and including the election date. The employee must submit a request for leave for this purpose in writing to her/his Head of Service.

8. Participation in National or International Sporting Events

- 8.1 East Lothian Council recognises that, through active involvement in sport, employees may be invited to attend national or international sporting events as a participant, a coach or an official. The Council wishes to support the achievement of excellence in sport as part of its general commitment to promoting employee health and well-being.
- 8.2 An employee seeking time off work to participate in a national or international sporting event may be granted special leave, subject to service requirements, as follows: -
- Special leave with pay may be granted to attend a sporting event subject to a maximum of 10 working days leave with pay being granted in a leave year (pro rata for part-time employees)
 - The Head of Service may grant additional special leave without pay
 - The employee must provide written confirmation from the relevant sporting organisation of their selection for and details of their involvement in the event as far in advance as possible

9. Pensions

- 9.1 Periods of approved time off work with pay will have no impact on superannuation contributions or pensionable remuneration.
- 9.2 Where unpaid leave is approved, employees who are members of the Local Government Superannuation Scheme or the Teachers Superannuation Scheme will be required to continue making superannuation contributions for the first 30 days of absence. If the period of unpaid leave exceeds 30 days, the employee may choose to pay contributions for the whole period. Employees should contact the relevant pensions agency for further details.

- 9.3 In the case of a member of the Reserved Forces on called-out service, the employee may decide to continue to make superannuation contributions from her/his Reserve Forces pay (the Council will be able to reclaim employer superannuation contributions for this period).

10. Review

- 10.1 This is a Council policy which is subject to review and amendment by the Council following consultation with the recognised Trade Unions.

**Head of Personnel Services
June 2008**