

PROPOSED AMENDMENT TO CS REGULATIONS

<b>Ref:</b>	<b>C S Regulations 09-015</b>
<b>Re:</b>	Regulation F20 Granting of Annual Leave during suspension or discharge
<b>Proposal:</b>	To amend the current regulation to reflect the provisions of the Employment Act 2006 in relation to the entitlement to be paid for any statutory leave outstanding, where a worker's employment terminates in the course of a leave year, calculated on a pro rata basis from the first day of the leave year (or the start of employment) to the last day of employment.
<b>Existing Regulation :</b>	<b>20.</b> A civil servant dismissed from the Service shall forfeit his right to any annual leave untaken at the time of their dismissal.
<b>Proposed Amendment:</b>	<p><b>20.</b> A civil servant dismissed from the Service shall forfeit his right to any <b>contractual</b> annual leave untaken at the time of their dismissal.</p> <p><b><u>Statutory Leave</u></b></p> <p><b><i>In accordance with the provisions of the Employment Act 2006 all workers are entitled to:</i></b></p> <p><b><i>4 weeks' paid leave each year ('statutory leave' pro rata for part time staff); and</i></b></p> <p><b><i>payment, when their employment terminates, for any statutory leave to which they are entitled but which they have not taken.</i></b></p> <p><b><i>A week's leave should allow workers to be away from work for a week. It should be the same amount of time as the working week: if a person works a 5 day week, he or she is entitled to 20 days' leave; if he or she works a 3-day week, the entitlement is 12 days' leave. Where a worker's pattern of work is based on weekly or monthly hours rather than a fixed number of days, (so that the number of days worked in a week or the length of shifts etc. may vary) it will not normally be possible to say what a 'day' means so that a different basis of calculation is required:</i></b></p> <p><b><i>Example 1</i></b></p> <p><b><i>A person who works 35 hours a week is entitled to 35 x 4 = 140 hours' paid holiday.</i></b></p>

	<p><b>Example 2</b></p> <p><b>A person works 150 hours a month. The total amount of hours worked in a year will be <math>12 \times 150 = 1800</math>. <math>4/52 \times 1800</math> equates to 138.46 hours' paid holiday.</b></p>
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Agreed and authorised by Joint Secretaries of JNC

for GOA A. Moffatt Date 13/10/10

for CSC Kirst Stewart Date 18/10/10

**I authorise the above amendment to be incorporated in the Civil Service regulations/handbook and to be uploaded on to the intranet.**

**An IOM Government All Staff notice prior to implementation ~~is~~\* / is not\* required (please delete as appropriate)**

Signed Amanda Haxby

**pp Head of Employee Relations and Policy**

Instruction for implementation:

Passed to C. Alexander

By A. Haxby Date 19/10/10

Date regs updated .....

Previous regulation amendment reference (if any) :	
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