

Unpaid Leave

Frequently Asked Questions for Employees

In accordance with the collective agreement on the amended core conditions for local government employees, employees can apply for up to five days unpaid leave (pro rata for part time employees) in any leave year. These frequently asked questions (FAQs) are intended as guidance for employees wishing to apply for unpaid leave.

If you require specific advice about particular cases and circumstances you should contact your Service Human Resources team in the first instance.

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1. Application Process

1.1 What is unpaid leave?

Unpaid leave allows employees to take extra leave, without pay, and for the cost of that leave to be deducted from the employee's salary, normally, over the course of the leave year. This will normally be deducted from each pay in the twelve month period, if the request is made during the application window of 1 November to 1 December. If unpaid leave is requested and taken in the same leave year, then the total cost will be deducted from the next available pay.

1.2 Am I eligible to apply for unpaid leave?

All employees are eligible to apply for up to five days unpaid leave (pro rata for part time employees) within the leave year. There is no qualification or justification required when making a request for unpaid leave. The exigencies of the service will determine when you can take the period of unpaid leave.

1.3 How do I apply for unpaid leave?

The window for applying for unpaid leave is normally 1 November to 1 December each year. In order to apply for unpaid leave, you should complete and sign the application form (HR/UPL/01). You should then forward this to your line manager for approval. Applications can be made outwith this period – see 1.1 above.

1.4 How will I know if my application is approved?

Your line manager will advise you if your application is approved or not. If your line manager decides not to approve the application then they must give you a reason for refusing it.

1.5 Will I have the right of appeal if my application is refused?

If your application is refused, you should discuss this with your line manager in the first instance. If you remain unsatisfied with this decision, you will have the right to raise this issue through North Lanarkshire Council's Grievance Policy.

1.6 Do I need to identify at the time of my application the dates I intend to take unpaid leave?

There is no requirement to identify the dates you wish to take unpaid leave when you make your application. It may, however, make it easier for your line manager to approve your application if they have an idea of the dates. You should apply to take your unpaid leave in the same way as you apply for annual leave. As in paragraph 1.2 above, when you can take unpaid leave will be determined by the exigencies of the service.

1.7 Do I have to use my unpaid leave before annual leave?

No, you can take your unpaid leave when you wish subject to the exigencies of the service.

1.8 If I apply for less than 5 days unpaid leave during the application window, can I apply for the additional amount during the leave year?

Yes, for example, you can apply for three days during the application window of 1 November to 1 December and the cost of these days will be deducted over the 12 month period of the following leave year. During that leave year you can apply for the additional two days unpaid leave and the cost will be deducted as a lump sum from the next available pay.

2. Calculations/Payroll

2.1 How do I calculate how much my unpaid leave will cost me?

The total cost of your leave is calculated as follows:

Your hourly rate of pay x number of hours worked per day x number of days you will be unpaid.

E.g. £6.9989 x 7hrs per day x 5 days = £244.96 gross.

Currently, your hourly rate of pay is shown at the top right corner of your payslip.

2.2 When will my first payment be deducted and over how long?

As long as you make your application for unpaid leave during the application window of 1 November to 1 December, your first payment will be deducted from the first available pay in the next leave year and will be deducted equally from the number of pays you receive over the leave year, i.e. January until December.

If, however, you apply for, and take unpaid leave in the same leave year, then the **total** amount will be deducted from the next available pay.

2.3 What if I go into a half pay situation or go on maternity leave?

Contributions will continue to be deducted as normal from your pay. If there are insufficient funds to make deductions, then any outstanding deductions will be made at the end of the normal period, e.g. if three payments are suspended then this will extend the payment period by three months.

If an employee is experiencing financial hardship, then they should consult with their line manager.

2.4 How will this affect my pension contribution?

Unpaid leave will mean you receive less pensionable pay as pensionable pay is based on what you are actually paid in the pay period. If you wish to make up the shortfall in pension contributions for the period of unpaid leave, you should complete an S4 pension form which is available from Human Resources.

2.5 How will this affect my Tax and NI contributions?

As deductions for unpaid leave are taken from your gross salary before Tax and NI contributions are made, this may result in you paying slightly less Tax and NI than usual. There will certainly be no increase in contributions.

2.6 I am currently receiving Child Care vouchers and I wish to take unpaid leave, how will this affect the minimum wage criteria?

The amount of gross salary remaining after deduction of payments, either for Child Care vouchers and/or unpaid leave, must not leave you

with a salary which falls below the equivalent of the National Minimum Wage or minimum contribution of £1 National Insurance being made.

2.7 I am part of the Flexible Working scheme and do not work the same number of hours per day. How do I calculate what unpaid leave will cost me?

The cost will be calculated by multiplying the hourly rate (which can be found in your payslip) and the number of hours you wish to take as unpaid leave.

3. Changes in Circumstances

3.1 What if I change my mind after requesting to take unpaid leave?

Once your application for unpaid leave has been approved, you cannot opt out under normal circumstances. However, in exceptional circumstances, i.e. hardship / financial difficulties, employees should contact their line manager to discuss their situation.

3.2 What happens if I move to another position within the Service / Council?

A discussion should take place between you and your new line manager in relation to continuation. If the new Service is unable to accommodate your existing arrangements, 3.3 below will apply.

3.3 What if I resign from the Council?

If there is an outstanding balance owed to the Council, you will be liable to repay this and it will be recovered from your final salary.

Alternatively, if you are owed monies as a result of resignation, this will be reimbursed to you.

3.4. What if my hours of work alter e.g. move to a job share post?

Example 1

You apply for 5 days unpaid leave based on working 7 hours per day, 5 days per week (35hrs) and move to work job share, an average of 2.5 days per week (17.5hrs).

The deduction from salary, agreed at the beginning of the leave year will continue to be deducted.

If you have taken the 5 days unpaid leave whilst working full time there are no implications.

However, if you have not used any leave, then you will be entitled to the same number of unpaid hours you requested in your original application i.e. 35 hours or 5 full days.

Example 2

You take pro-rata 2.5 days unpaid leave based on working 7 hours per day, an average of 2.5 days per week (17.5hrs) and move to work full-time, 5 days per week (35hrs).

The deduction from salary, agreed at the beginning of the leave year will continue to be deducted.

If you have taken the 2.5 days unpaid leave whilst working job-share there are no implications.

However, if you have not taken any unpaid leave, then you will only be entitled to the same number of unpaid hours that you requested at the beginning of the leave year, i.e. 17.5hrs or 2.5 days.

NB Any proportion of unpaid leave in these circumstances will be calculated as a number of hours.

3.5 What happens if I am promoted?

If you are promoted during the leave year and your hourly rate increases, you will continue to pay the contribution as agreed prior to the start of the leave year.

4. Miscellaneous

4.1 Will my right to carry over outstanding annual leave until 31st January in the next leave year be affected if I request unpaid leave?

No. The present arrangements for annual leave state that an employee may, with the approval of their manager, carry annual leave forward to the end of January in the following leave year. Your request for unpaid leave does not affect this.

4.2 What if numerous staff within my team apply for the same period of leave?

All applications are required to be approved by a line manager. It is the individual's responsibility to discuss any issues that may arise with the appropriate line manager. You should be aware that any approval of unpaid leave does not entitle you to take specific dates of leave and that any leave you subsequently request is subject to the normal authorisation process and to the exigencies of the service.

4.3 If I hold two different positions within the Service, can I request to take unpaid leave from both posts?

Yes. You can submit an application form for both posts.