

Human resources

Overtime – Staff at Grade 6 and below

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Introduction

Prior approval to work overtime or to travel outside of conditioned hours must be obtained in all cases. Managers should make every effort to avoid overtime working and, as far as possible, ensure that it occurs only at times of exceptional pressure of work. The appropriate Trade Union Side should be consulted beforehand in respect of all overtime requirements.

In arranging overtime, managers should avoid weekends and will use volunteers. They should also avoid regular calls to particular groups of staff. If, exceptionally, the requirement cannot be met by volunteers, managers must give staff at least 48 hours' notice that, as a last resort, compulsory overtime will be required. Any proposal for compulsory overtime must take proper account of the impact on the personal and domestic commitments of staff. It must also include a full risk assessment, including the potential stress impact.

Overtime working at weekends, on public or bank holidays and privilege days, or for long or recurrent periods, should only be allowed in exceptional circumstances. Line managers should not encourage or allow staff to work excessively or consistently long hours.

The Working Time Regulations

Under the **Working Time Regulations** the total number of hours you work must not exceed the maximum limit of 48 hours per working week, averaged out over a rolling 17week period.

Managers should monitor the hours worked by their staff, to ensure compliance with the Working Time Regulations and other relevant Health and Safety Regulations, and to ensure that employees' general health, safety and welfare is not adversely affected.

Categories of additional hours payments

Payments for additional hours worked fall into different categories depending on your contracted hours and when you work the additional hours. These categories are:

Overtime - hours worked which are in addition to net full-time conditioned hours (36 London or 37 National) - and applies to all staff who are eligible to claim overtime that has been authorised for payment by line management (see paragraph below headed Eligibility to Claim Overtime). Authorised absences such as annual leave and sick leave are included in the calculation of conditioned hours. (See paragraphs on Overtime between Monday – Saturday and Sunday)

Extra hours - hours worked by part-time workers which are in excess of their personal contracted hours but are less than net weekly full-time conditioned hours and which have been authorised for payment by line management.

Meal breaks - You may be entitled to a paid meal break when you work overtime. More information is available in the Annex to this section - Additional Information.

Time spent travelling on official business that is outside conditioned hours of work and constitutes overtime.

As an alternative to payment for overtime, time off in lieu (TOIL) may be taken.

Eligibility to claim overtime

Staff at Grade 6 level and below

You must obtain approval from your line manager before working additional hours or travelling on official business outside of conditioned hours and claiming overtime.

Staff not eligible to claim overtime

You are not eligible to claim overtime if:

- you are a member of the Senior Civil Service, or
- you are not contracted to work set conditioned hours (see Attendance chapter), or
- your pay already includes payment for working overtime (e.g. private secretary allowance), or
- you are fee paid.

Overtime rates

The hourly **plain time** rate is the basis for all overtime payments. The formula used to calculate the hourly plain time rate is as follows:

(Full-time annual salary including allowances reckonable for overtime) ÷ (41 or 42 (gross conditioned hours* in the week) x 52 (weeks in the year))

* (dependent upon location - ie London or National)

This hourly **plain time** rate is paid to both full-time and part-time eligible workers who work hours in addition to their net weekly full-time conditioned hours. This ensures that once net weekly full-time conditioned hours have been worked, any overtime payments are made at the same rate for full and part-time workers.

Allowances included in overtime calculations

Allowances included in the calculation of plain time rate are:

- Temporary Additional Responsibility Allowance (TARA)
- Mark-time Allowance
- State Veterinary Service Field Staff Allowance
- Telephone Allowance
- Audit and Accountancy Supplements
- Information Technology Supplements
- Welsh Language Allowance
- Supervisory Allowance
- Fast Stream Allowance

Further information on allowances is contained in Pay: Pay related Allowances and Supplements.

Overtime between Monday and Friday

Each hour of overtime worked between Monday and Friday will be paid at plain time rate and a half (see Overtime rates).

Overtime on Saturdays and Sundays

Each hour of overtime worked on a Saturday and Sunday will be paid at plain time rate multiplied by two.

Effect of Overtime on Other Entitlements

Overtime **is** included in calculations for:

- Tax
- National Insurance

- Superannuation – one third of the payment for overtime hours worked on a Saturday and one half of the payment for overtime hours worked on a Sunday.
- The employer’s and employee’s contributions to the PCSPS “premium” and “classic plus” schemes.

