

## **EP&M Annual Leave & Public Holiday Guidance**

### **Scope**

This guidance applies to all employees of Aberdeen City Council who are employed under the Equal Pay & Modernisation (EP&M) terms and conditions of employment (i.e. this guidance does not apply to those employees covered by the SNCT terms and conditions, Chief Officials or Craft Workers).

### **Annual Leave & Public Holiday Entitlement**

The annual leave entitlement effective from 1<sup>st</sup> January 2023 is:

- Up to 5 years continuous service: 28 days annual leave
- Between 5 and 10 years continuous service: 33 days annual leave
- More than 10 years continuous service: 36 days annual leave

Note: Employees who had more than 25 years continuous service as at 1 January 2009 and who have a total leave entitlement (i.e. annual leave plus public holidays) in excess of the above provisions will have that entitlement personally protected, until such time as they leave the Council's employment. The personally protected entitlement is fixed and will not increase further with additional years of service.

Continuous service for the purpose of calculating annual leave is all previous continuous service with an organisation covered by the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Orders.

The Council normally closes its main offices between Christmas and the New Year. To facilitate this closure, employees may be required to use two days annual leave on the days immediately following Boxing Day (or the day in lieu of Boxing Day, if it falls on the weekend).

In addition to annual leave entitlement, the Council sets 7 public holidays per year.

These are:

- New Year's Day (01 January)
- 02 January
- Good Friday
- May Day (first Monday in May)
- Christmas Day (25 December)
- Boxing Day (26 December)
- Hogmanay (31 December)

Employees who start or leave employment with the Council during a leave year are only entitled to public holidays which fall within the part of the year

which they work. For example, an employee who works 15 hours per week and who leaves on 1st February is entitled to 2 days public holiday for that year (1<sup>st</sup> & 2<sup>nd</sup> January), pro-rated based on their contracted working hours.

Employees who work less than full-time hours or who are contracted for less than 52 weeks per year will have their entitlement to annual leave and public holidays pro-rated based on the number of hours and weeks they are contracted to work.

## **Leave Year**

The Council's annual leave year runs from 01 January to 31 December.

The additional annual leave days due after 5 and 10 years continuous service will be applied from 01 January of the **next** annual leave year.

In order to accrue a year of continuous service, an employee must start on or before **5<sup>th</sup> January** in any given year. This applies to **all** employees covered by the EP&M terms and conditions.

Annual leave is accrued for each **completed calendar day** of service with Aberdeen City Council.

## **Untaken Leave**

Carry over of leave entitlement will only be permitted where:

- This is requested by the employee before the end of the leave year and this is granted by the employee's Chief Officer, in accordance with the Council's agreed arrangements
- Statutory provisions exist that provide for the carry over of leave (e.g. in cases of maternity or long term sickness absence).

The EP&M contracts of employment state that no payment will be made for untaken holiday except on the termination of employment, other than in exceptional circumstances as determined by the Chief Officer – People and Organisational Development

In cases of termination the expectation is that all paid leave is taken before the contract ends however in exceptional circumstances the Line Manager can authorise payment of outstanding annual leave.

## **Related Guidance**

Guidance on the accrual of leave during long term sickness absence and maternity/adoption leave is available from the HR Service Centre ([AskHR@aberdeencity.gov.uk](mailto:AskHR@aberdeencity.gov.uk))

Where an employee has been absent due to sickness for a period exceeding three months (90 days or more - either one period of sickness or an aggregate

of more than one period) over a rolling period of the previous 12 months, annual leave will be abated to a period proportionate to the actual service given during the leave year. [Guidance on abatement of leave](#) is available on People Anytime.

## **Leave Calculations**

### **Full Time Employees who work a Standard Working Pattern**

The leave entitlement for full time employees (those who are contracted for 37 hours per week over 52 weeks per year) who work a standard working pattern are calculated in **days**. The total leave entitlement does not include public holidays, as these are taken when they occur.

Leave is allocated and should be taken in half days or full days. The number of days of paid leave is rounded to the nearest half day (in the case of 0.25 or 0.75 of a day, this should be rounded up to 0.5 or the nearest full day respectively).

Leave should be applied for in line with the [CoreHR Guide for Requesting Leave](#)

Where an employee starts or leaves employment with the Council part way through a leave year, their paid leave entitlement for that leave year is pro-rated based on the number of completed calendar days worked in that leave year.

