Overtime and Time Off in Lieu (TOIL)

Policy and Procedure

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1. Purpose

1.1 This policy outlines the University's approach to the circumstances in which there may be a request to voluntarily attend and/or complete work beyond (or outside of) contracted working hours.

1.2 The University of Limerick's Culture Charter forms an important backdrop to all University policies and procedures. The Values and Behaviours outlined in the Culture Charter should guide how we act, interact and connect with one another in the challenges and successes of university life. The Values and Behaviours outlined in the Culture Charter should also guide how we interpret these policies and procedures.

2. Scope

2.1 Where there is an agreed requirement for additional work outside contracted hours, the norm is that Time Off in Lieu (TOIL) is granted. Overtime and TOIL is only permitted for professional, managerial and support staff and Technical staff up to and including the grade of Executive Administrator or i.e. where the normal maximum point on the equivalent salary scale does not exceed the current value of point 11 of the Executive Administrator scale. Overtime is paid to staff in exceptional circumstances, where the line manager has agreement from the Finance Division (i.e. prior to overtime being worked).

3. Definition of Terms

3.1 Overtime

Overtime is generally defined as time worked in excess of the hours specified in the contract of employment. In the context of this policy and procedure, overtime is further defined as work being completed outside of contracted working hours (whole-time equivalent hours) that cannot be adequately dealt with through the Flexible Working Hours Procedure or TOIL.

3.2 Time Off in Lieu

TOIL is granted for additional agreed work conducted outside of regular contracted hours, provided that the additional work has been agreed in advance by the line manager.

3.3 Flexible Working Hours

Flexible Working Hours provide a more flexible system of attendance for employees, within certain defined limits per the Flexible Working Hours Procedure.

4. Legal and Regulatory Context

4.1 Provisions of the Organisation of Working Time Act, 1997

The Working Time Act 1997 limits the maximum average working week to 48 hours, (including payment of overtime), averaged out over a four-month reference period. Adequate rest breaks per the Organisation of Working Time Act 1997 must be provided for and held on record by the Department. The One Person One Salary (OPOS) policy aims to limit the payment of additional remuneration to public sector employees from other public service sources.

5. Principles

5.1 From time to time, when work must be completed outside of contracted hours, the use of the flexible working hours procedure is recommended in the first instance.

5.2 Where the flexible working hours procedure is not considered adequate based on business needs, TOIL may be permitted.

5.3 Where TOIL is not considered appropriate based on business needs, overtime may be deemed necessary, where the line manager has approval from Finance.

5.4 Departments should be satisfied that the amount and/or nature of the work makes overtime exceptional and unavoidable.

5.5 Attendance on Saturdays, Sundays and Public Holidays should be kept to a minimum.

5.6 Every effort should be made to avoid a situation where staff attend with short notice, without the necessary prior approvals, and for very short periods only.

5.7 TOIL must be used within the following 12 months.

6. Procedure for Time Off in Lieu

6.1 TOIL must be recorded and approved by the relevant line manager, ensuring compliance with the Organisation of Working Time Act 1997.

A) All extra attendance must be voluntary and be sanctioned by the relevant line manager in advance.
B) TOIL must be used within the following 12 months.
C) The source record for TOIL accrued is held within the Department but must be retained to confirm compliance with the Organisation of Working Time Act 1997.

7. Procedure for Overtime

7.1 Overtime must be recorded and approved by the relevant line manager, ensuring compliance with the Organisation of Working Time Act 1997.

7.2 Overtime payments are non-pensionable and not reckonable for pension purposes and will not be considered in calculating salary on promotion.

7.3 Overtime worked must be claimed within 6 weeks of the date of the approved body of work being completed.

7.4 When overtime is requested and approved, payment, where appropriate, will be made on submission to Payroll of an Overtime Claim Form Overtime Claim.docx (sharepoint.com).

7.5 Colleagues in receipt of an overtime payment for additional hours worked cannot receive other benefits in respect of this time (e.g. TOIL or as credit towards flexi-leave).

8. Rates

8.1 The full-time equivalent contracted working hours for the grade must be worked before overtime or TOIL is awarded or commences.

8.2 TOIL is awarded on the following basis:

- TOIL is generally awarded on a time-for-time basis, with higher rates applying in limited circumstances.

- 1.5 hours for supplementary work completed before and after the normal working day and Saturdays.
- 2 hours for supplementary work completed on Sundays, public holidays, and closure days.
- If an employee is traveling overseas for approved University-related business, they will receive TOIL. Overtime is not permitted in such circumstances.

8.3 Overtime will be paid at the appropriate overtime rate, based on public sector norms, as authorised by the Finance Division and in line with Public Service Pay Agreements in place.

8.4 Claims for approved overtime are submitted to the Finance Department using the following form Overtime Claim.docx (sharepoint.com).

9. Monitoring of this Policy and Procedure

9.1 The monitoring of Overtime and TOIL is a function of the individual Department as it relates to the provision of adequate rest breaks per the Organisation of Working Time Act 1997 and budgetary responsibilities. Recurring requests for overtime should be reviewed within the Department on the basis of overall resourcing requirements.

9.2 It is the responsibility of the Human Resources Division to ensure implementation of this policy and procedure as approved. Changes to this policy and procedure may be required based on business needs - any changes will be notified to staff accordingly.

10. Related Documents

Overtime Claim Form **Overtime Claim.docx (sharepoint.com)**