



*Dunbartonshire and Argyll & Bute
Valuation Joint Board*

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Annual Leave and Public Holidays

**DUNBARTONSHIRE AND ARGYLL & BUTE
VALUATION JOINT BOARD**

ANNUAL LEAVE AND PUBLIC HOLIDAYS

Key Driver for Change: HR Advice Circular 2/09 and guidance on calculating annual leave during sickness

Key Driver for Change: ECJ ruling in relation to accrual of leave during long term sickness and carry over entitlement.

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ANNUAL LEAVE AND PUBLIC HOLIDAYS

CONTENTS

SECTION		PAGE NO
1	ANNUAL LEAVE	4-7
2	PUBLIC HOLIDAYS	8-9
Appendix 1	Guidance in Calculating Leave Entitlement	10-22

GENERAL

The provisions contained within this guidance relate to all DABVJB employees.

The note provides guidance on the application of Annual Leave and Public Holidays. Its scope does not extend to employees' entitlement to, and procedures for, special, flexi, maternity, paternity or adoption leave. Details of such leave are contained within the relevant scheme/policy.

1. ANNUAL LEAVE

Leave Year

- 1.1 The Joint Board's annual leave year is from 1st April to 31st March.

Carry Forward

- 1.2 With agreement of your Line Manager you can carry forward up to 5 days leave into a new leave year. Carried forward days will normally be taken during the following April, though a longer period may be approved by line managers in exceptional circumstances. Carry over of more than 5 days leave into a new leave year will only be granted in exceptional circumstances.

Requesting Annual Leave

- 1.3 Employees should submit a request for annual leave to their designated manager in line with service arrangements and in the appropriate format, giving reasonable notice of request. Leave will be considered and granted in line with exigencies of the service.

Allocation of Annual Leave

- 1.4 Employees and managers must ensure that leave is taken periodically throughout the year and not accumulated to the end of the leave year, unless by prior agreement.

Annual Leave Entitlement

- 1.5 Annual leave is based on full years' continuous service and will be accrued as outlined in Table 1:

Table 1:

Completed Service by 1 st April	Entitlement
Less than 1 years' service	20 days
1 years' service	21 days
2 years' service	22 days
3 years' service	23 days
4 years' service	24 days
5 years' service	25 days
6 years' service	26 days

7 years' service	27 days
8 years' service	28 days
9 years' service	29 days
10 years' service	30 days

Part-time employees will have annual leave entitlement calculated on a part-time basis based their work pattern.

Set Work pattern – Days

$\frac{\text{Contractual days per week}}{\text{Full-Time Days}} \times \text{Full time entitlement} = \text{Entitlement}$

Rotating work pattern – Hours

$\frac{\text{Contractual hours}}{\text{Full-time hours}} = \text{Hourly entitlement} \times \text{Full time entitlement}$

- 1.6 Annual leave is calculated either in terms of days or hours worked. Employees will be entitled to leave with pay in proportion to the number of days worked per week, or on a pro rata hours basis for those working variable working days. Examples of calculating annual leave are contained within the document “Guidance on Calculating Leave” (Appendix 1).

Commencing Service During Year

- 1.7 All new employees will receive annual leave entitlement in their first year of employment proportionate to the number of completed months worked during the year as outlined in Table 2 (below) with entitlement rounded up to the nearest 0.5. Part months are not included when calculating annual leave entitlements in these circumstances.

Table 2:

Completed* Months of Continuous Service in Current leave year	PART YEAR SERVICE - ANNUAL LEAVE ENTITLEMENT										
	20 days	21 days	22 days	23 days	24 days	25 days	26 days	27 days	28 days	29 days	30 days
1	2	2	2	2	2	2	2	2	2	2	3
2	3	4	4	4	4	4	4	4	5	5	5
3	5	5	6	6	6	6	6	7	7	7	8
4	7	7	7	8	8	8	9	9	9	10	10
5	8	9	9	10	10	10	11	11	12	12	13
6	10	11	11	12	12	13	13	14	14	15	15
7	12	12	13	13	14	15	15	16	16	17	18
8	13	14	15	15	16	17	17	18	19	19	20
9	15	16	17	17	18	19	20	20	21	22	23
10	17	18	18	19	20	21	22	23	23	24	25
11	18	19	20	21	22	23	24	25	26	27	28

