

APPLICATION OF CONDITIONS OF SERVICE

PUBLIC HOLIDAY WORKING

CHRISTMAS AND NEW YEAR PUBLIC HOLIDAYS

1. General Principles

1.1 It is recognised that because of varying working patterns and arrangements, different compensatory payment arrangements may be required around the Christmas and New Year period for different employee groups.

1.2 COSLA has determined that;

‘where the designation by the Government of the Christmas and New Year public holidays would cause difficulties, there will be no objection to local joint agreements being made to vary the nationally designated days, provided that only those days treated locally as public holidays will attract public holiday premium payments for employees required to work on those days’.

1.3 In circumstances therefore, where Christmas and New Year (i.e. 25 & 26 December and 1 & 2 January) fall over a weekend the following general principle will apply;

- Public holiday enhanced rates will apply only on those days designated as public holidays for the particular employee group. No more than 2 days at Christmas and 2 days at New Year will be recognised for enhanced payments.

2. Designation of Public Holiday Dates

2.1 In order to ensure continuity of essential services is maintained, the following arrangements for designating public holidays will apply where Christmas and New Year fall at a weekend:

Employees Who Normally Work Monday to Friday

Where staff groups normally work Monday to Friday and there is no requirement to work weekends, the next available normal working day(s) will be designated as the recognised public holidays..

For Example:

Where 25 December & 26 December fall on a Friday and Saturday, the designated public holidays will be Friday 25 December and Monday 28 December.

Where 25 December & 26 December fall on a Saturday and Sunday, the designated public holidays will be Monday 27 December and Tuesday 28 December.

Employees Whose Normal Working Pattern Includes Weekends

The designated public holidays for employees whose normal working pattern includes weekend working will remain as 25 December, 26 December, 1 January and 2 January

irrespective of the day of the week on which these dates fall. Employees rostered to work on those days will receive normal pay for those days plus public holiday enhancement.

Employees rostered to work on dates designated as public holidays for other staff groups will receive normal pay.

ALLOCATION AND USE OF PUBLIC HOLIDAY ENTITLEMENT

3. Public Holiday Entitlement

3.1 The public holiday entitlement for a full-time employee is 7 days per annum at 7.2 hours per day.

3.2 Employees working 'standard' hours of 7.2 hours per day, Monday - Friday, will be allocated public holidays in days.

3.3 Employees whose normal working arrangements sit out-with the standard must be allocated public holidays in hours. This would apply to the following employee groups:

- Employees working part-time
- Employees working condensed hours
- Employees working shifts
- Employees whose normal working days vary in length
- Employees whose normal working days are anything other than 7.2 per day

3.4 Allocating public holiday entitlement in hours for the above staff groups allows a consistent and fair approach to the allocation and use of leave entitlements and ensures no less favourable treatment for employees working other than 'standard' working hours. The allocation of public holiday entitlement in hours also addresses issues presented by shifts of differing lengths, whether public holidays fall on working days or non-working days and on which days to nominate alternative public holidays.

4. Calculation of Public Holiday Entitlement in Hours

4.1 A full-time employee working 5 days per week, 7.2 hours per day is entitled to 7 public holidays. This entitlement translated into hours is 50.4 hours.

A full-time employee working shifts (of whatever length) will also be allocated 50.4 hours.

A full-time employee working condensed hours will also be allocated 50.4 hours.

A part-time employee will be allocated a pro-rata entitlement in hours as per the following calculation:

$$\text{Weekly hours} / 36 \times 50.4 = \text{pro-rata entitlement}$$

5. Using the Public Holiday Entitlement in Hours

5.1 Employees in the employment groups stipulated at paragraph 3.3 above will be allocated their full entitlement to public holiday leave in hours at the beginning of the leave year.

- 5.2 The allocated hours will then be reduced each time public holiday leave is taken. The allocated hours must be reduced by the number of hours the employee would have normally worked on the day on which the leave is taken.

For Example:

If a designated public holiday falls on a 10 hour working day and the employee takes the holiday, then 10 hours would be deducted from their public holiday entitlement. Similarly, if a public holiday falls on a 6 hour working day and the employee takes the holiday, then 6 hours would be deducted from their public holiday entitlement.

