

Highland Council – Single Status

HARMONISED AND NON-DISCRIMINATORY TERMS AND CONDITIONS OF SERVICE FOR SJC EMPLOYEES

Collective Agreement Between The Highland Council (“the Council”) and Unison, GMB and Unite (“the Unions”)

1. Purpose of the Agreement

- 1.1 The purpose of this Agreement is to set out in writing details of local terms and conditions of employment for Scottish Joint Council (SJC) employees of the Council which have been agreed between the Council and the Unions and which will be implemented by virtue of this Agreement with effect from 1 September 2010.
- 1.2 This Agreement is supplementary to the National Agreement of Pay and Conditions of Service for SJC employees (The Red Book). This Agreement is subject to modifications that may be negotiated and agreed locally with the trade unions recognised by the Council for SJC employees (currently the Unions).
- 1.3 The attached package of harmonised and non-discriminatory terms and conditions of service (hereafter referred to as “the Package”) will supersede and replace the relevant provisions in Appendices 1, 2, 3 and 4 to Part 3 of the Red Book and all relevant existing local conditions, agreements and working practices with effect from 1 September 2010.
- 1.4 The Council and the Unions agree that the Package will be incorporated into the contracts of employment of individual SJC employees by virtue of this Agreement with effect from 1 September 2010.

2. Commencement Date

- 2.1 The terms of this Agreement will come into effect on 1 September 2010.

3. Scope

- 3.1 This Agreement applies to all SJC employees in the Council.

4. Terms and Conditions

4.1 The following harmonised terms and conditions (including conditions which will cease) are set out in this Agreement and in more detail in the Package

- Standard Rate ('Day Time') Working Hours
- Weekend Working
- Shift Working
- Irregular Hours/Unsocial Hours
- Night Time Working
- Overtime Policy
- Public Holidays
- Annual Leave
- First Aid Payments
- Standby Scheme
- Availability/Responsibility Scheme
- Qualification Payments
- Travel and Subsistence Scheme
- Telephone Allowance
- Employees Temporarily Undertaking Higher Duties

5. Monthly Pay and Sleeping-in Allowance

5.1 The future implementation of monthly pay and the review of the sleeping-in allowance and arrangements will be subject to further separate discussions with the Unions.

6. Trade Union Conditions

6.1 The Unions have agreed this Collective Agreement on the basis of the Council agreeing to:

- (i) Apply in full any guidance or amendments to the Scottish Council's Job Evaluation Scheme which are agreed by the SJC as a result of the current review by the COSLA Job Evaluation Consortium.
- (ii) Continue to consult with the trade unions and staff on any future proposed changes to individual employees' contractual arrangements eg changes to an employee's Core Hours.

6.2 The Council agrees to the Trade Union Conditions outlined in 6.1 above.

7. This Agreement may be amended at any time with the consent of the parties covered by the Agreement.
8. The Unions warrant that they have authority to enter into this Agreement as agents on behalf of their members.
9. The Council and the Unions agree that they intend this Collective Agreement to be a legally enforceable contract.

Signed *Michelle Morris*
Adam Bardsley for The Highland Council Date *13/8/10.*
11/8/10.

Signed *[Signature]* for Unison Date *13-Aug-10.*

Signed *[Signature]* for GMB Date *11/8/10*

Signed *[Signature]* for Unite Date *25/8/10.*



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Single Status and Modernising Service Delivery

Harmonised Conditions of Service Package

1 September 2010

1.

Introduction

The following package of harmonised terms and conditions of service will supersede and replace the relevant provisions in Appendices 1, 2, 3 and 4 to Part 3 of the Red Book and all relevant existing local conditions, agreements and working practices with effect from 1 September 2010.

2.

Standard Rate (` Day Time `) Working Hours

2.1

The standard rate (` day time `) period during which employees will work their "standard" working hours (excepting approved overtime) without being entitled to premium payments will be from 6.00 a.m. to 10.00 p.m., Monday to Friday.

3.

Weekend Working

3.1

An employee required to work their "standard" hours (excepting approved overtime) on Saturday or Sunday within the standard rate working hour period (6.00 a.m. to 10.00 p.m.) will be paid enhanced rates for such hours at time and a half.

