

# HR & OD POLICIES

human resources and organisational development



## Overtime and Time Off in Lieu Guidance

INDEX

INTRODUCTION 2

SCOPE OF GUIDANCE 2

DEFINITION 2

Overtime

TOIL

MANAGEMENT & AUTHORISATION OF OVERTIME & TOIL 3

Working Time Directive

Public Holidays

TOIL PROCEDURE 4

RECORDING OF TOIL 4

Accrued TOIL

TOIL Taken

MISUSE 5

## 1. INTRODUCTION

Aberdeenshire Council recognises that, on occasion, employees will be needed to work outside their normal working hours or flexi-time. As an employer, we are required to protect the health and safety of our employees by ensuring that they do not work excessive hours, and that any additional hours are agreed in advance and monitored appropriately.

Line managers are required to manage overtime and TOIL accrued by their staff ensuring that the latter is taken at times that minimise disruption to service provision.

## 2. SCOPE OF GUIDANCE

The guidance applies to Local Government Employees and Craft Operatives.

## 3. DEFINITION

### Overtime

Overtime is payable when an employee has worked beyond 37 hours in a week.

It is paid at an enhanced rate of time and one half for all hours worked above the 37 hour threshold. Time off in lieu (TOIL), on an equivalent basis to payment can be agreed as an alternative to payment of overtime.

Jobs are considered separately for determining whether the enhanced overtime rate is payable. If an employee has multiple jobs with the Council, the enhanced overtime rate is payable only when he/she is required to work more than 37 hours in **one** of their jobs.

Overtime must be claimed using the appropriate Timesheet. Please refer to the [Completion of Timesheets Guidance](#) for more detailed information. Any overtime claimed by timesheet which has been recorded on BODET must be removed to ensure that the employee is not being recompensed twice.

### TOIL

TOIL is defined as time off granted with pay to compensate for additional hours worked outwith contracted working hours or flexi-time.

TOIL accrued from additional hours undertaken during periods that attract enhancements e.g. weekends or night time should be calculated at the appropriate enhanced rate.

When TOIL is undertaken over a period of time where more than one enhancement is applicable the highest rate of enhancement should be selected.

Please refer to the [FAQ document](#), in the resource pack, for examples on how to claim TOIL.

## 4. MANAGEMENT AND AUTHORISATION OF OVERTIME AND TOIL

Whenever possible Services should ensure that the working of overtime and TOIL is on a short term or temporary basis or driven by the urgent needs of the Service.

All overtime and TOIL must be authorised in advance by the appropriate line manager, who has delegated responsibility for agreeing overtime and TOIL.

The manager must confirm to the employee whether overtime is to be claimed as overtime or as TOIL. Retrospective authorisation of overtime and TOIL should only be undertaken in exceptional circumstances which would be in order to ensure that service provision is not disrupted, statutory obligations are met or health and safety requirements are adhered to.

Alternatives should always be considered before any request for overtime and TOIL is approved. Overtime and TOIL should not always be seen as the default option.

Other alternatives may include:

- Appointing temporary or permanent employees.
- Increasing the hours of part-time employees.
- Introduction of alternative working arrangements/patterns.

Please contact HR&OD for further guidance and advice on the most suitable alternative arrangement based upon the requirements of your Service.

## Working Time Regulations

Managers are required to ensure that the regulations outlined within Aberdeenshire Council's [Working Time procedure](#) including the drivers' regulations are adhered to at all times. This includes monitoring the working hours of their workers to ensure they

are not in breach of the policy and to ensure that workers are giving the appropriate rest breaks

## Public Holidays

An employee who is required to work on a recognised Public Holiday, including additional hours and overtime, will receive their normal pay, plus:

- An additional payment at plain time for actual hours worked.

OR

- Time Off In Lieu (TOIL) for actual hours worked.

It will be a Service decision as to whether payment is made or TOIL granted.

Employees working no fixed hours would not receive TOIL.

## 5. TOIL PROCEDURE

The procedure for taking TOIL is as follows:

- All additional hours/overtime worked must be authorised in advance by the appropriate line manager.
- Arrangements for taking TOIL should be agreed at the onset when the additional hours/overtime have been authorised. TOIL should be taken within 8 weeks of the additional hours/overtime being undertaken. If this cannot happen it should be paid.
- TOIL should normally be taken per day or half day where practicable.
- No more than 14 hours per month should be accrued as TOIL unless there are exceptional circumstances which are agreed by the line manager and recorded on the [TOIL Request Form](#).

## 6. RECORDING OF TOIL

### Accrued TOIL

The value of the additional hours worked would need to be calculated at the correct rate, this overall value is then recorded on the [TOIL Request Form](#) e.g. if an individual worked for 4 hours over a weekend, this would be calculated at time and

one third therefore 5 hours 20 minutes would be added to the balance on the request form.

It is best practice to keep totals of TOIL separate from that of flexi time. This is to help ensure that the values are clearly recorded in order to help Services track the amount that is being accrued and guarantee the value is cleared within 8 weeks.

For those employees participating in a flexi time scheme, the accrued TOIL may be added to their flexi balance if they are unlikely to reach the 20 hour threshold within the specified flexi period. This will require their manager's authorisation. Again, the value of the additional hours worked would need to be calculated at the correct rate and this overall value added to the flexi balance e.g. if an individual worked for 4 hours over a weekend, this would be calculated at time and one third, therefore 5 hours 20 minutes would be added to the flexi balance. The details must still be recorded on the [TOIL Request Form](#) in order that monitoring of TOIL hours can be undertaken by the Service.

It should be noted that there will be no change to the carry forward rules (no more than 20 hours in one flexi period) if the employee chooses this option.

## TOIL Taken

All time taken as TOIL must be recorded. On Bodet:

- If TOIL and flexi time totals have been recorded separately, manual clock-ins still need be entered for the period of time taken as TOIL to ensure the flexi balance on Bodet is not reduced - with the reason for entries selected as TOIL.
- If TOIL values have been added to the flexi balance on Bodet the period of time selected for absence should be requested as TOIL in the 'Absence Creation Request'.

If there is no access to Bodet:

- TOIL for the month should be recorded on the TOIL Request Form. All forms must be retained by Services for annual monitoring and review.

## 7. MISUSE

The Overtime and TOIL guidance and its operation depend on mutual trust. Any employee who is found to have abused the schemes may have them withdrawn and may be subject to disciplinary action up to an including dismissal. Managers should refer to the [Disciplinary procedure](#) or contact HR&OD for further guidance and advice.

# Overtime and Time Off in Lieu

## Index of Documents

### Guidance

<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of Changes</b>
20-12-2012	-	Creation of all documents
25-06-2013	20-12-2012	Creation of new document
12-08-2013	25-06-2013	Revision of stated enhancements
04-04-2014	12-08-2013	Updated document to reflect changes in T&Cs for LG and Craft employees
20-05-2014	04-04-2014	Revision to paragraph detailing public holiday payments
20-01-2015	20-05-2014	Overtime information added
21-07-2015	20-01-2015	Format update
25-01-2016	21-07-2015	Clarification of overtime recording
10-05-2018	25-01-2016	Updated authorisation of overtime
01-10-2019	10-05-2018	Format update