

# University of Durham

## Proposed Harmonisation of Terms and Conditions of Employment

### 1. Introduction

The Framework Agreement allows for Universities to modernise their terms and conditions of employment at a local level. These mainly relate to hours of work and the relevant clauses are set out in **Annex 1**. However, because of the inter-connectivity between hours of work, holidays and other terms and conditions, and the lack of a logical basis for continuing differences under a common grading scheme, we have developed a set of proposals to rationalise terms and conditions of employment to take account of the common graded pay structure and its underpinning EPEV principles. The UEC sub-group has continued to be mindful that variations may continue to be necessary for some groups as they arise from distinct operational requirements. The group has also attempted to ensure that there are no significant costs arising from its proposals within 2006/07.

The current state of play on terms and conditions has been discussed in detail within the UEC sub-group and informally with the trade union representatives, following which the UEC sub-group has developed the following proposals for banding terms and conditions according to the new grades within the Durham Graded Pay Structure. The main terms and conditions for the new grades would be as follows:

Grades 1 and 2	Hours of work:	37 hours per week
	Overtime:	Over 37 hours paid at time and a half.
	Annual Leave:	27 days, plus 4 Customary Days, plus 8 Public Holidays
	Pension Scheme:	Retirement Benefits Plan
Grades 3, 4 and 5	Hours of Work:	35 hours per week
	Overtime:	Up to 37 hours, paid at time. Over 37 hours paid at time and a half.
	Annual Leave	27 days, plus 4 Customary Days, plus 8 Public Holidays,
	Pension Scheme:	Retirement Benefits Plan (RBP)
Grade 6	Hours of Work:	35 hours per week
	Overtime:	Where applicable, up to 37 hours, paid at time. Over 37 hours paid at time and a half. (See section 18.)
	Annual leave:	27 days, plus 4 Customary Days, plus 8 Public Holidays
	Pension Scheme:	Status quo pending actuarial review
Grades 7 to 9	Hours of Work:	Nominal 35 hours per week
	Overtime:	Not applicable.
	Annual Leave:	30 days, plus 4 Customary Days, plus 8 Public Holidays
	Pension Scheme:	Universities Superannuation Scheme

## 2. Other major terms

Sick pay and maternity leave are already harmonised and are therefore the same for all grades. There is no particular need to review these schemes.

## 3. Working week

The normal working week for staff with defined hours contracts in grades 1 to 6 shall be 35 hours (grades 3, 4, and 5) or 37 hours (grades 1 and 2) spread over a period of 5 agreed working days (which can include Saturday and Sunday). The concept of special pay for working Saturday and Sunday will go; enhanced rates of pay will apply only when someone works beyond their usual 5 working days. For the majority of staff the 5 agreed working days shall continue to be Monday to Friday inclusive, but the re-definition of the working week in terms of "5 days within 7" would provide some further flexibility in organising operational arrangements, particularly in the Colleges Division.

It is proposed that changes to the standard working week for staff affected by these proposals would be implemented from 1 August 2007 with a 1 hour reduction on 1 August 2007 followed by a 1 hour reduction on 1 August 2008. This phasing would also apply where it is proposed to increase the working week. The proposed changes are:

Staff group	New grade	Current hours	Proposed Hours from 1.8.07	Proposed Hours from 1.8.08
Clerical	Grades 1 and 2	35	36	37
Technical	Grades 3, 4 and 5	37	36	35
E&B Trades	Grades 3, 4 and 5	37	36	35
Senior Supervisors	Grade 5	37	36	35
Technical, Senior Supervisors, E&B Trades	Grade 6	37	36	35
Technical	Grades 7 and 8	37	Nominal 36	Nominal 35

Where staff move towards a nominal 35 hour working week, this reflects the changing nature of these jobs. Staff with a nominal working week have more discretion to self-manage their working time and how they do their work. The University recognises that for all staff who work a nominal 35 hour working week there may be occasions when hours in excess of the nominal working week will be required due to work demands. Managers and staff are encouraged to manage these situations by agreeing beforehand work patterns and compensatory time off in lieu.

If implemented in full in one stage these proposed changes in working hours could have a significant impact on costs and the delivery of front-line services. This was recognised during the informal discussions with local trade union representatives, who expressed a willingness to work with University managers to bring about the changes in hours in a phased programme.