3.2

An employee required to work their "standard" hours (excepting approved overtime) on Saturday and Sunday outwith the standard rate working hour period (6.00 a.m. to 10.00 p.m.) will be paid enhanced rates at time and a five sixths for the following periods:-

- between midnight on Friday and 6.00 a.m. on Saturday
- between 10.00 p.m. on Saturday and 6.00 a.m. on Sunday
- between 10.00 p.m. on Sunday and midnight on Sunday

4.

Shift Working

4.1

The current schemes for payment for alternating and rotating shifts will cease.

5.

Irregular Hours / Unsocial Hours

5.1

The current payments will cease. See Night Time Working section below.

6.

Night Time Working

6.1

An employee required to work their 'standard' hours in the period 10.00 p.m. to 6.00 a.m. the following day shall be paid a supplement of one third of the hourly rate for all hours worked during that period.

7.

Overtime

7.1

See attached amended Overtime Policy.

8.

Public Holidays

8.1

14 public holidays (pro rata for part-time employees will be granted as holidays with pay in the leave year. 7 of these holidays will be fixed (2 at Christmas, 2 at New Year, 2 at Easter and 1 at May Day) with the remaining 7 holidays being 'floaters' which will be added to annual leave entitlement.

This agreement does not preclude the continuation of the current arrangement whereby some employees receive 10 fixed days and 4 "floaters". Separate discussions/negotiations would take place with the trade unions should there be future proposals to change these current arrangements whereby some offices/units are closed between Christmas and New Year.

8.2 Employees required to work on a fixed public holiday as part of their normal working week will be entitled to the equivalent of double time plus a day off in lieu or the equivalent of triple time with no day off in lieu.

8.3 All personal preservations in respect of public holidays in excess of 14 days will be removed.

9. Annual Leave

9.1 The leave year will run from 1 February to 31 January for all employees. In exceptional circumstances a different leave year may be agreed for specified groups of employees if required by service delivery needs.

9.2 Annual leave entitlement will be 20 days per annum rising to 25 days after 5 years continuous service (pro rata for part-time employees) (see Section 7 of Red Book for further details).

9.3 All personal preservations in respect of annual leave in excess of 25 days, will be removed.

10. Monthly Pay

10.1 All weekly, fortnightly and 4 weekly paid employees will move to monthly pay on a phased basis and payments will be staggered throughout the month eg. end of the month, mid month etc. Transitional arrangements will be put in place to assist this move. The timetable for moving employees from their current payment arrangements will be subject to further discussions with the trade unions.

11. First Aid Payments

11.1 A first aid payment of £356 per annum will be made to those employees who are requested by their Service Director to undertake first aider duties having completed the appropriate training course. The payment will not be made where a first aid qualification is a requirement of the job eg. Leisure Attendants.

12. Standby Scheme

12.1 The existing schemes will be removed and replaced by one scheme (see attached).

13.**Availability/Responsibility Scheme**

13.1

This local scheme will be removed and an assessment made as to the requirement or otherwise for current recipients of this allowance to receive a standby allowance as per 12 above.

14.**Qualification Payments**

14.1

The current scheme whereby employees may be entitled to a payment of £200 on completion of an approved qualification will be removed.

15.**Travel and Subsistence Scheme**

15.1

The existing scheme will be replaced by one harmonised scheme (see attached).

16.**Telephone Allowance**

16.1

The existing scheme will be removed and mobile phones used in appropriate cases.

17.**Sleeping In Allowance**

17.1

Current arrangements will be reviewed in consultation with the Directors of Education, Culture & Sport and Social Work with the aim of phasing out, wherever possible, the requirement for residential staff to undertake sleeping in duty. In the interim the current allowance of £33.30 per night (effective from 1 April 2009) will be continued.

18.**Employees Temporarily Undertaking Higher Duties**

18.1

See attached revised scheme.



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Overtime Policy

1 September 2010

1.

Introduction

The policy clarifies for managers and employees the procedures for authorising overtime, payment and time off in lieu entitlements and procedures for claims for overtime payments.

An important aspect of the policy is that all overtime will be monitored and that the Director of Finance/Assistant Chief Executive will prepare reports for the Senior Management Team detailing the extent of the costs involved in overtime working.

2.

Policy On Overtime Working

2.1

Scope

The Policy on Overtime Working will apply to all employees whose conditions of service are governed by the JNC for Chief Officials of Local Authorities (Scotland), and the Scottish Joint Council (SJC) for Local Government Employees.

