



ABERDEEN
CITY COUNCIL

**Guidance on Overtime
Payment for Employees with
Multiple EP&M Contracts**

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Under the EP&M terms and conditions, overtime at a rate of time and a half is payable for all hours worked over 37 per week (or contracted hours where these are greater) on one contract.

Therefore, for employees with more than one contract with the Council, overtime at a rate of time and a half is payable for all hours worked over 37 per week on the relevant contract. If fewer than 37 hours per week are worked per contract the enhanced rate of overtime does not apply. Each contract is regarded as separate and standalone for overtime payment purposes.

For example, if an employee has 2 contracts with the Council – contract 1 for 20 hours per week and contract 2 for 10 hours per week and works an additional 8 hours on contract 1, these additional hours will be paid at plain time. Even though the total number of hours worked that week by the individual exceeds 37, the number of hours worked per contract is less than 37, therefore, the overtime rate of time and a half does not apply.

Although the above is the general rule, there may be an occasional exceptional case where two part-time contracts could effectively be regarded as one for overtime payment purposes. This may be where the job being undertaken is the same, the employee reports to the same manager and the manager indicates when and where the employee will work under both contracts. To determine if it is effectively one contract, a test would be to ask the question; 'if a situation arose where the employee required to be performance managed, would this automatically involve both contracts? If the answer to this was 'yes' then it is likely that the contracts would be regarded as one.

If a manager is in any doubt about whether an employee's contracts are regarded as separate for overtime payment purposes (which will normally be the case), or could be regarded as one, they should contact the HR Service Centre for advice on telephone number 01224-523939 or e-mail AskHR@aberdeencity.gov.uk