### **New Start Example**

An employee starts employment with the Council on 23 September working 37 hours per week. Their annual leave and public holiday entitlement for the leave year in which they start work is as follows:

#### Annual Leave

Full year entitlement to annual leave is 28 days (as they have less than 5 years continuous service). The employee will have 100 complete calendar days of service for the leave year in which they start work. Annual leave entitlement is:  $28 \text{ days} / 365 \times 100 = \mathbf{7.5 \text{ days}}$  (7.67 days rounded up to the nearest half day).

#### Public Holidays

There are 3 public holidays in the leave year from start date to the end of the year (Christmas Day, Boxing Day and Hogmanay). These will be taken as they occur and do not require to be deducted from the leave entitlement.

### **Leaver Example**

An employee with more than 10 years continuous service working 37 hours per week leaves employment with the Council on 15 June. Their annual leave and public holiday entitlement for the leave year in which they leave employment with the Council is:

### Annual Leave

Full year entitlement to annual leave is 36 days (as they have more than 10 years continuous service). The employee will have 166 complete calendar days of service for the leave year in which they finish work. Annual leave entitlement is:  $36 \text{ days} / 365 \times 166 = \mathbf{16 \text{ days}}$  (16.37 rounded up to nearest full day).

### Public Holidays

There are 4 public holidays in the leave year from 1<sup>st</sup> January to leave date (1<sup>st</sup> January, 2<sup>nd</sup> January, Good Friday and May Day). These will be taken as they occur and are not included in the leave entitlement

### **Full Time Employees who do not work a Standard Working Pattern and Employees who work More or Less than 37 Hours per Week**

Annual leave and public holiday entitlement is converted from days into hours for the following employees:

- Full time employees (those who are contracted for 37 hours per week over 52 weeks per year) who do not work a standard working pattern (e.g. they work a shift rota, annualised hours, compressed working week).
- Employees who are contracted for more than 37 hours per week over 52 weeks per year.
- Employees who are contracted for less than 37 hours per week over 52 weeks per year.

For those who are contracted to work more or less than 37 hours per week a calculation is carried out to determine pro-rated entitlement to annual leave and public holidays based on contracted working hours and length of continuous service.

Examples:

- A full time employee who does not work a standard working pattern with less than 5 years continuous service is entitled to 28 days annual leave + 7 days public holidays = 35 days x 7.4 hours = **259 hours**.
- An employee is contracted to work 40 hours per week and has less than 5 years continuous service. Full time entitlement = 28 days annual leave + 7 days public holidays = 35 days in total. Pro-rated entitlement based on working 40 hours per week =  $35 \text{ days} \times 7.4 \text{ hours}$  (to convert into hours) x 40 contracted weekly working hours / 37 full time equivalent hours = **280 hours**.
- An employee is contracted to work 15 hours per week and has less than 5 years continuous service. Full time entitlement = 28 days

annual leave + 7 days public holidays = 35 days in total. Pro-rated entitlement based on working 15 hours per week = 35 days x 7.4 hours (to convert into hours) x 15 contracted weekly working hours / 37 full time equivalent hours = **105 hours**.

Leave entitlement is allocated in hours (shown in CoreHR as hours and minutes) including public holiday entitlement.

Leave should be applied for in line with the [CoreHR Guide for Requesting Leave](#)

Where an employee starts or leaves employment with the Council part way through a leave year, their paid leave entitlement for that leave year is pro-rated based on the number of completed calendar days worked in that leave year.

### **New Start Example**

An employee starts employment with the Council on 23 September working 25 hours per week. Their annual leave and public holiday entitlement for the leave year in which they start work is as follows:

#### Annual Leave

Full year entitlement to annual leave is 28 days (as they have less than 5 years continuous service). The employee will have 100 complete calendar days of service for the leave year in which they start work. Annual leave entitlement is: 28 days x 7.4 hours x 25 hours per week / 37 full-time equivalent hours / 365 x 100 = 38.36 hours

#### Public Holidays

There are 3 public holidays in the leave year from start date to the end of the year (Christmas Day, Boxing Day and Hogmanay). Public holiday entitlement is: 3 days x 7.4 hours x 25 hours per week / 37 full-time equivalent hours = 15 hours.

Total paid leave entitlement for the leave year in which they start work:  
38.36 hours annual leave + 15 hours public holiday entitlement = **53.36 hours**.

