

# ANNUAL LEAVE GUIDELINES



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**These guidelines supercede all previous policies, circulars and guidelines regarding Annual Leave**

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## 1 Introduction

These guidelines are a guide to annual leave for both Line Managers and Employees. They will provide answers to some of the most frequently asked questions.

## 2 Who these guidelines apply to

These guidelines apply to all employees *excluding*:

- teachers
- lecturers
- term-time only staff working in schools or other education locations
- zero hours staff.

## 3 Annual leave entitlement

Entitlement for annual leave varies from one pay group / employment group to another. Up to date information is available on the MyStates intranet site.

*Annual leave entitlement may be given in hours and whole day equivalents where appropriate.*

**Employees must take a minimum of 2 weeks statutory leave.**

## 4 Taking and booking annual leave

Line Managers are expected to:

- manage staffing levels and take into account periods of annual leave that their staff wish to take, ensuring fairness within the team
- encourage staff to take their full entitlement of annual leave.

Employees should use all their annual leave entitlement. When on annual leave, employees are not expected to attend the workplace. Employees are expected to take annual leave in the current leave year. This is unless there are exceptional circumstances why this is not possible.

Annual leave, should be taken in half or full days (or equivalent in hours). Annual leave may not normally be taken as odd hours, other than with the agreement of Line Managers.

The amount of leave that can be taken at any one time (providing an employee has sufficient leave to cover the request) is at the discretion of the Line Manager. This will be dependent on:

- business and operational needs
- adequate staffing cover
- impact on colleagues
- other competing requests for leave during the leave period.

(See also leave carry over)

Requests for annual leave should be made in good time. They should be coordinated with colleagues so everyone is not on leave at the same time. A request to take annual leave cannot be unreasonably refused. This is providing:

- business and operational needs
- staffing levels
- competing requests

for leave have been considered.

Leave should be booked in accordance with departmental arrangements.

This does not apply to Uniformed Services or other areas where annual leave is allocated.

## 5 Annual leave and sickness

Annual leave continues to accrue during an employee's period of paid sickness absence.

It is not possible to take two types of leave at the same time. Annual leave cannot be taken when an employee is absent due to sickness, or to cover periods of repeated absence in retrospect which is unauthorised or problematic.

Annual leave *may* be used to facilitate a phased return to work following sickness. (See section 12). It can also extend a period of half pay during sickness absence, if requested by the employee.

Annual leave cannot be reclaimed if an employee falls ill on holiday, unless:

- They are hospitalised on Island
- They have a Medical Certificate issued for the purpose of the Social Security (Jersey) Law 1974 covering the period of illness
- They are repatriated from their holiday destination, with appropriate evidence to support this
- They are hospitalised elsewhere, with appropriate evidence to support this.

If an employee is sick immediately before taking agreed annual leave and their on-island medical certificate covers all or part of their leave then the period covered is counted as sickness, not annual leave.

If an employee is sick immediately before taking annual leave, they must have a medical certificate to cover the absence if it is likely to run into their annual leave. Otherwise, the absence may be treated as unpaid leave. Similarly, if an employee goes sick immediately following their return from leave, they may be asked to provide a medical certificate from the first day of absence. *Retrospective medical certificates will not be accepted.*

If an employee is signed off sick and leaves the Island, this period is not counted as annual leave, providing it is not detrimental to the employee's recovery. Employees must notify their Line Manager and Social Security if they leave the Island.

If an employee, who is signed off sick, is well enough to take *pre-booked leave* away from the Island then this will count as annual leave not sickness.

## 6 Annual leave carry over

Annual leave can only carry over from one leave year to the next at the discretion of the Line Manager. This should not exceed 5 days or equivalent hours, although this may be longer depending on circumstances. The following should be taken into consideration:

- When business and operational needs have prevented an employee from taking their full leave entitlement
- Where annual leave has accrued during a period of paid sickness (no maximum carry over)

- Where annual leave has accrued as a result of paid parental leave (maternity and adoption)
- If there is an exceptional reason for a period of leave to be carried over (e.g. getting married).

Annual leave may not be carried over if an employee has taken more than 5 days flexi leave in the preceding year unless agreed with the Chief Officer under exceptional circumstances.

When leave is carried forward it must be taken within 3 months of the start of the next leave year.

*Additional leave purchased through the Buying of Annual Leave Scheme may not be carried over into the next leave year (see Buying Additional Leave Scheme).*

Annual leave accrued during periods of paid sickness resulting in a carry over to the next year, should be taken before the employee returns. If this is not possible then any leave carried over must be taken within 3 months of their return to work.

