

GUIDANCE NOTE FOR LINE MANAGERS

Bank Holidays/Closure Days Pro Rata Entitlement for Part-time Employees

Introduction

The Part-time Workers (Prevention of less Favourable Treatment) Regulations provide that part-time workers should not be treated less favourably than full-timers in regard to their contractual terms. Full-time staff who would normally have worked on a Bank Holiday/University closure day, are entitled to a paid holiday on each of the eight Bank Holidays, together with additional University closure days. The University therefore is required to ensure that all part-time staff receive an entitlement to Bank Holidays/Closure days which is pro rata to the full-time entitlement.

Previously, part-time staff who worked, for example, on Mondays would have benefited from taking off all Bank Holidays falling on Mondays, and therefore may have taken off more days than someone who did not work on Monday. By calculating pro rata entitlements, all staff are able to take off their pro rata entitlement whatever days of the week they work.

Who does this cover?

All part-time staff with specified hours in their contracts are entitled to a pro rata of the full-time entitlement to the Bank Holiday/Closure days.

Part-time staff working a standard five day working pattern (working Monday to Friday, and the same number of hours each day) will not need their pro rata entitlement calculating, as with full-time staff, they work on each day therefore are entitled to each of the Bank Holidays/Closure days as they fall.

Part-time staff not working a five day standard pattern will require their pro rata entitlement to be calculated.

How to calculate the pro rata entitlement

At the start of each holiday year you should calculate pro rata Bank Holiday/Closure day entitlements for all of your part-time staff (not working a standard five day pattern), and determine due to their working pattern whether they will take off less, or in excess of their pro rata entitlement. Each holiday year this varies as the Bank Holidays/Closure days will fall on different days of the week.

If you have any part-time new starters, or if any of your staff change their hours of work to part-time (not working a standard five day pattern) you will need to calculate their pro rata Bank Holiday/Closure day entitlement.

Guidelines follow for different situations to assist you in these calculations.

Important Notes:

- Examples in this document are based on the holiday year 1 October to 30 September and relate to 'University Closure days'. Other staff groups may have the holiday year 1 January to 31 December and be entitled to Closure days determined by the area. The examples also base full-time hours on 36.25 per week. Please ensure you use the right holiday year, University Closure days and full-time hours for each staff member when calculating the entitlements.
- This entitlement should be calculated separately from pro rata annual leave entitlement.

All Part-time Staff (with specified hours)

Before the start of each holiday year, you will need to calculate pro rata entitlements for all of your part-time staff (not working a standard five-day pattern). Firstly, check the Bank Holidays and Closure days falling within that leave year (usually totalling 13 days). This information can be found at: <http://www.nottingham.ac.uk/staff/bankhol.phtml>.

The calculation:

1. Count how many Bank Holidays/Closure days fall within the holiday year.
2. Calculate the entitlement a full-time staff member would get in that year, by multiplying the number of Bank Holidays/Closure days by 7.25 hours (hours worked by a full-time staff member each day).
3. Multiply that full-time entitlement by the part-time staff member's full-time Equivalent (FTE). Their FTE is worked out by dividing the number of hours that they work per week by 36.25 hours (hours worked per week by a full-timer.)

You will then have their pro rata entitlement for that holiday year.

4. Count how many of those Bank Holiday/Closure days the staff member will actually take of due to their working pattern/the days they will work.

If they are due to take off more hours on those days than their pro rata entitlement, those excess hours must be accounted for from their annual leave entitlement, or wherever possible you should arrange for them to make up those additional hours they take off at an alternative time.

If they will take off on those days less than their pro rata entitlement, they should be allowed to take off those additional hours at a later date in that holiday year in accordance with the normal departmental rules.

For example:

Employee B works 20 hours per week, working five hours on Monday, five hours on Tuesday, five hours on Wednesday and five hours on Thursday.

1. There are eight Bank Holidays and five Closure days in the next holiday year (2004-2005), totalling 13 days:

- 6 Bank Holidays fall on a Monday;
- 1 Bank Holiday falls on a Tuesday,
- 1 Closure day falls on a Tuesday;
- 1 Closure day falls on a Wednesday;
- 1 Closure day falls on a Thursday;
- 1 Bank Holiday falls on a Friday;
- 2 Closure days fall on a Friday.

2. A full-time staff member would be entitled to:

13 Bank Holiday/Closure days x 7.25 hours per day = 94.25 hours in that year.

3. Employee B's FTE is:

20 hours divided by 36.25 hours (full-time) = 0.5518 FTE

94.25 hours full-time entitlement x 0.5518 FTE = 52 hours pro rata entitlement for that holiday year.