Leaving the Service during the year

- 1.8 Employees leaving the service of the Joint Board during the leave year (broken service) will be granted, prior to leaving, any proportion of annual leave due, as outlined in Table 2. Outstanding leave should be taken prior to date of leaving. In exceptional circumstances where at the at the request of the Joint Board or through unavoidable circumstances such leave cannot be granted, the employee will be paid in lieu for each day, based on contractual earnings.
- 1.9 Annual leave granted will be on the basis that the employee will remain in service until the end of the leave year. In circumstances where an employee leaves the service before the end of the leave year and the total annual leave taken exceeds the annual leave entitlement an appropriate deduction will be made from the final salary payment.

Annual Leave During Sickness

- 1.10 In the event of sickness absence coinciding with any period of annual leave an employee should be regarded as being on sick leave from the date of a doctor's statement and providing that the standard sickness reporting procedures are followed, shall on return to duty be allowed to re-allocate holidays at the exigencies of the service.
- 1.11 Where an employee has been absent through illness for a period exceeding 13 weeks, the Joint Board will have discretion to limit the annual leave to an amount equal to the period of actual service given during the leave year, provided the period of annual leave does not fall below the statutory minimum. In these circumstances leave will be calculated as follows:
- *Contractual annual leave and public holidays will accrue as normal during the period of service outwith the sickness period. Leave will be pro-rata to completed months of service in line with the leave table 2, and pro-rata public holidays entitlement.*
 - *Statutory leave - during the sickness period leave will accrue in line with the statutory entitlement under the Working Time Regulations, currently 28 days. Leave will be pro-rata to completed months and based on 1/12th of 28 for each month.*

When both calculations are added together this will provide the leave entitlement for the year and this will not be below the statutory 28 day entitlement. Annual leave and public holidays already taken during the year would be deducted as normal, leaving the entitlement remaining for the year.

- 1.12 An employee who is absent on long-term illness which covers the full annual leave year will continue to accrue statutory leave (28 days). Employees can request to take leave during their sickness period, and the normal leave request notification should be provided. Medical certificates would require to be submitted, however the annual leave would not be counted in the calculation of length of sick leave taken.
- 1.13 Employees whose employment is terminated after a period of long term sickness will be entitled to receive payment in lieu of their outstanding

statutory leave as calculated at 1.11. This will be paid in lieu at the employee's normal rate of remuneration.

Exceptional Carry Over Circumstances

- 1.14 Employees who cannot take annual leave during the current leave year because of long term sickness will be entitled to carry any outstanding statutory leave entitlement (28 days) over to the following leave year. Where an employee returned during the relevant leave year and has an opportunity to take the balance of their leave there will be no entitlement to carry this leave forward, subject to 1.2 above.
- 1.15 Where an employee has been absent on maternity, paternity or adoption leave, the period of absence will not affect the length of the employee's annual leave entitlement in the leave year(s) in which the maternity/paternity/adoption leave falls.

Death in Service

- 1.16 The personal representatives of an employee who dies in service will be paid an allowance in lieu of any leave which had accrued to the deceased employee at the date of death.

Payment for Annual Leave

- 1.17 In determining the normal pay of an employee during annual leave the Joint Board shall include contractual overtime and allowances.
- 1.18 Part-time or job sharing employees will be entitled to annual leave, with pay, in proportion to their shorter working hours.

2. PUBLIC HOLIDAYS

2.1 In addition to annual leave, all employees will be granted 12 fixed public holidays:

New Year's Day (or next working day)
2 January (or next working day)
Easter – Good Friday
Easter Monday
May Day (first Monday in May)
Last Friday and Monday in May
Third Monday in July
Last Friday and Monday in September
Christmas Day (or next working day)
Boxing Day (or next working day)

2.2 Public holidays are granted only if an employee would ordinarily be expected to work that day.

2.3 A public holiday falling within a period of annual leave shall not count as part of that annual leave.

2.4 In the event of sickness absence coinciding with a public holiday no day in lieu is provided.

2.5 Where a public holiday coincides with a rest day or free day the day shall be treated as a public holiday with pay and in addition a substitute rest day or free day shall be given by arrangement.

