

## **FLEXIBLE WORK SCHEME negotiated at Newcastle City Council (copy)**

### **1 Introduction**

- 1.1 The flexible working hours scheme seeks to maximise flexibility of working time to provide for both business and employee needs. Nevertheless work locations must at all times be efficient and services to all customers must be maintained: this requirement is paramount. Employees are responsible for ensuring the necessary work is done when required not necessarily at a time that suits the employee.
- 1.2 Office opening hours vary location to location and are independent of the flexible hours scheme. Building, work availability and technology constraints mean that full bandwidth flexibility will not be available in all locations. All employees on the flexible working hours scheme as at 15 December 2003 will transfer to this scheme. Other groups may join subject to local agreement.
- 1.3 To ensure that services are available to customers and that, so far as is practicable, employees are treated equitably, the right is reserved to operate rosters and to regulate starting and finishing times (including lunch breaks).
- 1.4 The normal working week for full time employees is 37 hours, Monday to Friday. The accounting period is 4 weeks and staff are contracted to work 148 hours per accounting period within a flexible band 133 hours to 185 hours.
- 1.5 So far as is practical all employees will use the networked Zeus time recording system. Where this is not available time clocks or manual recording will be used. Regular reports on employee attendance will be provided to managers for monitoring purposes. In matters of dispute or discipline these will be available to employees and their representatives.
- 1.6 Employees who abuse the scheme will be subject to disciplinary action under the Council's Disciplinary Procedure. Sanctions may include:
  - a) withdrawal of the right to work flexibly, ie work standard defined hours
  - b) for a fixed period not exceeding 12 months, and/or
  - c) a written warning, or
  - d) in the most serious cases, dismissal.

Swiping another employee in or out, or allowing this to happen, is an act of gross-misconduct which may result in dismissal without notice.

## 2 Flexible Working Day

2.1 Subject to the constraints described in 1.2 and 1.3 above all employees may attend flexibly between 07.00 and 19.00. Where there is a business need Directors have discretion to extend the flexible day and also record attendances on Saturdays and Sundays.

2.2 During the flexible day employees may clock in and out at their discretion, ensuring always that defined levels of service or office cover are maintained. Employees must contact an appropriate person if they are unexpectedly prevented from returning to work once they are 'clocked out' so that services are not compromised.

2.3 Employees must clock out at the end of their working day. If they fail to do this they will receive no credit hours from their last clocking in unless they put through an authorised flexible working hours personal adjustment form.

## 3 Lunch Break

3.1 Employees working 6 hours or more (4.5 hours in the case of employees aged under 18 years) must take a minimum 30 minute break to comply with Working Time Regulations. This break may not be taken at the beginning or end of the working day. Breaks will be taken subject to the constraints in 1.2 and 1.3.

## 4 Credit and Debit Balances

4.1 A credit of up to a maximum of 37 hours, or debit of a maximum of 15 hours may be carried over from one accounting period to the next. At the end of the accounting period the total hours accumulated by each employee should fall between 133 hours and 185 hours (subject to any absences without pay). In the case of part-time employees a "pro rata" principle will apply. Part-time employees will therefore be allowed to carry forward the following debit and credit balances from one accounting period to the next:

### Debits      Credits

Employees working up to 15 hours per week	6 hrs	15 hrs
Employees working more than 15 and up to 20 hours per week	8 hrs	20 hrs
Employees working more than 20 and up to 25 hours per week	10 hrs	25 hrs
Employees working more than 25 and up to 30 hours per week	12 hrs	30 hrs
Employees working more than 30 and up to 35 hours per week	14 hrs	35 hrs
Employees working more than 35 hours per week	15 hrs	37 hrs

4.2 A credit balance which exceeds 37 hours at the end of the accounting period will be discounted.

4.3 An employee who accumulates a debit balance in excess of 15 hours at the end of the accounting period will be liable, unless there are exceptional agreed circumstances, to a deduction from pay, equivalent to the excess. In the case of part time employees a "pro rata" principle will apply. Disciplinary action may be taken against an employee who continually exceeds the maximum debit hours they are allowed.

4.4 The only exception to the limit in 4.3 above will be employees who are unable to achieve a balance at the end of an accounting period because of sickness or other unexpected absence. In such cases the debit hours will be carried forward until their return, with management discretion over how quickly each individual should achieve a balance after his/her return.

4.5 An employee leaving the Council must try to achieve a balance. No monetary credit will be made for credit hours remaining. The Council will make the appropriate cash debit for debit hours outstanding.

## **5 Flexible Leave**

5.1 Employees' entitlement to flexi leave is limited to the following per 4 week accounting period: 1 day flexi leave for employees who usually attend for work for up to 3 days per week 2 days flexi leave for employees who usually attend for work for more than 3 days per week However, in emergencies (and by agreement in advance) on one occasion within a 4 week accounting period, an employee may take extra flexi hours to enable them to take up to a normal working week off. Such extra flexi days off are subject to not breaching the 15 hours or pro rata debit boundary and will be treated as anticipating flexi leave from subsequent accounting periods. Therefore an employee who takes extra flexi days off will not be able to take any further flexi leave until these anticipated days have been "paid back".

5.2 Approval to take "flexible" leave should be sought as soon as possible but will be dictated by service requirements including, if necessary, late cancellation of approval.

5.3 "Flexible" leave may be taken in advance of hours worked, provided this does not place employees in a position of excess debit. Details of the excess debit limits are detailed in 4.1 above.

## **6 Lieu Time**

6.1 Lieu time may be exchanged for flexi-credit provided the maximum carry-over of 37 hours in any period is not exceeded. For part time employees the pro rata principle as outlined in 4.1 will apply.