## 7 Special Leave

(See policy provisions in the Special Leave Policy and associated guidelines)

## 8 Unpaid Leave

**(Not related to Special Leave, Parental Leave, or Career Break)**

Employees can request unpaid leave which may be granted at the discretion of the Line Manager. This is providing it does not impact on business and operational needs. Any such request must be supported with the reason why it has been requested. This should take into account the impact on service delivery and on other colleagues. In normal circumstances, only one request may be considered in any calendar year.

Employees wishing to purchase **additional annual leave** should refer to the **Buying Additional Leave Scheme**.

If an employee takes more than 2 week's unpaid leave in total in any one calendar year, there must be an adjustment made to their annual leave entitlement. *This should be made clear to the employee before unpaid leave of more than 2 weeks in any calendar year is authorised.*

Example:

- An employee wishes to takes three week's unpaid leave in addition to the 24 days they are normally entitled to take, and to date they have not taken any of their annual leave.
- Their annual leave entitlement based on a 52.18 weeks in a working year would be  $(49.18 / 52.18) \times 24 = 22.62$  days (or as appropriate 22.5 days leave to the nearest half day).
- If they had taken half their annual leave up to the end of June, and wished to take 3 weeks unpaid leave during the rest of the year then their entitlement would be adjusted as follows:  $(23.09 (26.09 \text{ weeks less } 3 \text{ weeks unpaid}) / 52.18) \times 24 = 10.62$  days (or as appropriate 10.5 to the nearest half day).

An adjustment is *not* made to annual leave entitlement if an employee takes less than 2 weeks' unpaid leave in any one calendar year.

Any unpaid leave is non-pensionable, i.e. it constitutes a break in pensionable service.

## 9 Annual leave and flexi-leave

It is not possible to book flexi-leave to supplement annual leave. This is unless the flexi leave is booked in the same accounting period as the annual leave is taken.

Approval of flexi leave is always subject to business and operational needs.

Example:

- An employee wishes to take 2 weeks leave beginning 22 December as they are going away for Christmas; he / she books this leave in May to ensure they are able to have that particular time off. (This exhausts their annual leave entitlement.)
- He / she would also like the 19 December off as a flexi day as he / she plan to take the flight to the UK which goes at 3:00pm

In these circumstances the following should be considered:

- The employee *cannot* book the 19 December as a flexi day off when they book their annual leave
- The employee *can* request a flexi day for the 19 December from the 1<sup>st</sup> December 2014 at the earliest, as the request is in the same accounting period as his / her annual leave
- The Line Manager may not be able to agree the flexi day due to business or operational needs
- The employee should therefore consider this *before* booking flights and either reconsider their arrangements or request unpaid leave for the 19 December.

Any requests made for annual leave take precedence over requests for flexi-leave.

When leave is booked it must be booked as either flexi or annual leave. They are not interchangeable at a later date.

## 10 Reduced weeks working ('term time only staff' excluding those working in schools)

Employees on reduced weeks working are expected to agree which weeks they will *not* be working with their Line Manager.

Employees on reduced weeks working *must* work their contracted number of full weeks in any one calendar year.

## 11 Payment for annual leave or TOIL not taken

Any unclaimed flexi-time off in lieu (TOIL) cannot be paid. Managers should not approve TOIL unless there is provision for time off to be taken. If this is not possible overtime should be considered.

Payment may not be authorised or made in lieu of taking **annual leave**. Except in the following circumstances:

- Termination of employment when it is not possible to take leave before the end date of employment. See also section on Accrual of Annual leave.
- Excessive periods of annual leave accrued during a period of extended sickness. (This must be agreed by the Chief Officer or their nominee).

If an employee who is leaving has outstanding flexi-time or TOIL, this must be taken during their notice period and cannot be paid. An employee who is dismissed with or without notice will lose any unclaimed flexi or TOIL.

If an employee leaves their employment after a request to purchase additional leave has been agreed, any untaken bought leave will be lost and not reimbursed.

## 12 Competing requests

Except in circumstances where:

- annual leave is allocated, and / or;
- where flexi- time is not worked

Managers should manage competing requests for annual leave in the following priority order:

- 1. Annual leave (including additional purchased leave)
- 2. Flexi time

If 2 requests for the same type of leave compete, leave should be approved on a 'first come first served' basis.

*Managers should ensure fairness across their team, particularly over popular holiday periods e.g. Christmas and school holidays. They should take into account any special family events.*

Once leave has been approved, the manager cannot retract their approval. This is unless there are exceptional operational circumstances.

## 13 Increase in Annual leave entitlement during a calendar year

If an employee:

- has completed additional years of service mid-way through a calendar year and;
- their annual leave entitlement increases,

annual leave should be calculated as follows:

The calculation should be based on the number of completed working weeks at the higher annual leave entitlement:

## 14 Change in contractual hours

Employees may either increase or decrease their contractual hours worked each week part of the way through the calendar year. Their annual leave must be calculated applying the appropriate number of hours for the number of weeks worked. This calculates their total leave for the year.