#### **4. Overtime**

Overtime is payable to staff in grades 1 to 6 at an enhanced rate for all hours worked beyond 37 hours in a normal working week. This applies to both full and part-time staff.

It is proposed that overtime pay will be paid at plain time up to 37 hours, with overtime rates only being paid for time worked beyond 37 hours in respect of any hours worked, and previously agreed with the individual member of staff's manager. Overtime would continue to be agreed and authorised in advance.

Any hours worked on day 6 or day 7 would be paid at premium rates of time and a half (day 6) and double time (day 7).

#### **5. Time off in Lieu**

Time off in lieu may apply to staff in grades 1 to 9. Time off in lieu is calculated at plain time.

As an alternative to paid overtime for staff in grades 1 to 6, an equivalent number of hours to those worked as overtime may be taken as time off in lieu at a later date. To avoid any subsequent misunderstanding, it should be agreed in advance of the hours being worked whether additional payment would be made or time off in lieu taken. For research and other academic-related staff assimilated to grade 6, the normal expectation will be to have compensatory time off in lieu of additional hours worked rather than payment.

#### **6. Flexible Working Arrangements**

Flexible working arrangements apply to staff in grades 1 to 9.

Flexible working arrangements may be agreed by Heads of Department in consultation with Heads of Division to promote greater flexibility in working patterns to meet service delivery needs and life-work balance. Such arrangements may include changes to shift or working patterns (daily, weekly, monthly, seasonal), time off in lieu arrangements, formal flexitime schemes, or arrangements to provide authorised additional leave for study purposes. Where appropriate, formal flexitime schemes may be introduced building on the current formal scheme which is in operation in parts of the University Administration. Guidance will be developed in consultation with managers and staff representatives.

#### **7. Customary Days**

The University currently has 6 Customary Days when it closes. These are normally used at Christmas (4) to allow for a week's closure and at Easter (2). High energy costs justify the Christmas closure but there is no operational need for a shutdown at Easter either side of the Public Holidays. We therefore propose that the number of Customary Days is reduced to 4 and 2 days are added to the individual annual leave entitlements of all staff. The extended closure period at Easter would be removed but staff would have the compensating ability to use extra holiday entitlement either at Easter or to use it at any point in the year. Such a change is in keeping with embracing a more diverse workforce.

The 4 closure days would be agreed by UEC each year and would normally lie between Christmas and New Year.

### **8. Annual leave**

There are a number of issues as a result of banding together disparate groups with different leave entitlements but by and large these issues are resolved through the addition of the 2 Customary Days to the annual leave entitlements.

We have retained a higher number of days leave for grades 7 to 9 as staff in these grades do not have a defined working week nor receive enhanced pay for working extra hours.

Subject to further checks of planned activities at Easter 2007, it is proposed that changes to annual leave entitlement are effective from the start of the next leave year on 1 January 2007.

### **9. Long Service Leave**

We propose that long service leave ceases at the end of this calendar year as it will be potentially discriminatory to maintain service related benefits when age discrimination legislation is enacted fully. The loss of long service leave primarily affects staff in grades 1 to 5 and to a small number of staff in grade 6, but will be compensated by a general increase in annual leave entitlement for these grades.

### **10. Part-time staff**

Part time hours and holidays shall be pro rata to the number of days per week worked and the number of weeks per year worked. In the case of part-time staff it will be up to Divisional Managers to decide on the basis of operational requirements and budget whether the proposed decreases in full-time hours in August 2007 and August 2008 should be implemented pro-rata for part-time staff taking account of other factors such as potential recruitment difficulties within the Durham and Stockton areas.

### **11. Additional responsibilities**

'Acting up' allowances are payable to staff in grades 1 to 9.

The following additional payments would continue to be available except where it is defined in a job description that an individual will assume the responsibilities of the higher graded position during periods of absence:

- Temporarily 'acting up' to a job of a higher grade. For grades 1 to 2 this would be paid on a daily basis, and for Grades 3 and above on a monthly basis; it would continue to be the case that in all cases the full duties of the higher position must be undertaken.
- Undertaking defined roles in addition to the substantive post

### **12. Premium Rates**

Premium rates are payable to staff in grades 1 to 6.

