

## Wiltshire Council Human Resources

### Overtime policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

This policy outlines the payments made by Wiltshire Council to employees who work overtime at the request of their manager.

#### When does it apply?

This policy applies to all Wiltshire Council employees with the exception of staff employed in locally managed schools.

This arrangement for overtime replaces the guidance in the pay reform collective agreement.

#### When does it not apply?

If you participate in the flexitime scheme any additional hours worked during the flexitime scheme operating hours should be recorded as a credit in line with the council's [flexitime policy](#) and not claimed as overtime.

Generally employees on Grade K and above will record additional hours worked outside of the flexitime scheme as TOIL, as outlined in the council's [time off in lieu policy](#).

#### What are the main points?

1. All overtime must be agreed in advance with your line manager and may not be claimed retrospectively.
2. All claims must be made using the appropriate [overtime and additional hours payment form](#).
3. Overtime will be paid for complete half hours worked, and you are therefore not able to claim for less than 30 minutes overtime.
4. If you are contracted to work overtime this will be paid at your normal hourly rate, to include relevant additional allowances.(E.g. Unsocial hours allowance)

5. You should refer to the [Working Time Regulations 1998](#) as there are conditions that relate to a variety of health and safety issues including working times, rest periods and breaks.

#### Full time staff

6. Overtime payments will be paid for all authorised overtime worked in excess of 37 hours per week.
7. Overtime rates are:
  - Double time for working on a Sunday or equivalent rest day (for staff whose normal working week includes Sunday), or on a bank holiday;
  - Time and a half at any other time

#### Part time staff

8. If you are part time, hours up to 37 hours per week worked on a Monday to Saturday are treated as additional hours and paid at your normal hourly rate.
9. All hours worked on a Sunday, equivalent rest day or bank holiday (where these are not part of the normal working pattern for your post) will be paid at the double time overtime rate, regardless of whether you have exceeded your contracted hours.
10. Overtime rates are:
  - Double time for working on a Sunday or equivalent rest day (for staff whose normal working week includes Sunday), or on a bank holiday
  - Normal hourly rate up to 37 hrs, then time and a half at any other time

#### Employees on Grades A - J (spinal point 5 – 34)

11. Hours worked at the request of your supervisor or manager, beyond a 37 hour standard week, or on a Sunday, equivalent rest day or a bank holiday will attract overtime rates.

#### Employees on Grades K to O

12. An overtime payment may only be made to recognise additional hours worked in the following circumstances:
  - The circumstances are exceptional

- The requirement to work additional hours is planned in advance, or an expected requirement of your role, and there is a business case clearly demonstrating that it is in the interest of the authority
  - Proper control in determining the extent of additional hours is exercised
13. Where the above criteria are met the relevant head of service must approve the payment.
14. You are not expected to work overtime on a routine basis.
15. Hours outside the flexitime period should normally be recorded as toil.

#### Employees on Hay grades

16. Hay graded staff are contractually required to work the hours needed to perform the duties of their role.
17. The following arrangements apply to you if you are a hay graded officer who is a head of service or lead professional. These arrangements do not apply to corporate or associate directors.
18. Overtime will be paid to you when you are on standby and callout, and in emergency situations as detailed in the [standby and callout policy](#).
19. Where hours are worked dealing with an emergency, overtime will be paid if :
- The circumstances are exceptional
  - There is a major incident or county wide emergency
20. Payment will be made at the hourly rate equivalent to the top of grade O (spinal point 49). This will be time and a half for overtime hours worked Monday to Saturday, and double time on a Sunday or bank holiday.
21. The corporate directors must approve the payment of additional hours in exceptional circumstances when there is an emergency situation.

#### Employee responsibilities

22. To be aware of the [working time regulations](#) and take responsibility for ensuring that you take required breaks and do not exceed working hours.
23. To accurately complete the [overtime claim form](#) and submit it your manager. You should be aware that “over claiming” will potentially be treated as misconduct.

### **Line manager responsibilities**

24. To ensure that all overtime has been agreed in advance.
25. To ensure that any overtime authorised is in the interests of the council and that the benefit outweighs the costs.
26. To review and confirm any overtime claim forms and forward them to the HR & Payroll administration team in line with payroll cut-off dates
27. To obtain appropriate approval (Head of Service) for any overtime payments made to employees grade K and above.
28. To be aware of the [working time regulations](#) and take responsibility for ensuring that staff are taking required breaks and do not exceed working hours.

### **Frequently asked questions**

#### **29. My manager has asked me to work some overtime. Can I say no?**

Your manager would only ask employees to work overtime if it was required. People have different responsibilities and commitments outside of work and you are able to say no if it is not convenient.

#### **30. Can I work overtime for another service area?**

There may be occasions where employees from across the council may be asked to support activities which do not fall under their normal role. E.g. Flood response. In such circumstances you should go through your manager and keep them updated of any additional hours being worked.

#### **31. I had to work overtime on a bank holiday but my payslip is unclear and it doesn't look like I got double time. Why is this?**

All employees are paid for their bank holidays. You are still being paid for those days even though you don't work on them. If you are called in on a bank holiday, you get paid double time, so you will be paid for a second time for overtime hours worked on that day. We would not pay triple time for working on a bank holiday.

#### **32. I had to work through the night on a bank holiday. Is this different?**

Yes. When you work on a bank holiday evening or night you will be paid double time in the true sense, in that you are not paid for bank holidays nights as part of your bank holiday entitlements - only during the day.

**33. My normal working hours include Saturdays, Sundays and bank holidays. I also do overtime – sometimes on a bank holiday or Sunday. Do I get double time if I work overtime on these days?**

Yes, but you will only be paid the overtime rate for the additional overtime hours worked on those days.

**Advice and guidance**

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

**Further information**

For further information please speak to your supervisor, manager, service director or contact your HR Case Adviser.

Policy author	HR Policy and Reward Team – RW
Policy implemented	
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