

## THE UNIVERSITY OF BOLTON

### OVERTIME AND TIME OFF IN LIEU (TOIL) GUIDANCE

#### 1.0 Introduction

The University recognises that there may be situations where an employee is entitled to receive payments in addition to their basic salary or be entitled to time off as they have worked additional hours.

This policy provides guidance to managers and employees to ensure that there is a clear and consistent understanding of individual entitlements, and that arrangements do not impact negatively on the individual or the University.

It is imperative that where any additional hours are worked, the Line Manager and their staff take into account any implications of lone working and any associated Health and Safety considerations, and take appropriate steps to ensure the welfare of the member of staff is maintained.

#### 2.0 Definitions

##### 2.1 Overtime

Overtime is an additional payment received by eligible staff for additional hours worked on an ad-hoc basis at the request of their line manager. These hours of work are in addition to the employees specified contractual hours of work.

##### 2.2 Time Off in Lieu (TOIL)

TOIL applies when employees are allowed to take time off for hours worked beyond their specified contractual hours of work. TOIL should be considered as an alternative to overtime wherever possible.

#### 3.0 Overtime

Overtime is payable to employees in Grades 1 to 5. There is no contractual entitlement to overtime and the working of all additional hours must be authorised in advance by the employee's line manager.

##### 3.1 Payments

- The normal 36.25 hour, working week must be worked completely before enhanced payments will be made. Part-Time employees will be paid at single time up to 36.25 hours per week.
- Hours worked over 36.25 hours, Monday to Friday will be paid at time and a half.

- Time and a half is payable for Saturday working (where Saturday is a non-standard working day) regardless of the number of hours worked Monday to Friday.
- Hours worked on a Sunday or Bank Holiday (where they are non-standard working days) will be paid at double time.

### 3.2 Making a Claim

Claims for overtime should be submitted to HR on a monthly basis, for overtime worked the previous month using the form 'Professional Support Staff - Monthly Claim for Additional Payments' (Appendix A). All claims must be signed by the Head/Director of Service (primary signatory) and submitted in line with payroll deadline dates for payment the following month.

Overtime will only be payable for periods of over half an hour in any one day. After this, payment will be made for each completed period of 15 minutes worked.

### 3.3 Authorisation

Certain occurrences of overtime events already have authorisation, such as open days, regular Saturday opening of the Library and cyclical Facilities and IT maintenance.

Any new occurrences of overtime, or other one-off, non-contractual payments, not previously authorised, should be approved by the Staffing Committee or the relevant Executive Board member. Line managers should be able to demonstrate that the additional work does not impact on the employee's work-life balance or substantive role and that the responsible line manager has worked with their HR Business Partner to determine an appropriate rate of pay.

## 4.0 Time Off in Lieu (TOIL)

TOIL can be claimed when employees have worked beyond their normal contractual hours of work.

TOIL applies to additional periods of work either before or after the contractual working day. It does not apply to lunch periods and line managers should ensure that employees are given an appropriate lunch break each day (see 6.0 Working Time Directive).

TOIL must be accrued within a plan agreed with an employee's line manager and any additional hours worked must be agreed in advance. If such an agreement is not in place any additional hours will not qualify and will be lost.

If an employee identifies additional hours which could justify TOIL he/she should also raise this for the approval of their line manager.

TOIL should be taken as soon as is practicably possible after it has been accrued. Ideally this would be within one month but by exception, and in line with business needs, can be taken up to six months after it has been accrued. Line managers should ensure that employees are given reasonable opportunity to take any accrued TOIL within the approved period. The taking of accrued TOIL must be agreed with the appropriate line manager at least one week in advance where at all possible.

The taking of TOIL will not be approved at certain times of the year including the Christmas Vacation period and other specific periods when the booking of annual leave is discouraged e.g. during clearing and student enrolment.

For employees in Grade 1 to 5, TOIL will be accrued on the following basis:

- TOIL accrued during the standard working week (Monday to Friday) will be equivalent to the actual hours worked i.e. 1 hour worked = 1 hour TOIL (single time).
- TOIL accrued on a Saturday (where Saturday is a non-standard working day) will be equivalent to time and a half.
- TOIL accrued on a Sunday or Bank Holiday (where they are non-standard working days) will be equivalent to double time.

The operation of TOIL in University departments depends on mutual trust. Any suspected abuse of the process will be treated as a disciplinary matter.

It is important that managers ensure that TOIL is logged departmentally and any additional hours worked are closely monitored.

#### International Overseas Travel

Employees in grades up to and including AC1/Grade 6 are entitled to accrue TOIL when travelling overseas and working over 36.25 hours per week (Professional Support Staff). This TOIL is accrued at single time.

If an employee is travelling before 6.00am, they are entitled to take time off on the previous afternoon if this is a working day. If an employee is arriving back in the UK after 12.00 noon, then they should take the following day off work to rest and recover.

Time awarded in relation to Academic Staff travelling overseas, is included accounted for in the Workload Allocation Model.

### **5.0 Exceptions to the Policy**

- 5.1 Some University department operate a flexi-time system, here local arrangements will apply to the booking and usage of such time.
- 5.2 Academic and Professional Support employees in AC1/Grade 6 and above are expected to work such hours as are necessary to fulfil the duties and responsibilities associated with their role.

Due to the seniority of these roles, payment for overtime is not applicable. Exceptionally any TOIL for employees in AC1/Grade 6 or above would be agreed with the employee's line manager and be by local arrangement. The line manager must agree all TOIL arrangements in advance of the additional hours being worked and TOIL being taken where possible.

- 5.3 When an overtime claim is necessitated as part of an 'on-call' arrangement for Facilities employees; any call out claim will attract a minimum payment of four hours.

## **6.0 Working Time Regulations (1998)**

Employees should not work more than 48 hours per week on average, normally averaged over 17 weeks. This law is called the 'working time directive' or 'working time regulations'.

Employees under the age of 18 cannot work more than 8 hours per day or 40 hours in one week.

Adult workers have the right to a minimum daily rest break of 20 minutes in every working day lasting more than six hours. Workers under the age of 18 have the right to a minimum rest break of 30 minutes in every working day lasting more than four and a half hours.

Employees can choose to work more than 48 hours per week on average if they are over 18. Employees can opt-out for a certain period or indefinitely. This must be voluntary and in writing. (Appendix B – Working Time Directive Opt-Out Form)

V3. June 2017.