It is **not** included in calculations for:

- **Principal Civil Service Pension Scheme (PCSPS)** widow/widower pension contributions, pensionable pay (see Pensions chapter)
- The employer’s contribution to the PCSPS “classic” scheme.
- Superannuation: other than for the weekend hours worked as detailed in the preceding paragraph.

Attendance Outside Of Normal Working Hours - Minimum Credit

If you are unexpectedly called to work for a short period outside normal hours, and begin work within three hours of your normal starting time, or finish work within three hours of your normal finishing time, the period must be treated as though it had continued from normal duty (i.e. as if no break had occurred).

For example, if your normal finishing time is 17.00hrs, and you are called in to work again between 19.00 and 19.30, the period of overtime will be deemed as being 17.00 - 19.30, i.e. 2½ hours.

Subject to the following paragraph, when the period of work begins more than three hours before normal starting time, or ends more than three hours after normal finishing time, a minimum three hour credit must be counted towards overtime even though the work may have taken less than three hours.

For example, if your normal finishing time is 17.00hrs, and you are called in to work again between 21.30 and 22.30, although the time spent in work is one hour, overtime will be deemed as being three hours.

Two or more call-outs on one day would not entitle you to greater credit than if the period of work had been continuous (i.e. as if no break had occurred from the beginning of the first period of call-out to the end of the last period).

Call-Out Bonus

When you are called out in an emergency (whether or not in receipt of an on-call allowance) and the work exceeds two hours then, subject to the following paragraph, a credit of one hour in addition to the hours worked will be allowed. This bonus may be paid

as an alternative to the minimum credit (see above paragraph) where this is more favourable.

Two or more call-outs would not entitle you to greater credit than if the period of work had been continuous (i.e. as if no break had occurred from the beginning of the first period of call-out to the end of the last period).

For example, if you are called out to work between 18.00 and 20.00 and then again, between 21.00 and 23.00, you will only be entitled to 5 hours credit, i.e. 18.00 - 23.00. You would not be entitled to be paid for two 3-hour periods.

Payment for working on Public, Privilege and Bank Holidays

Different rates of overtime are paid depending on the type of holiday. Guidance on what you can claim if you work on a public, privilege or bank holiday can be found in Annex A to this section.

Where Scottish and English holidays fall on different dates, details of what you can claim if you are on detached duty and work on a holiday that is not applicable to your home station, can be found in Annex A: Additional Information.

Official Travelling

You may claim overtime payment for time spent on official travel that is outside full-time conditioned hours of work or your contracted hours of work. If you make a journey other than between your home and your office*, on a day when that office is normally open, you should deduct the time taken for the normal journey between home and office from your claim (whether you are making one journey or more), and also any shortfall in your conditioned hours. If you travel on a day when your office is normally closed, then you should exclude the time spent travelling between your home and the office from your overtime claim and claim it as time off in lieu (TOIL) or flexi credit at plain time rate.

If on the day you travel, the overall number of hours (working and travelling) is less than your conditioned hours for that day, and your manager considers it unreasonable for you to return to the office, you will be allowed a normal working day's flexi credit (see Attendance: Flexible Working Hours - Absence, Credit and Debit).

If you are on detached duty you must work the conditioned hours that apply to your detached duty location, (i.e. 36 hours net in London, 37 hours net elsewhere). If you travel daily to and from your detached duty station, you may claim for any time spent travelling from home to your detached duty station in excess of the journey between your home and office.

If you stay overnight at your detached duty location, and return home at weekends, you can only claim overtime (for the time spent on official travel) for the first journey to the detached duty location and the final journey home when your period of detached duty has ended, i.e. a return journey.

If you are on detached duty and you make short term visits away from your detached duty station to another location, you should use the conditioned hours that apply to your usual office for calculating travel time and claim in the normal way.

(*Office, in the context of this paragraph, means the Departmental building or site which is either your normal place of work or your nominal base location.)

Travel between Home and Office

If you are required to attend your office outside your conditioned hours or on a day when the office is not normally open, for example on Saturday or Sunday or in an evening during the week, travel between your home and office will not be paid as overtime, but you may instead claim it as time off in lieu (TOIL) or flexi credit at plain time rate.

(*Office, in the context of this paragraph, means the Departmental building or site which is either your normal place of work or your nominal base location.)