## 15 Annual Leave and Retirement

If an employee:

- either retires (under any circumstances)
- or, is receiving a States of Jersey Employee Pension, and
- returns to work for the States of Jersey in any capacity following their retirement

their entitlement in years' service for calculating Annual Leave is automatically reset. This will be reset to the starting level applicable to the new post. Service prior to retirement does not carry forward.

## 16 Annual Leave and Previous Public Service

An employee who has been previously employed in:

- the States of Jersey
- Jersey Parish
- UK Civil Service
- UK Regional Authority
- Local Authority
- NHS

can aggregate those periods of service for annual leave purposes. This is providing that the break between cessation of service of their previous public service employment and commencement with the States of Jersey is ***no more than 6 weeks***.

Previous service for any Jersey organisation that is or was wholly or partly financed by the States of Jersey such as:

- Jersey Telecom
- Andium Homes
- Visit Jersey
- Ports of Jersey, etc.

are outside this provision and it is not possible to aggregate these periods of service for annual leave purposes.



## Appendix 1 – Accrual of annual leave (Summary)

Annual leave accrues during:

- Periods of normal working
- Paid parental leave (Maternity, Paternity, Adoption)
- Paid Special Leave
- Periods of paid sickness (both during full and half pay)
- Any period of suspension.

Annual leave **does not** accrue in the following circumstances:

- During periods of unpaid leave in excess of 2 weeks
- During periods of unpaid parental leave (i.e. during Maternity, Paternity or Adoption leave)
- During periods of unpaid sick leave
- Following dismissal pending appeal (if the appeal is successful then the entitlement to annual leave will be restored)
- When an employee is paid in lieu of notice and that payment has taken into account outstanding leave e.g. if an employee is not required to work during a period of paid notice.

## Appendix 2 – Calculating Annual leave in hours

The following examples show 4 individuals who all work the same number of hours per week but have different working patterns, calculating Annual Leave ensures fairness across the organisation.

### Example 1

The following would apply if an employee works their hours over 5 working days and works the same number of hours each day.

Contracted hours per week	Number of days worked each week	Current Annual Leave entitlement (based on an employee working 5 days per week)	Number of hours worked per day	Annual Leave in hours	Number of hours to be deducted for a day's Leave	Number of hours to be deducted for a full calendar week's Leave
37	5	22 days	7.4	$7.4 \times 22 = 162.80$	7.4	37

### Example 2

The following would apply if an employee works compressed hours and works the same number of hours each day.

Contracted hours per week	Number of days worked each week	Current Annual Leave entitlement (based on an employee working 5 days per week)	Number of hours worked per day	Annual Leave in hours	Number of hours to be deducted for a day's Leave	Number of hours to be deducted for a full calendar week's Leave
37	4	22 days	9.25	$7.4 \times 22 = 162.80$	9.25	37

### Example 3

The following would apply if an employee works uneven shifts, for the purpose of this example their week is worked as follows:

1 x 12 Hours Shift – Usually a Monday

1 x 10 Hours Shift – Usually a Friday

### 3 x 5 Hours Shifts – Usually Tuesday, Wednesday & Thursday

Contracted hours per week	Number of days worked each week	Current Annual Leave entitlement (based on an employee working 5 days per week)	Annual Leave in hours	Number of hours to be deducted if the employee was on Leave on a Monday	Number of hours to be deducted if the employee was on Leave on a Friday	Number of hours to be deducted if the employee was on Leave on any other day	Number of hours to be deducted for a full calendar week's Leave
37	5	22 days	$37 \div 5 \times 22 = 162.80$	12	10	5	37

### Example 4

The following would apply if an employee works compressed hours and uneven shifts, for the purpose of this example their week is worked as follows:

2 x 12 Hours shifts – Usually Monday & Thursday

2 x 6.5 Hours shifts – Usually Tuesday & Wednesday

Contracted hours per week	Number of days worked each week	Current Annual Leave entitlement (based on an employee working 5 days per week)	Annual Leave in hours	Number of hours to be deducted if the employee was on Leave on a Monday or Thursday	Number of hours to be deducted if the employee was on Leave on a Tuesday or Wednesday	Number of hours to be deducted for a full calendar week's Leave
37	4	22 days	$37 \div 5 \times 22 = 162.80$	12	10	37

### Example 5

The following would apply if an employee works part-time

Contracted hours per week	Number of days worked each week	Current Annual Leave entitlement (based on an employee working 5 days per week)	Annual Leave in hours	Number of hours to be deducted if the employee was on Leave on a Monday or Thursday	Number of hours to be deducted if the employee was on Leave on a Tuesday or Wednesday	Number of hours to be deducted for a full calendar week's Leave
20	4	22 days	$20 \div 37 \times 162.80 = 88$	n/a	n/a	20