2.1.1

Conditions relating to working in excess of normal full-time weekly working hours, 37 hours, as contained in the following Schemes of Salaries and Conditions of Service, will apply, unless stated otherwise in this document:

- (i) JNC for Chief Officials of Local Authorities (Scotland)
- (ii) SJC for Local Government Employees

2.2

General Policy

2.2.1

While recognising some overtime is unavoidable Service Directors will discourage the practice of asking employees to work consistently in excess of their normal contractual hours of duty and in particular employees will not be required to work excessive overtime over prolonged periods.

2.2.2

Overtime shall be considered to be extra time worked, **with prior approval**, in excess of the standard full time weekly working hours of 37 hours (extra hours worked by employees under the Council's Flexible Working Hours policy are addressed by that policy and do not constitute overtime - specific reference should be made to the Flexible Working Hours policy).

2.2.3

Where overtime is unavoidable for operational purposes this should only be approved by a Service Director or other delegated Manager/Supervisor with this authority, after all other alternative working practices have been considered. **ALL OVERTIME MUST BE APPROVED PRIOR TO IT BEING WORKED.**

2.2.4

Any member of staff paid above grade HC11 will **not** be entitled to receive overtime payments or time off in lieu.

2.3

Payment And Time Off In Lieu

2.3.1

The payment of overtime, or granting of time off in lieu, will be agreed by the designated Manager/Supervisors with delegated responsibility for the service following discussion with the employee concerned **prior** to extra hours being worked.

2.3.2

The specific provisions in relation to the respective employee categories are as follows (applying both to payment and time off in lieu).

(i) SJC Employees

An employee's normal weekly rate of pay shall be divided by the number of weekly hours worked by full-time staff to determine the hourly calculator. This should be multiplied by the number of overtime hours worked at the rate of time and a half (x 1.5) for hours worked.

For those employees paid on grades **HC8 to HC11 (inclusive)** the hourly overtime rate will be at **plain** time.

(ii) Chief Officials

Chief Officials will not be entitled to receive overtime payments or time off in lieu.

2.4

Claims

2.4.1

Claims for overtime payments shall be in a form prescribed or approved by the Director of Finance, and shall comply with all conditions detailed in the Council's Financial and Contract Regulations.

2.4.2

All claim forms must be signed by the employee and by an authorised signatory who can verify that the hours claimed have been worked. Reasons for the overtime worked should also be retained.

2.5

Reporting

The Director of Finance/Assistant Chief Executive will submit regular reports to the Senior Management Team detailing the extent of the costs involved in the working of overtime by each of the Council's Services.

Notes:

- Extra time of less than half an hour in any day shall not count as overtime. Only complete half hours are paid.
- For overtime on any day, payment shall be at the rate of time and a half (see exceptions in Section 2 above for employees paid on grades HC8 to HC11) (inclusive)).
- Work on a **fixed** public holiday **outwith** normal working hours shall rank as overtime and will be paid at the rate of double time in complete recompense.
- Compensatory leave on an equivalent basis to payment may be agreed as an alternative to payment.
- Overtime or compensatory leave will not be granted until the total hours worked by an employee exceed 37 in any week.



Travel and Subsistence

1 September 2010

1.

Introduction

This revised policy supersedes and replaces all existing local arrangements and ensures that the Council complies with HMRC guidance and provides one harmonised scheme for all employees covered by the SJC for Local Government Employees and JNC for Chief Officials of Local Authorities (Scotland).

2.

Exclusions

Separate arrangements will apply to travel outwith the U.K. and any such travel and associated subsistence arrangements will require to be approved by the Chief Executive and Director of Finance prior to the journeys being undertaken.

3.

Travel And Subsistence

3.1

Business Mileage Rate

(i) Where employees use their car for business purposes (including training) the following mileage rates (which are based on current HM Revenues and Customs rates) will apply:

- First 10,000 miles £0.40p per mile
- In excess of 10,000 miles £0.25p per mile
- Passenger miles £0.05p per mile

(ii) Bicycle Rate £0.20p per mile

3.2

Excess Travel Rate

(i) £0.22p per mile

3.3

Short Term Car Hire

The Council uses short-term car hire to make vehicles available to authorised employees for specific journeys. Hire arrangements, details of which are circulated to Directors by the Director of TEC Services are available from all major towns in the Council area. Bookings for such vehicles are normally made through the employee's Director, or nominated representative, when approval for the journey has been given.