Part-time staff

All hours worked or time spent on official travel by part-time staff on weekdays (Monday to Friday) in excess of **conditioned hours** will not qualify for overtime payment until you have exceeded the full-time net conditioned hours for the grade. Excess hours falling short of full-time conditioned hours will be paid at part-time plain-time rate, or can be taken as **time off in lieu**. The formula used to calculate the hourly plain time rate for part-time staff is as follows:

$$\text{(Full-time equivalent annual salary inc. allowances reckonable for extra hours)} \div (36 \text{ or } 37 \text{ (net hours* in the week)} \times 52.2 \text{ (weeks in the year)})$$

* (dependent upon location - ie London or National)

Hours worked by part time staff at weekends will be paid as overtime.

How to Claim

To claim overtime payments (including the Call-Out bonus) you must:

- log into SOP > go to “OTL Self Service Time” and create a “Timecard”.
- you can find guidance on the steps to claim overtime in the [SOP Learning Management System](#).

Your line manager (not below EO or equivalent grade) should authorise your claim for payment.

Temporary Additional Responsibility Allowance

Any overtime claims submitted by staff receiving the Temporary Additional Responsibility Allowance (TARA), will be paid at the higher salary (i.e. calculated on substantive pay, plus TARA).

Staff with TARA to the Senior Civil Service will not be eligible for overtime.

Alternative to Payment (Time Off In Lieu)

With your line manager's agreement you may take time off instead (in lieu) of some or all of any overtime payment. Any time off in lieu (TOIL) must be deducted from the total hours being claimed. TOIL is time off up to, but not exceeding, the number of additional (ie overtime) hours worked, and which has been agreed locally with the relevant management. Where all of the overtime is taken as TOIL a claim should not be submitted via SOP.

Attending Training Courses

Time spent on a training course, in excess of **conditioned hours** or outside the **Flexible Working Hours** bandwidth, is not regarded as overtime and does not attract extra payment. Time off in lieu, equal to the number of excess hours or hours outside Flexible Working Hours bandwidth may be granted, but your manager must approve when you take the time off.

Flexible Working Hours

Subject to management approval and usually where hours cannot be used in the near future and would otherwise be lost, flexible working hours credited in excess of the standard credit arrangement can be paid at plain time rates (see paragraph on Overtime Rates). Claims should be submitted using SOP's Employee Self Service functionality using the OTL Self Service Time facility and then creating a timecard.

Pay: Overtime Annex A: Additional Information

Meal Breaks

If you work a period of overtime of **at least** four hours you are entitled to be paid for one or more additional meal breaks totalling in aggregate either;

- 30 minutes if the period of overtime worked on that day totals at least four hours but is less than six hours; or
- One hour if the overtime worked on that day totals six hours or more.

NB: No allowance will be made for the period of any such meal breaks which are not taken.

Payment for Working on Public and Bank Holidays

If you are required to work on any Public or Bank Holiday you will be paid at plain time rate multiplied by two for the number of actual hours worked. When Christmas Day, Boxing Day (2 January in Scotland) or New Year's Day fall on a weekend and a substitute Public or Bank Holiday is declared, these provisions will apply to both the original and substitute days.

Alternatively, time off in lieu may be taken equivalent to the number of actual hours worked **plus** plain time rate for the number of actual hours worked. These arrangements do not apply to any member of staff whose pay contains an element for attendance on Public or Bank Holidays.

Payment for Working on Privilege Holidays

If you are needed to work on a Privilege Holiday you should, wherever possible, take time off in lieu equal to the number of hours worked. If this is not practicable (eg if suitable arrangements cannot be agreed), you will receive payment at plain time rate for the hours up to the conditioned hours of the day. After this normal overtime rules apply.

Payment for Working on Public, Privilege and Bank Holidays on detached duty

If you are on detached duty and work on a holiday that is not applicable to your home station you do not receive any additional payment for working these days. If however, you are working away on a public holiday that is applicable to your home station, you will receive the appropriate remuneration (i.e. payment at plain time rate multiplied by two, payment at plain time rate, or time off in lieu) for working that day.

For example, if you are normally based in Scotland but are on detached duty to England, you will be due payment for working public holidays applicable to your home station in Scotland. The opposite would be applicable to English staff on detached duty to Scotland.

This means that if you are based in Scotland but are on detached duty to England and are required to work on a Scottish public holiday you would receive the appropriate remuneration for working on that public holiday. If whilst on detached duty you were also required to work on a day which was an English but not a Scottish public holiday, this would be treated as a normal work day and there would be no additional remuneration for public holiday working.