- 5.3 **Note - Public Holiday Leave must be taken on designated public holidays unless the employee is required to work on that day or the designated public holiday falls on a non-working day.**

- 5.4 Where an employee is required to work on a designated public holiday, or the designated public holiday falls on a non-working day, the employee will have the opportunity to take the public holiday leave at an alternative time. Public holiday leave must be requested in the same way as annual leave and the normal working hours of the day on which the leave is taken will be deducted from the public holiday entitlement.

- 5.5 Where public holiday leave taken on designated public holidays exceeds an employee's entitlement, the employee must use annual leave to supplement their public holiday leave. For example, this may occur when all or most designated public holidays fall on the working days of a part-time employee as illustrated below:

Designated Public Holidays

Thursday 1 January

Friday 2 January

Friday 3 April

Monday 6 April

Monday 4 May

Friday 25 December

Monday 28 December

Part-time employee works 3 days per week (Monday, Wednesday & Friday) 7.2hrs per day.

Annual Public Holiday Leave Entitlement = $21.6/36 \times 50.4 = 30.2$ hrs

Total hours designated public holidays falling on working days = 43.2hrs

Amount of annual leave required to supplement public holiday entitlement = 13hrs

- 5.6 Similarly, where an employee is left with remaining public holiday leave that is not sufficient to allow a half-day or full day leave, the public holiday leave can be supplemented by annual leave.

PUBLIC HOLIDAY ENHANCEMENT & NIGHT WORK

6.1 Enhanced rates will be paid only for hours actually worked on the public holiday, therefore based on the examples below, payment would be as follows:

Example 1

Night shift commences at 8pm on Christmas Eve and continues until 8am on Christmas Day.

8pm to Midnight on Christmas Eve: No Enhancement

Midnight to 8am on Christmas Day: Enhancement Paid in accordance with relevant provision of National Conditions of Service (see Appendix).

Example 2:

Night shift commences at 8pm on Boxing Day and continues until 8am on 27th December.

8pm – Midnight on Boxing Day: Enhancement Paid in accordance with relevant provision of National Conditions of Service (see Appendix)

Midnight to 8am on 27 December: No Enhancement

**HR Services
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EXTRACTS FROM SJC NATIONAL TERMS AND CONDITIONS FOR LOCAL GOVERNMENT EMPLOYEES

Former APT&C Employees

(g) General and public holiday working

For work required on a general or public holiday, in addition to normal pay for that day or night (between 2000 hours and 0800 hours on the following day) the allowance shall be at plain time rate for all time worked within an officer's normal working hours. At a later date time off with pay shall be allowed as follows -

When the time worked is less than 4 hours - half day off
 When the time worked is 4 hours or more - full day off.

For overtime on a general or public holiday see Clause 41(b) (iv). Allowances and time off with pay for work required on a general or public holiday shall apply, where appropriate, to part-time officers.

Part-time officers who are required to work hours which are additional to their normal working week and which fall on a general or public holiday shall receive payment at plain time rate for the hours worked with time off in lieu as above at a later date or at the discretion of the authority, payment at the rate of double time in complete recompense. (See also Clause 41(b)(ix)).

Former Manual Worker Employees

4.8 Work on a General or Public Holiday

A day worker required to work on a general or public holiday as part of the working week

OR

A night worker required to work between 8.00pm on a general or public holiday and 8.00am on the following day as part of the working week

A shift worker required to work on a general or public holiday as part of the working week shall in addition to normal pay for the day/night/shift be paid:-

EITHER

at plain time rate for the time actually worked within normal working hours and shall be allowed time off with pay in lieu at a later date on the following basis -

Time worked	Time Off
Half of a normal day/night/shift or less	Half of a normal working day/night/shift
Over half of a normal day/night/shift	The whole of a normal working day/night/shift

A day/night/shift worker required to work on a general or public holiday involving more than one attendance shall be allowed a whole day/night/shift off with pay at a later date, irrespective of the aggregate of hours worked

OR

at double time rate for the time actually worked within the normal working hours, with no time off at a subsequent date in lieu of the general or public holiday.