Short-term car hire for longer journeys can offer considerable savings over business mileage rates. The Council has set the following parameters which make short-term car hire or the use of public transport compulsory for all journeys, where this is more effective in terms of cost and business efficiency. Exceptions to the policy would require prior approval by the Service Director.

- Where travel is required outwith the Council's boundary, short-term car hire or public transport will be used wherever this is financially beneficial to the Council. Short-term car hire should also be used within the Council's area where this is of significant financial benefit given the nature of the journey to be undertaken. (normally for journeys involving 75 miles or more per day)
- Where an employee nevertheless chooses instead to use his/her own car for such journeys they may claim either the cost of public transport, where public transport is practicable (second class rail fare) or the short-term car hire rate for the day (£26.50) plus the cost of actual fuel purchased (11p per mile), whichever is the lesser.

Note: The above will not apply to those employees with leased cars.

3.4

Leased Cars

In recent years many Authorities have introduced car lease schemes and it is at the discretion of each Authority to determine how such schemes should operate.

The Highland Council scheme is based on the Council making a contribution towards the cost of each lease based upon the estimated business mileage payments which it would have paid to the employee during the 3 year term.

The Director of Finance is reviewing the current scheme.

3.5**Assisted Car Purchase**

The current scheme is based on the former NJC for APT & C Staff conditions of service and will be reviewed by the Director of Finance.

3.6**Day and Overnight Subsistence**

Subsistence allowances are payable to employees who are prevented by their official duties from taking a meal (excluding lunch) at their home, administrative centre or establishment where they normally take their meal and thereby incur additional expenditure.

The payment of subsistence is on the basis of expenses actually incurred subject to the limits as per Section 4.1.

Overnight rates will be based on those prescribed for elected members. An out- of- pocket allowance for each evening away from home will also be payable, as per Section 4.2.

Unless exceptional circumstances apply accommodation will be booked in advance by the Service concerned. Such bookings would be made to approved establishments where priority rates and credit terms have been negotiated by the Service concerned.

Payments would be made on the production of receipts or by direct invoicing to the Council.

The benefits of the above approach include the ability of the Council to minimise expenditure and to reclaim VAT.

3.7**Staying with Friends/Relatives etc**

Where an overnight stay is properly authorised and staff choose to stay with friends, relatives etc rather than stay in a hotel/guest house/B&B etc, they will be permitted to claim a payment of £15.00 to cover any incidental expenses as this avoids the Council having to pay for overnight accommodation.

3.8**Management Discretion**

To ensure effective service delivery, the scheme must be implemented in a consistent manner by Service Directors.

4.

Subsistence Allowances

4.1

Day Subsistence Limits

Actual costs, based on appropriate receipts, will be paid up to the following levels:-

- Breakfast: - £ 5.00. Only payable for a period of overnight absence if breakfast not included with accommodation.
- Dinner: - £ 10.00. Absence must be at least 4 hours and include the period 6.00 pm to 8.00 p.m.
- Lunch: - £10.00. Only payable for meetings outwith the Council Area and if lunch is not provided. In exceptional cases Service Directors may approve payment of a lunch allowance for meetings within the Council Area.

4.2

Overnight Subsistence Limits

Actual costs, based on appropriate receipts, plus £ 4.00 per night "out of pocket" allowance, will be paid up to but not exceeding the following levels:-

- Bed and Breakfast and Dinner: £94.82. Absence must cover a period of at least 24 hours. For additional periods reference should be made to the Day Limits above. For any period overnight where the absence does not cover a period of at least 24 hours the relevant allowances will be subtracted from this rate.
- Bed and Breakfast and Dinner in London: £118.63. Absence must cover a period of at least 24 hours. For additional in London periods reference should be made to the Day Limits above. For any period overnight where the absence does not cover a period of at least 24 hours the relevant allowances will be subtracted from this rate. The above claims should be an exception as every effort should be made to arrange advance booking and invoicing direct to the Service.

4.3

Other General Conditions

Subsistence must not be claimed where the allowance is deemed to cover a meal or accommodation which has been provided to the employee at no cost whether at a Highland Council establishment or by way of hospitality or where pre-booked and invoiced accommodation includes the provision of meals.