Part-time/Part Week Employees

2.6 Public Holiday Entitlement is proportionate to the number of days worked per week as follows:-

No of Days Worked Per week	Pro Rata Public Holiday Entitlement
1	2.5
2	5
2.5	6
3	7
4	10
5	12

2.7 Where the pro rata entitlement is more than the number of days which would actually accrue in the leave year then the difference should be added to the employee's annual leave entitlement.

2.8 Where the pro rata entitlement is less than the number of days which would actually accrue in the leave year then the difference should be deducted from the employee's annual leave entitlement.

- 2.9 For broken service in a leave year any public holidays due are taken as they accrue. However, as with annual leave, any additional leave arising from the calculation at (2.6) will be pro rata.
- 2.10 Public holiday dates will be available from the intranet, and managers should ensure employees are notified of the dates.

GUIDANCE ON CALCULATING LEAVE ENTITLEMENT

INTRODUCTION:

Whilst in normal circumstances calculating leave entitlement is straightforward there can be some circumstances which occur which may result in entitlement being recalculated. This guidance has been developed to provide a range of examples to explain how to calculate leave entitlements in different circumstances. It has not been possible to cover every scenario, and if you have further queries on calculating leave you should contact West Dunbartonshire Council's HR Connect for support.

CALCULATION EXAMPLES:

- Example A – Standard Full-Time Employee**
- Example B – Part-Time Employee working 5 days per week**
- Example C – Part Time Employee working 3 days per week**
- Example D – Part-Time Employee with no set work pattern**
- Example E – Full-Time Employee with a period of absence of 4 months**
- Example F – Part-Time Employee with a period of absence of 8 months**
- Example G – Employee with a reduction in hours during the leave year**

Example A – Standard Full-Time Employee

The entitlement for full-time employees working 5 days per week can be taken straight from the entitlement tables included in the annual leave policy.

Employee A	Full-Time Employee
Completed Service by 1 April	6 Years
Days per week	5 Days
Hours per week	35 hours (Full-Time)

Annual Leave Entitlement Table (Policy Section 1.5)

Completed Service by 1st April	Entitlement
Less than 1 years' service	20 days
1 years' service	21 days
2 years' service	22 days
3 years' service	23 days
4 years' service	24 days
5 years' service	25 days
6 years' service	26 days
7 years' service	27 days
8 years' service	28 days
9 years' service	29 days
10 years' service	30 days

Public Holiday Entitlement Table (Policy Section 2.6)

No of Days Worked Per week	Pro Rata Public Holiday Entitlement
1	2.5
2	5
2.5	6
3	7
4	10
5	12

Employee A is therefore entitled to **26 days annual leave** and **12 public holidays**.

Example B – Part-Time Employee working 5 days per week

The entitlement for part-time employees is calculated based the days worked per week.

Employee B	Part-Time Employee
Completed Service by 1 April	10 Years
Days per week	5 Days
Hours per week	20 hours

Annual Leave Entitlement Table (Policy Section 1.5)

Completed Service by 1st April	Entitlement
Less than 1 years' service	20 days
1 years' service	21 days
2 years' service	22 days
3 years' service	23 days
4 years' service	24 days
5 years' service	25 days
6 years' service	26 days
7 years' service	27 days
8 years' service	28 days
9 years' service	29 days
10 years' service	30 days

Employee B works 5 days per week and so is entitled to 5/5ths of 30 days

20 hours per week over 5 days	5/5ths of 30 = 30 days
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Public Holiday Entitlement Table (Policy Section 2.6)

No of Days Worked Per week	Pro Rata Public Holiday Entitlement
1	2.5
2	5
2.5	6
3	7
4	10
5	12

Employee B is therefore entitled to **30 days annual leave** and **12 public holidays** based on their days worked per week.