The following premium rates would continue to be available where stated in the terms and conditions of employment for the grade:

- x1.3 for work between 10:00pm and 6:00am
- x1.5 for all hours worked on the 6th worked day of the week
- x2.0 for all hours worked on the 7th worked day of the week
- x2.0 for all time worked on University Closure Days and on Public Holidays plus Time Off In Lieu at plain time
- Allowances shall continue for alternating (11%) and rotating (18%) shifts for each hour worked in the defined shift cycle, referenced to the first point of new grade 2. Overtime rates shall apply for additional hours worked outside of the defined shift cycle.

The current enhanced rates for split shifts and return to work premia would cease on 1 August 2006.

### **13. Stand-By Allowance**

Stand-By allowance is payable to staff in Grades 1 to 6 where they are required to be available for work outside of normal working hours and must be able to respond within 20 minutes of being called into work. This payment is not available where a member of staff in Grades 1 to 6 occupies a University property as part of their remuneration.

While the condition of employment may apply across Grades 1 to 6, at present the allowance is only paid to Craftworkers in Estates & Buildings in order to provide 24/7 service. It is not proposed to alter current arrangements in 2006/07 but to review these payments to ensure they continue to meet operational needs. Any proposed changes would take effect from August 2007.

### **14. Call-Out Pay**

Call-Out payments are payable to staff in Grades 1 to 6 who are called into work to respond to an emergency outside of their normal working hours. The level of these payments is negotiated locally from time to time; they apply only to those staff where there is a contractual term requiring them to undertake such duties. As with Stand-By Allowance, at present only a small group of staff receives call-out pay in order to provide 24/7 cover. It is not proposed to alter current arrangements in 2006/07 but to review these payments to ensure they continue to meet operational needs. Any proposed changes would take effect from August 2007.

### **15. Pensions**

As reported to Council in March, for the time being no changes to pension scheme eligibility are proposed and status quo will apply at the time of implementation of the Agreement. Eligibility will be reviewed by UEC and discussed with the campus trade unions after the actuarial review of the University's Retirement Benefits Plan has been completed and considered by the University and the Trustees in September.

### **16. Study Leave**

Study leave is available to all staff where it is clearly identified as part of an agreed development programme in line with the Annual Staff Review Scheme

### **17. Notice periods**

The notice periods for staff in grades 1 to 5 would continue to be 1 week's notice for each year of service up to a maximum of 12 week's notice. Staff would continue to have to provide one month's notice of resignation to the University.

The notice periods for staff in grades 7 and above would continue to be 3 months notice from employee and 6 months notice from the University once staff had satisfactorily completed probation.

Grade 6 within the new Durham Graded Pay Structure contains a mix of staff groups; for this reason it is proposed that the standard notice period should be 3 months notice from employee and 3 months notice from the University.

### **18. Grade 6**

There are also some particular arrangements, such as the shift arrangements for Computer Operating staff or the weekend working arrangements for some Biological Sciences Technicians which at present apply only to specific staff groups within grade 6 because of the nature of their work. It would not be appropriate to extend these special arrangements/ conditions of employment to other staff who now fall within the grade. It is proposed to maintain these arrangements for these specific staff groups at present but during the coming year to review the business need and objective justification for their continuance.

### **19. Operationalising the changes in the working week**

During 2006-07 it is proposed that the Harmonisation Working Group continues to work with both service managers and trade union representatives to operationalise the proposed changes in working hours.

Jack Boyd  
HR Director  
8 May 2006

## ANNEX 1

National Framework Agreement references to harmonisation:

c

*Existing national agreements on pay and grading will remain in force until superseded by implementation of new arrangements under the terms of this agreement.*

### *Working Hours*

*The application to all staff at the same grade level in an institution of equivalent pay ranges (drawn from the pay spine) assumes comparable working hours reflecting statutory requirements on equal pay for work of equal value.*

*Institutions will be recommended to harmonise the length of the standard working week for all staff with a defined working week – in particular resulting in a reduction in the nationally agreed hours for manual staff – as early as possible and no later than 1 August 2005.*

*HE institutions will negotiate with their recognised trade unions arrangements for appropriate enhancement of those pay ranges for any individuals or groups of staff with, exceptionally, a longer working week.*

*HE institutions will also negotiate in partnership with the relevant recognised unions about extra payments for staff at appropriate levels who are required regularly or occasionally to work additional hours. Until agreed otherwise premium payments will continue on the basis of national and local agreements in force on 31<sup>st</sup> July 2003.*

*Such negotiations will include changes in working practices related to the harmonisation of the working week.*