5.

How To Claim

5.1

Completion

Claimants must ensure that the appropriate claim form has been completed accurately for all relevant parts and is passed for checking in sufficient time to meet the payroll timetable, issued by the Finance Service.

The front of the travel form should be completed first with the reverse used only if further space is needed. Any unused lines should be marked off by the claimant prior to the checking process, and all entries totalled.

The following sections must be completed accurately:-

- Service
- Payroll no
- Name and address
- Base
- Vehicle registration number
- Details of all journeys, including points of call and passenger names
- Milometer reading (lease cars only)
- Classification of mileage (basic or training)

All receipts for meals, accommodation, fuel, parking, taxis etc. must be securely stapled to the claim form prior to the checking procedure.

5.2

Certification by Claimant

The expense form must be certified by the claimant to the effect that:-

- all journeys have been necessarily undertaken while on Council business
- amounts for travel and other expenses have been incurred and the amounts claimed are strictly in accordance with the rates laid down by the Authority.
- the claim is strictly within this Code of Conduct.
- the claim has not been included under any other reimbursement scheme (e.g. excess travel, trade association, etc).

5.3

Timing of Claims

Expense forms should be submitted on a regular basis, ideally monthly. There will be a general presumption against payment of any claims submitted which are in excess of three months old unless the authorising officer submits good reason to the Director of Finance for the delay.

5.4**Payment of Claims**

Claims will be paid with salary and claimants are responsible for ensuring that correctly completed claims are lodged with Services in sufficient time to allow checking and authorisation prior to the payroll processing deadlines. To assist this process, the Payroll Section will issue deadline details to all Services on a regular basis.



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Standby Scheme

1 September 2010

1. The nature of the appointment of certain employees makes it necessary for them to be prepared to carry out standby duties. Such employees will therefore, be contractually required to undertake standby duty if so requested by the Council and to carry out emergency work as and when the need arises.
2. Standby duties to specific rostered arrangements whereby employees are under an obligation outside their normal working hours (including Saturdays, Sundays and Public Holidays) to remain on call, to be available to be consulted and if necessary to be called out for emergency duty.
3. Employees whose posts are not graded above HC11 and who are required to undertake standby duty shall be paid on the following sessional basis to cover the duties and responsibilities involved.
 - 3.1 Where the occupied time during a standby session spent on telephone calls, and/or call out, and for documentation is 10% or less:
 - £26.81 per session
 - 3.2 Where the occupied time during a standby session is longer than 10% of a session, such additional time will be paid at the appropriate overtime rate (see Overtime Policy). Each session will stand on its own for calculation purposes. Extra time of less than half an hour in any day shall not count for overtime. **Only complete half hours will be paid.**

Notes:

- These allowances are intended to cover the full range of duties associated with standby, including dealing with telephone calls, being called out and documentation.
- A session of standby duty on weekdays shall be from the end of the normal working day until the beginning of the normal working day the following morning e.g. 5pm-9am. At weekends and on public holidays, a session shall consist of 12 hours using notional starting times e.g. 9am-9pm on Saturday would be one session.
- Employees required to undertake standby duty on a fixed public holiday shall be granted, in addition to the appropriate allowance, compensatory leave.



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Employees Temporarily Undertaking Higher Duties

1 September 2010

This standard scheme will be introduced for all employees and will replace the existing 'APT&C' and 'Manual Workers' schemes. The scheme comprises the following:

Where, for reasons **other than** absence on normal holiday, an employee is directed, for a continuous period exceeding four weeks, to temporarily undertake either in whole or in part the duties of a post, the grade of which is higher than the employee's own grade, the Council shall grant any such employee an acting up allowance, determined with regard to (a) the salary scale for the higher post, (b) the extent of the additional duties and responsibilities expressed as a percentage; and (c) the period for which these are undertaken.

Once the qualifying period of four weeks has been satisfied, the allowance will be paid with effect from the day on which the employee was required to undertake the duties of the higher post.

In exceptional circumstances, where supervisory arrangements have to be put in place immediately for operational/ service delivery reasons and an employee is required to undertake the full responsibilities of the higher grade post, the employee will be paid the rate of pay for the higher graded post after 1 day. Such arrangements will require the specific approval of the Service Director in consultation with the Head of Personnel.