Example C – Part-Time Employee working 3 days per week

The entitlement for part-time employees is calculated based the days worked per week.

Employee C	Part-Time Employee
Completed Service by 1 April	8 Years
Days per week	3 Days
Hours per week	20 hours

Annual Leave Entitlement Table (Policy Section 1.5)

Completed Service by 1 st April	Entitlement
Less than 1 years' service	20 days
1 years' service	21 days
2 years' service	22 days
3 years' service	23 days
4 years' service	24 days
5 years' service	25 days
6 years' service	26 days
7 years' service	27 days
8 years' service	28 days
9 years' service	29 days
10 years' service	30 days

Employee C works 3 days per week and so is entitled to 3/5ths of 28 days

20 hours per week over 3 days	$3/5\text{ths of } 28 = 16.8 = \mathbf{17 \text{ days}}$
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All leave calculations are rounded up to the nearest half day.

Public Holiday Entitlement Table (Policy Section 2.6)

No of Days Worked Per week	Pro Rata Public Holiday Entitlement
1	2.5
2	5
2.5	6
3	7
4	10
5	12

Employee C is therefore entitled to **17 days annual leave** and **7 public holidays** based on their days worked per week.

Example D – Part-Time Employee with no set work pattern

Where an employee does not have a set work pattern and does not work the same number of hours each day, it may be better to calculate annual leave entitlement in hours rather than days.

Employee D	Part-Time Employee
Completed Service by 1 April	5 Years
Days per week	Monday = 7 hours Tuesday = 3 hours, Wednesday = 5 hours, Thursday = 3 hours Friday = 2 hours
Hours per week	20 hours

The calculation can be done in either of 2 ways, as shown below:

- (1) Firstly calculate the employee's hourly entitlement using the following calculation:

$$\frac{\text{Weekly Hours}}{\text{Full Time Hours}} = \text{Hourly entitlement}$$

$$\frac{20 \text{ hours per week}}{35 \text{ hours (full-time hours)}} = 0.5714 \text{ (hourly entitlement)}$$

Based on the Entitlement table establish what a full-time employee would be entitled to. In this example this would be 25 days.

Annual Leave Entitlement Table (Policy Section 1.5)

Completed Service by 1st April	Entitlement (Days)	Entitlement (Weeks)
Less than 1 years' service	20 days	4 weeks
1 years' service	21 days	4.2 weeks
2 years' service	22 days	4.4 weeks
3 years' service	23 days	4.6 weeks
4 years' service	24 days	4.8 weeks
5 years' service	25 days	5.0 weeks
6 years' service	26 days	5.2 weeks
7 years' service	27 days	5.4 weeks
8 years' service	28 days	5.6 weeks
9 years' service	29 days	5.8 weeks
10 years' service	30 days	6.0 weeks

To calculate the employee's full entitlement use the following calculation:

$$\begin{array}{rcccc} \text{Full Time Annual} & & \text{Hourly} & & \text{Full-time Hours} \\ \text{Leave Days Entitlement} & \times & \text{Entitlement} & \times & \text{Per Day} \\ \\ 25 & \times & 0.5714 & \times & 7 \\ \\ = 99.99 = 100 \text{ hours} \end{array}$$

Annual leave can also be calculated using the following calculation:

(2) **Total Number of Hours worked per week** x **Holiday Entitlement (calculated in weeks)**

20 hours worked per week x 5.0 weeks (25/5)

= 100 hours

Public Holiday Entitlement Table (Policy Section 2.6)

No of Days Worked Per week	Pro Rata Public Holiday Entitlement
1	2.5
2	5
2.5	6
3	7
4	10
5	12

Employee D is therefore entitled to **100 hours annual leave** and **12 public holidays** based on their days worked per week.

Example E –

Full-Time Employee with a period of absence over 13 continuous weeks

Leave entitlement for employees, with a period of absence over 13 weeks, is based on two calculations, the leave that has been accrued while in service at work and the leave that has been accrued while absent from work.