4. Employee B works five hours on Mondays, Tuesdays, Wednesdays and Thursdays:

- 6 Bank Holidays fall on a Monday;
- 1 Bank Holiday falls on a Tuesday;
- 1 Closure day falls on a Tuesday;
- 1 Closure day falls on a Wednesday;
- 1 Closure day falls on a Thursday;
- 1 Bank Holiday falls on a Friday;
- 2 Closure days fall on a Friday.

So they would take off:

6 Mondays, 2 Tuesdays, 1 Wednesday and 1 Thursday = 10 days in total.

They work five hours each day so on those days will take off:

10 days x 5 hours = **50 hours**

As they are taking off two hours less than their entitlement of 52 hours, they should be allowed to take off those additional two hours at a later date within that holiday year in accordance with the normal departmental rules.

If the staff member works different hours on different days:

If Employee C works six hours on Monday, six hours on Tuesday, four hours on Wednesday and four hours on Thursday:

- 6 Bank Holidays fall on a Monday;
- 1 Bank Holiday falls on a Tuesday,
- 1 Closure day falls on a Tuesday;
- 1 Closure day falls on a Wednesday;
- 1 Closure day falls on a Thursday;
- 1 Bank Holiday falls on a Friday;
- 2 Closure days fall on a Friday.

So they would take off:

- 6 Mondays x 6 hours per day = total 36 hours
- 2 Tuesdays x 6 hours per day = total 12 hours
- 1 Wednesday x 4 hours per day = total of 4 hours
- 1 Thursday x 4 hours per day = total of 4 hours

Making a total of **56 hours** taken off, 4 hours in excess of their entitlement of 52 hours

The excess four hours that they take off must be accounted for from their annual leave entitlement, or wherever possible you should arrange for them to make up those additional four hours at an alternative time.

It is important to work out at the start of each holiday year how many hours each staff member will take off in relation to their entitlement over that year. This will avoid the situation where at the end of the year staff may either have a lot of hours left to take off as additional leave, or a lot of hours to make up in September.

NEW STARTERS & STAFF CHANGING THEIR HOURS PART WAY THROUGH A YEAR

New starters may start at any point during the year, and current staff may reduce or change their part-time hours at any point during the year. Their pro rata Bank Holiday/Closure day entitlement should be calculated based on the number of Bank Holiday/Closure days falling within the period they are working (or working their new hours) in the holiday year.

How is that calculated?

1. Count how many Bank Holidays/Closure days fall within the period they are working in that holiday year.
2. Calculate the entitlement a full-time staff member would get in that period, by multiplying the number of Bank Holidays/Closure days by 7.25 hours (hours worked by a full-time staff member each day).
3. Multiply that full-time entitlement by the part-time staff member's full-time Equivalent (FTE). Their FTE is worked out by dividing the number of hours that they work per week by 36.25 hours (hours worked per week by a full-timer.)

You will then have their pro rata entitlement for the remainder of that holiday year.

4. Count how many of those Bank Holiday/Closure days the staff member will actually take off due to their working pattern.

If they are due to take off more hours on those days than their pro rata entitlement, those excess hours must be accounted for from their annual leave entitlement, or wherever possible you should arrange for them to make up those additional hours they take off at an alternative time.

If they will take off less hours than their pro rata entitlement on those days, they should be allowed to take off the additional hours they are entitled to at a later date in accordance with the normal departmental rules.

For example:

Employee Y starts on 15 March 2005 and works 15 hours per week, five hours on Monday, five hours on Tuesday, and five hours on Thursday.

1. In the period 15 March 2005 to 30 September 2005, there are five Bank Holidays, and one Closure day, totalling six days:

4 Bank Holidays fall on a Monday;
1 Closure day falls on a Tuesday, and
1 Bank Holiday day falls on a Friday.

2. A full-time staff member would be entitled to:

6 Bank Holiday/Closure days x 7.25 hours per day = 43.5 hours in that period.

3. Employee Y's FTE is:

15 hours divided by 36.25 hours (full-time) = 0.4138 FTE
43.5 hours full-time entitlement x 0.4138 FTE = 18 hours pro rata entitlement for that period.

4. Employee Y works Mondays, Tuesdays and Thursdays:

4 Bank Holidays fall on a Monday;
1 Closure day falls on a Tuesday and
1 Bank Holiday day falls on a Friday.

So they would take off four Mondays and one Tuesday in that period, a total of five days.

They work five hours each day so on those days will take off:
5 days x 5 hours = **25 hours**

As they are taking off seven hours in excess of their entitlement of 18 hours, they will either need to allocate seven hours of their annual leave entitlement to cover the seven extra hours taken off, or alternatively if possible make up those seven hours during that period.

Contacts:

Contact the HR Employment Support Services team on hr@nottingham.ac.uk if you require further assistance, see: <http://www.nottingham.ac.uk/hr/contactus/contactus.aspx>.