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## **Agreement between CNC and CNPF: OVERTIME AND HOLIDAY PAY**

**23<sup>rd</sup> February 2016**

### **1. Background**

Recent legal judgments have changed the way in which many employees should be paid whilst they are on holiday, such that they should not suffer financially when they take leave.

This agreement follows an Employment Tribunal Appeal ruling, on the 4 November 2014, relating to Bear Scotland v Fulton. The case found that the calculation of 'normal remuneration' paid to employees whilst on annual leave should include overtime, and other regular additional payments where there is an intrinsic link between the payments and the work that the individual is required to carry out.

### **2. Scope**

The group affected is Federated ranks at Constable and Sergeant levels. Ranks of Inspector and above are not eligible for overtime payments.

### **3. Holiday Pay Period**

The ruling applies to the 4 weeks (20 days) annual leave required by the Working Time Directive, rather than 5.6 weeks (28 days) - the minimum statutory requirement for a full time employee.

Different rates will apply: the first 4 weeks (including bank holidays) will be based on normal remuneration including overtime, whilst the remaining 1.6 weeks is based on normal remuneration excluding overtime.

### **4. Normal remuneration**

The agreement is to include all forms of overtime (to include public holidays) and as this relates to the CNC and specifically full- and part-time police officers these are as follows:

Overtime – Full-time Constables and Sergeants

- Extension to Duty
- Recall to Duty
- Attendance on a rostered rest day

- Re-instatement of cancelled rest days – PCs and PS
- Working on Public Holidays
- Attending for duty from annual leave
- Travel Time (Recall to Duty & Training)

**Overtime – Part-time Constables and Sergeants**

- Extension to Duty
- Recall to Duty
- Attendance by Part Time Employees on Free Days
- Attendance by Part Time Employees on Rest Days
- Working on Public Holidays
- Attending for duty from annual leave
- Travel Time (Recall to Duty & Training)

The extension of 'normal remuneration' within the first four weeks of holiday pay are to include, along with overtime, the allowances that are intrinsically linked to the performance of the tasks. The following payments are proposed to be included:

- Temporary Duty Allowance (substitution payment)

**5. Calculation of Payments**

The calculation for payment is 20/365 of total of payments identified in the list above paid during the 12 month reference period i.e. a rolling 12 month prior to payment of the allowance. The reference period is relevant to allow calculations to be made at a given point in time and enable fair payment to individuals.

The payment is to be split for pension purposes to reflect pension status of each individual payment.

The payment is to be effective from the 1 April 2016.

**6. Arrears Payment**

A six months arrears period 1 October 2015 to 31 March 2016 is to be paid as a one off payment in full and final settlement of all claims, prior to the commencement of the allowance on 1 April 2016. This will be a flat rate payment of £380 per officer.

**7. Payment Frequency**

The payment will be made quarterly. For clarity, this means that the entitlement of 20/365 will be paid in 4 three month payment periods of 5/365 over the full 12 month period.

**8. Other information/considerations**

Pension contribution - Where the additional payments are pensionable, employee and employer contributions will be deducted when these payments are made during the holiday.

**9. Signatures**

Handwritten signature of Nigel Dennis in black ink.

Nigel Dennis  
CNPF

Handwritten signature of Simon Chesterman in black ink.

Simon Chesterman  
Deputy Chief Constable CNC

Date: 02/03/2016

Date: 2/3/16