### **Leaver Example**

An employee with more than 10 years continuous service working 25 hours per week leaves employment with the Council on 15 June. Their annual leave and public holiday entitlement for the leave year in which they leave employment with the Council is:

#### Annual Leave

Full year entitlement to annual leave is 36 days (as they have more than 10 years continuous service). The employee will have 166 complete calendar days of service for the leave year in which they finish work. Annual leave

entitlement is: 36 days x 7.4 hours x 25 hours per week / 37 full-time equivalent hours / 365 x 166 = 81.86 hours

### Public Holidays

There are 4 public holidays in the leave year from 1<sup>st</sup> January to leave date (1<sup>st</sup> January, 2<sup>nd</sup> January, Good Friday and May Day). Public holiday entitlement is: 4 days x 7.4 hours x 25 hours per week / 37 full-time equivalent hours = 20 hours.

Total paid leave entitlement for the leave year in which they finish work:  
81.86 hours annual leave + 20 hours public holiday entitlement = **101.86 hours**

### **Not Working on a Public Holiday**

Where an employee's leave entitlement is allocated in hours including public holiday hours, the appropriate rate of daily hours should be deducted where the employee **does** not work on a public holiday that falls on a day that they would normally work.

### **Working on a Public Holiday**

Where an employee works on a public holiday, they are entitled to receive payment at double time plus time off in lieu or treble time.

Detailed below are the payment claim options for working on a public holiday which in all cases require to be agreed by the Line Manager

#### **Option 1**

An employee works on a public holiday and wishes to be compensated at double time plus a day off in lieu

#### **EMPLOYEE WITH LEAVE IN HOURS**

1. Employee has received payment as part of actual salary
2. Employee does not deduct time from annual leave record\*\*
3. Employee claims for hours worked at plain time in the 'plain time (plus time in lieu)' section of the [claim form](#)

#### **EMPLOYEE WITH LEAVE IN DAYS**

1. Employee has received payment as part of actual salary
2. Employee by agreement with Line Manager arranges for the additional day to be recorded and taken at a future date as TOIL
3. Employee claims for hours worked at plain time (plus time in lieu section) of the [claim form](#)

This equates to double time plus time off in lieu

## Option 2

An employee works on a public holiday and wishes to be compensated at treble time

### EMPLOYEE WITH LEAVE IN HOURS

1. Employee has received payment as part of actual salary
2. Employee deducts time from annual leave record\*\*
3. Employee claims for hours worked at double time (no time off in lieu section) of the [claim form](#)

### EMPLOYEE WITH LEAVE IN DAYS

1. Employee has received payment as part of actual salary
2. Employee claims for hours worked at double time (no day off in lieu section) of the [claim form](#)

This equates to treble time

#### \*\*NOTE

Where leave entitlement is in hours – public holiday entitlement included in leave balance

Where leave entitlement is in days – public holiday entitlement not included in leave balance.

## Compressed Working

For employees working compressed working arrangements, leave entitlement will be allocated in hours and will include annual leave and public holiday entitlement. As with all employees whose leave entitlement is inclusive of public holiday hours, if the employee is not working on the designated public holiday, they will be required to record/deduct the number of hours that would normally be worked on the designated public holiday from their leave entitlement. For annual leave, the number of hours that would normally be worked on the annual leave day should be recorded/deducted from the leave entitlement.

Examples of compressed working arrangements are shown below:

Leave Calculation (based on full time employee with less than 5 years' service)

Annual Leave entitlement = 28 days x 7.4 hours = 207.2hours

Public Holiday entitlement = 7 days x 7.4 hours = 51.8 hours  
TOTAL LEAVE ENTITLEMENT = 259 hours

Compressed Working Arrangement	Daily hours to be recorded/deducted in respect of a day or half day of leave
4 days per week (37 hours over 4 days)	9.25 hours per day (half day = 4.62 hours)  Shown in CoreHR as 9 hours 15 minutes and 4 hours 37 minutes
9 days per fortnight (74 hours over 9 days)	8.22 hours per day (half day = 4.11 hours)  Shown in CoreHR as 8 hours 13 minutes and 4 hours 7 minutes

The above are the most frequently chosen compressed working patterns, however where employees work or are proposing to work a different compressed working pattern and further advice is required this can be obtained by contacting the HR Service Centre ([askhr@aberdeencity.gov.uk](mailto:askhr@aberdeencity.gov.uk)). Full guidance on the compressed working week can also be found on under the Flexible Working framework on People Anytime [Compressed Working](#)

## Part Year Employees

For part year employees (those who are contracted for less than 52 weeks per year), a calculation is carried out to determine pro-rated entitlement to annual leave and public holidays based on length of continuous service. See Appendix 1 for details of paid leave entitlement for part year employees.

Employees who are contracted to work around school term time do not have a leave balance in CoreHR as all of their paid leave has to be taken during the school holiday periods in the following pattern: 5 days during the Easter break, 5 days during the October break and the remaining days during the Summer break.