Employee E	
Annual Leave entitlement	30 days
Public Holiday entitlement	12 days
Total leave entitlement	42 days
Absence period	4 months (May - August)

Annual leave

Employee E is entitled to **20** days annual leave based on the 8 months of service they have completed.

Part Year Annual Leave Entitlement Table (Policy Section 1.7)

Completed* Months of Continuous Service in Current leave year	PART YEAR SERVICE - ANNUAL LEAVE ENTITLEMENT										
	20 days	21 days	22 days	23 days	24 days	25 days	26 days	27 days	28 days	29 days	30 days
1	2	2	2	2	2	2	2	2	2	2	3
2	3	4	4	4	4	4	4	4	5	5	5
3	5	5	6	6	6	6	6	7	7	7	8
4	7	7	7	8	8	8	9	9	9	10	10
5	8	9	9	10	10	10	11	11	12	12	13
6	10	11	11	12	12	13	13	14	14	15	15
7	12	12	13	13	14	15	15	16	16	17	18
8	13	14	15	15	16	17	17	18	19	19	20
9	15	16	17	17	18	19	20	20	21	22	23
10	17	18	18	19	20	21	22	23	23	24	25
11	18	19	20	21	22	23	24	25	26	27	28

As Employee E was absent for 4 months they are entitled to 4/12ths of the statutory leave entitlement of 28 days (for full-time employees). This is **9.5** days. This is added to the previous calculation to give an annual entitlement.

Annual Leave Entitlement for the year = 29.5 days

Public Holidays

Employee E is entitled to 8 public holidays based on the public holidays that fell during their service period.

8 months service – April, September to March	4 months absence period – May – August
7 Public Holidays: <ul style="list-style-type: none"> • <i>Good Friday</i> • <i>Easter Monday</i> • <i>Last Friday and Monday in September</i> • <i>Christmas Day (or next working day)</i> • <i>Boxing Day (or next working day)</i> • <i>New Year's Day (or next working day)</i> • <i>2nd of January (or next working day)</i> 	1 Public Holidays: <ul style="list-style-type: none"> • <i>First Monday in May</i> • <i>May Day (first Monday in May)</i> • <i>Last Friday and Monday in May</i> • <i>Third Monday in July</i>

Public Holiday Entitlement for the year = 8 days

The annual leave total and public holiday total is then added together to give the total leave entitlement for the year.

Total Leave Entitlement = 37.5 days

This total exceeds the statutory minimum of 28 days and requires no adjustment.

Example F

Part -Time Employee (3 days/week) with a period of absence over 13 continuous weeks

Leave entitlement for employees, with a period of absence over 13 weeks, is based on two calculations, the leave that has been accrued while in service at work and the leave that has been accrued while absent from work.

Employee F	
Annual Leave entitlement	17 days (3/5 th of 28 days)
Public Holiday entitlement	7 days (3 days per week)
Total leave entitlement	24 days
Absence period	8 months (April to November)

Annual leave

Employee F is entitled to **3/5th of 9 days** annual leave based on the 4 months of service they have completed = **5.5 days**

Part Year Annual Leave Entitlement Table (Policy Section 1.5)

Completed* Months of Continuous Service in Current leave year	PART YEAR SERVICE - ANNUAL LEAVE ENTITLEMENT										
	20 days	21 days	22 days	23 days	24 days	25 days	26 days	27 days	28 days	29 days	30 days
1	2	2	2	2	2	2	2	2	2	2	3
2	3	4	4	4	4	4	4	4	5	5	5
3	5	5	6	6	6	6	6	7	7	7	8
4	7	7	7	8	8	8	9	9	9	10	10
5	8	9	9	10	10	10	11	11	12	12	13
6	10	11	11	12	12	13	13	14	14	15	15
7	12	12	13	13	14	15	15	16	16	17	18
8	13	14	15	15	16	17	17	18	19	19	20
9	15	16	17	17	18	19	20	20	21	22	23
10	17	18	18	19	20	21	22	23	23	24	25
11	18	19	20	21	22	23	24	25	26	27	28

As Employee F was absent for 8 months they are entitled to 8/12ths of the statutory leave entitlement.