6.2 Where lieu time is not exchanged for flexi-credit, it may only be used towards authorised absence in multiples of half days (ie 3 hours 42 minutes).

## **7 Annual Leave**

7.1 Employees will be credited with the relevant annual leave entitlement on 1 April each year. Annual leave may be taken flexibly by agreement as half and full days with 3 hours 42 mins and 7 hours 24 mins credited to the flexi scheme as appropriate. To comply with Working Time Regulations, all employees must take a minimum of 4 weeks paid leave per year. Any Bank Holidays count towards this 4 week holiday period. The balance of annual leave may roll forward at the end of the leave year. At no time may an employee's rolling entitlement exceed twice the annual leave entitlement.

7.2 If any employee has been absent because of sickness for a whole year no entitlement may be rolled forward except that which may have been rolled forward at the start of the year.

7.3 Payment in lieu of annual holidays on termination of employment may only be made if the employee is unable to take all outstanding leave before their employment ends because:

- i. they are not permitted to do so due to pressure of work or operational reasons, or
- ii. they are absent on long term sickness up to the date their employment ends, or
- iii. they are leaving on grounds of redundancy and their notice period is less than their outstanding leave entitlement.

## **8 Compressed Weeks and Fortnights**

8.1 Full time employees may, subject to agreement, work "5 days over 4" or "10 days over 9" compressed weeks. These working patterns are variations of the flexi-scheme not a change to contractual hours. Employees working "5 over 4" and "10 over 9" will be entitled to 4 and 2 days flexi-leave respectively in each accounting period. Except as provided for in 5.1 no other flexi-leave may be taken irrespective of flexi-balances.

8.2 If an employee elects to work compressed weeks or fortnights they must commit themselves to the following terms:

8.2.1 To agree with the manager which day of the week they will be absent, observing individual and business needs and any impact on colleagues.

8.2.2 To observe the other flexible scheme guidelines.

8.2.3 To remain on this working pattern for at least 3 complete settlement periods, ie 12 weeks.

8.3 If employees require a credit or debit, the manager will not input more than 7 hours 24 minutes for a full day or 3 hours 42 minutes for a half day.

8.4 If employees are sick on their flexi day off, their manager will not input more than 7 hours and 24 minutes credit and record the sick absence as normal. If a pattern emerges that employees repeatedly certify themselves as sick on their flexi day their manager will address the issue.

8.5 When employees work compressed weeks they will have their annual leave allotted in days. Whenever an employee applies for a full week's leave, they can either take their normal non-attendance day as flexi provided they are within the normal flexi limits in which case 4 days leave will be deducted from their annual leave entitlement and a credit of 29 hours and 36 minutes given. Alternatively, they may take 5 days leave in which case 5 days leave will be deducted from their annual leave balance and a credit for 37 hours given.

8.6 Weeks already reduced to 4 days or less - due to Bank Holidays/staff training/ sickness etc - can mean an employee would not be able to take their flexi day off and stay within the debit limitations of the flexi time scheme. In these circumstances staff may only take their non-attendance day if the credit/ debit limitations are adhered to, in line with all other staff. If their normal day of non-attendance falls on a Bank Holiday, they are not obliged to take another day off in the week. Staff will get the relevant credit for the Bank Holiday in line with all other staff. If staff want to take another day off in that week they can, provided their manager agrees and they are within the flexi rules.

8.7 As this is a variation of the flexi scheme, if employees work 5 over 4 days or 10 over 9 days the flexi time system will remain programmed for a 7 hour 24 minute day. The non-working day is a flexi day. By the end of the week or fortnight the flexi balance will be correct.

## **9 Overtime**

9.1 Overtime will not be worked unless prior authorisation has been obtained from a Director or Head of Service. In any event, approved overtime will only apply after an employee has worked more than a standard day, ie 7 hours 24 minutes.

9.2 Where employees are entitled to overtime payments, any approved overtime will be recorded separately from the flexible working record.

9.3 An employee may carry forward a debit of up to 15 hours but still have earned overtime. However, if an employee is in excess debit, ie of more than 15 hours, but has worked approved overtime, the appropriate number of overtime hours worked will be deducted in order to bring their debit to the stipulated limit of

15 hours before payment of the balance. In the case of part time employees a "pro rata" principle will apply.

## **10 Authorised Absence**

10.1 Time off due to sickness, annual leave or other authorised absence with pay, will be credited to employees on the basis of standard working hours, ie 1 full day = 7 hours 24 minutes; 1 half day = 3 hours 42 minutes.

Employees sent home ill during the course of the day will be credited with a balance up to standard working hours. Employees working less than 37 hours per week will be credited pro rata.

10.2 Absences for medical reasons involving visits to doctors, dentists, opticians etc are to be arranged during personal time. In the case of hospital appointments where appointment times are fixed and outside the control of individuals, a credit for the duration of the appointment will be given to a maximum of 3 hours 42 minutes. Where it is impractical to combine hospital consultations/day treatment with attendance at work, credit up to the standard day will be given.

10.3 Absence due to working away or at conferences or courses will normally be credited with the standard 7 hours 24 minutes. Additional time, within the limits of the band width, may be credited when the absence is related to business, and specifically to the performance of the essential duties of the postholder. Post entry training will not qualify for extra credit. Employees on full day release will receive 7 hours 24 minutes credit; those on half day release will be credited with 3 hours 42 minutes.

## **11 Travel and Weather**

11.1 Employees will accept the normal risks of travel to and from work. Anyone unable to report to work because of severe weather or industrial action will only be credited in exceptional circumstances, and then on the basis of a corporate management decision.