School based staff contracted to work 39 weeks (190 days in term time plus 5 in-service days) per year who work part time should work a pro-rated amount of the 195 working days. If an in-service day falls on a day on which the employee would normally be at work, the in-service day should be worked. If an in-service day falls on a day on which the employee would not normally be at work, there is no requirement for the employee to work on that in-service day. If work is done on an in-service day on which an employee would not normally be at work, additional hours or time back in lieu can be claimed.



There are a number of school based employees who are conserved on 47 week contracts who work term time plus a certain number of days during the school holidays. The number of days to be worked during the school holidays differs depending on the employee's continuous service start date and length of service. This only applies to a small number of existing employees; no new employees should be appointed on 47 week contracts. See Appendix 2 for further details on paid leave entitlement for school based employees on 47 week contracts.

### **Appendix 1: EP&M Holiday Calculation – Part Year Employees**

LESS THAN 5 YEARS SERVICE				BETWEEN 5 & 10 YEARS SERVICE				MORE THAN 10 YEARS SERVICE			
Contract Weeks per Year	Days Leave	Paid Holiday Weeks per Year	Revised Weeks Calculated	Contract Weeks per Year	Days Leave	Paid Holiday Weeks per Year	Revised Weeks Calculated	Contract Weeks per Year	Days Leave	Paid Holiday Weeks per Year	Revised Weeks Calculated
<b>38</b>	29.6	5.9	43.9	<b>38</b>	34.5	6.9	44.9	<b>38</b>	37.6	7.5	45.5
<b>39</b>	30.3	6.1	45.1	<b>39</b>	35.5	7.1	46.1	<b>39</b>	38.6	7.7	46.7
<b>40</b>	31.1	6.2	46.2	<b>40</b>	36.4	7.3	47.3	<b>40</b>	39.6	7.9	47.9
<b>40.1</b>	31.2	6.2	46.3	<b>40.1</b>	36.5	7.3	47.4	<b>40.1</b>	39.7	7.9	48
<b>40.4</b>	31.4	6.3	46.7	<b>40.4</b>	36.7	7.3	47.7	<b>40.4</b>	40.0	8	48.4
<b>40.8</b>	31.7	6.3	47.1	<b>40.8</b>	37.1	7.4	48.2	<b>40.8</b>	40.4	8.1	48.9
<b>41</b>	31.9	6.4	47.4	<b>41</b>	37.3	7.5	48.5	<b>41</b>	40.6	8.1	49.1
<b>41.2</b>	32.0	6.4	47.6	<b>41.2</b>	37.5	7.5	48.7	<b>41.2</b>	40.8	8.2	49.4
<b>42</b>	32.7	6.5	48.5	<b>42</b>	38.2	7.6	49.6	<b>42</b>	41.6	8.3	50.3
<b>43</b>	33.4	6.7	49.7	<b>43</b>	39.1	7.8	50.8	<b>43</b>	42.6	8.5	51.5

**Appendix 2: 47 Week Year Table (existing employees only. no new employees should be appointed on 47 week contracts)**

**Continuous Service Start Date After 1/4/2000**

<b>Years of service</b>	<b>Full-time leave entitlement (inclusive of public holidays)</b>	<b>Proportionate entitlement to leave (47 / 52 x full-time leave entitlement)</b>	<b>Total number of days to be worked in the year (base days)</b>	<b>Of total number of days, number of days to be worked in school holidays</b>
Up to 5 years	32	29 (5.8 weeks)	206	11
Over 5 years	37	33 (6.6 weeks)	202	7

**Continuous Service Start Date Pre 1/4/2000**

<b>Years of Service</b>	<b>Full-time leave entitlement (inclusive of public holidays)</b>	<b>Proportionate entitlement to leave (47 / 52 x full-time leave entitlement)</b>	<b>Total number of days to be worked in the year (base days)</b>	<b>Of total number of days, number of days to be worked in school holidays</b>
Up to 5 years	34	31 (6.2 weeks)	204	9
After 5 years	38	34.5 (6.9 weeks)	200.5	5.5
After 7 years	39	35 (7 weeks)	200	5
After 10 years	40	36 (7.2 weeks)	199	4
After 15 years	41	37 (7.4 weeks)	198	3
After 20 years	42	38 (7.6 weeks)	197	2
After 25 years	43	39 (7.8 weeks)	196	1
After 30 years	44	40 (8 weeks)	195	0
After 35 years	45	41 (8.2 weeks)	194	-1
After 40 years	46	42 (8.4 weeks)	193	-2