The statutory minimum is pro-rated for part-time workers by multiplying 5.6 weeks (28 days in weeks) by the number of days worked per week by the employee.

Therefore this employee is entitled to (5.6 x 3 = 16.8, say 17 days). 8/12th of 17 days which is 11.3 days which is rounded to 11.5 days. This is added to the previous calculation to give an annual entitlement.

Annual Leave Entitlement for the year = 17 days

Public Holidays

4 months service: December – March	8 months absence period: April – November
<p>4 Public Holidays:</p> <ul style="list-style-type: none"> • <i>Christmas Day (or next working day)</i> • <i>Boxing Day (or next working day)</i> • <i>New Year’s Day (or next working day)</i> • <i>2nd of January (or next working day)</i> 	<p>8 Public Holidays:</p> <ul style="list-style-type: none"> • <i>Good Friday</i> • <i>Easter Monday</i> • <i>First Monday in May</i> • <i>Last Friday and Monday in May</i> • <i>Third Monday in July</i> • <i>Last Friday and Monday in September</i>

Public Holiday Leave Entitlement for the year = 4 days

The annual leave total and public holiday total is then added together to give the total leave entitlement for the year.

Total Leave Entitlement = 21 days

This total exceeds the statutory minimum of 17 days and requires no adjustment.

Example G – Employee with a reduction in hours during the leave year

Leave entitlement for employees with a change to their work pattern, is based on two calculations, the leave that has been accrued while prior to the change and the leave that has been accrued after the change.

Employee H	Full-Time Employee
Completed Service by 1 April	6 Years (26 days)
Days per week	5 Days reducing to 3 days 4 months into the leave year
Hours per week	35 hours reducing to 17.5 hours 4 months into the leave year

Employee H is entitled to **9** days annual leave based on the 4 months of service they have completed as a full-time employee.

Part Year Annual Leave Entitlement Table (Policy Section 1.5)

Completed* Months of Continuous Service in Current leave year	PART YEAR SERVICE - ANNUAL LEAVE ENTITLEMENT										
	20 days	21 days	22 days	23 days	24 days	25 days	26 days	27 days	28 days	29 days	30 days
1	2	2	2	2	2	2	2	2	2	2	3
2	3	4	4	4	4	4	4	4	5	5	5
3	5	5	6	6	6	6	6	7	7	7	8
4	7	7	7	8	8	8	9	9	9	10	10
5	8	9	9	10	10	10	11	11	12	12	13
6	10	11	11	12	12	13	13	14	14	15	15
7	12	12	13	13	14	15	15	16	16	17	18
8	13	14	15	15	16	17	17	18	19	19	20
9	15	16	17	17	18	19	20	20	21	22	23
10	17	18	18	19	20	21	22	23	23	24	25
11	18	19	20	21	22	23	24	25	26	27	28

Employee G is entitled to **10** (3/5th of 17) days annual leave based on the 8 months of service they will complete as a part time employee.

Public Holiday Entitlement Table (Policy Section 2.6)

No of Days Worked Per week	Pro Rata Public Holiday Entitlement
1	2.5
2	5
2.5	6
3	7
4	10
5	12

Employee G was entitled to 12 public holidays based on working 5 days per week which will reduce to 7 public holidays as they will be working 3 days per week. As

Employee G is changing part way through the leave year the public holiday entitlement will be based on working 4/12th at 12 and 8/12th at 7.

Calculations

Full-Time entitlement 4 completed months: April – July	Part-Time entitlement 8 completed months: August – March
Annual Leave	Annual Leave
9 days annual leave	17 days annual leave 3/5ths of 17 = 10 days
Public Holiday Entitlement:	Public Holiday Entitlement:
4/12 th of 12 = 4 days	8/12 th of 7 = 4.66 = 5 days

Employee G is therefore entitled to **19 days** annual leave and **8 public holidays** for the year of change.