

## Time Off For Public Duties / Territorial Army Leave Policy

<b>Policy Category:</b>
Leave of Absence

<b>Policy No:</b>
57

<b>Document Version Control:</b>
<b>Version:</b> Two <b>Effective Date:</b> September 2018
<b>This version {two}, supersedes all previous versions of this policy within the business areas specified below. Previous versions of this policy must not be used and should be destroyed.</b>
<b>This document is uncontrolled if printed.</b>
<b>Revision History:</b>

<b>Policy Application:</b>
<i>The business areas to which this policy applies.</i>

National Express UK Bus & Coach

National Express UK Corporate

<b>Policy Scope:</b>
This policy applies to all employees of the Company's indicated above.

<b>Policy Statement:</b>
This policy details the Company's approach to the principle of granting time off for public duties/Jury Service and territorial army leave and is not deemed to be part of the terms and conditions of employment of employees.

<b>Legal Framework:</b>
This policy is aligned to the requirements of UK employment legislation, specifically the following: Employment Rights Act 1996, section 50 Employment Relations Act 2004 Juries Act 1974

**Policy Statement / Procedure:**

**Definition of Public Duties**

Employees, who hold certain public positions, have a right to reasonable unpaid time off during working hours.

The provisions cover members of the following public bodies:

- Justice of the peace
- A local authority
- A statutory tribunal
- A police authority
- The Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad.
- A board of prison visitors or a prison visiting committee
- A relevant health body
- A relevant education body
- The Environment Agency, the Scottish Environment Protection Agency or a relevant Scottish water and sewerage authority.

In general, time off for public duties should be granted unless there is a strong business reason to justify a refusal. The employee may bring a complaint to an employment tribunal if they are unreasonably refused a reasonable amount off time off work to fulfil a public duty.

**Request for Company Support to Perform Public Duties**

Prior to accepting appointment or re-appointment to a public office that is likely to impinge upon normal work duties, employees should obtain written authorisation from their Department/Operating Unit Manager on the prescribed form 'Request for Company Support to Perform Public Duties' (Appendix One) this will provide an indication to the employee whether any subsequent request for time off is likely to be accommodated. Applications must be supported by appropriate written evidence of election or official appointment.

**Public Office Leave Request**

Employees are required to request each period of leave to perform public duties in advance by submitting a 'Public Leave Request' (Appendix Two) form to their Department/Operating Unit Manager.

**Amount of Time Off Allowed to Perform Public Duties**

The maximum amount of unpaid leave that will be granted each year to carry out Public Duties is 15 days. The facility of unpaid leave does not impinge upon the employees right to utilise annual leave should this be their preferred option, however this will be subject to the Company's operational requirements.

**Jury Service**

In the event of an employee being called for jury service, they should contact their Line Manager to request leave. When submitting a request for leave the employee should produce a copy of the court summons and should submit a claim to the court for loss of earnings.

The employee will continue to be paid on jury service at their normal rate of pay, subject to the deduction of any monies received from the court in respect of loss of earnings. Employees who fail to submit a loss of earnings claim to the courts will have the leave counted as unpaid leave.

If on any day the employees' services are not required at the court, they will be required to return to work on that day.

Night workers should discuss the above with their Line Manager to ensure compliance with the Working Time Directive.

**Attending Court as a Witness**

If you are obliged to attend court as a witness on behalf of or representing the Company for any actions brought against the Company, you will be allowed 'time off' with basic pay, from your normal duties to attend the court. However, if you are required to attend court for any other reason, payment for this absence will be at the discretion of the Company but will normally be taken as unpaid leave or annual leave.

**Territorial Army Leave**

Employee's requesting leave for attendance to reservist training, annual camp or any other authenticated activities should make an application for leave in writing to their Line Manager, stating the reason for the period of leave requested. Reservist employees are required to give as much notice as possible to allow appropriate planning for absences. Reservist employees will be entitled to 10 days' paid leave in addition to their annual leave allocation to undertake such duties.

Leave requested in excess of these days, may be granted, subject to operational requirements and the Line Manager's approval, and should either be taken from annual leave entitlement or be unpaid.

**Compulsory Mobilisation:**

Managers must be aware it is an offence to dismiss an employee who has been called up for compulsory military operations. Members of the reserve forces have the right to be reinstated into their former job within six months of demobilisation on terms and conditions no less favourable than those that would have prevailed but for their mobilisation.

**Key Terms and Definitions:**

**Roles and Responsibilities:**

All those to whom this policy refers are required to familiarise themselves with the terms of this policy.

Managers are responsible for ensuring this policy is applied fairly and consistently with their own area. Any queries on the application or interpretation of this policy must be discussed with your HR Department / representative prior to action being taken.

**Appendix:**

**Request for Company Support to Perform Public Duties During the Year 2009**

<b>Name of employee</b>		<b>Job title</b>	
<b>Payroll Number</b>			
<b>Location</b>			

**To Be Completed By Employee**

Public Office Sought (e.g. Councillor, J.P. etc):

Target Start Date:

Authority / Bench / Body:

Expected Frequency of Duties:  
(e.g. one day per month, half day per week, etc)

Regularity With Which Duties Would Coincide With National Express Work:  
(15 days maximum)

Comments / Additional Information:

**Signature:**

**Date:**

**To Be Completed By Department Manager**

Application Approved / Rejected (delete as appropriate)

Further Comments (if applicable):

**Signed**

**Date**

The above application has been noted and the following items forwarded to the employee:

- Copy of request form
- Copy of Company policy
- Supply of leave request forms

**Public Leave Request**

<b>Name of employee</b>		<b>Job title</b>	
<b>Payroll Number</b>			
<b>Location</b>			

**To Be Completed By Employee**

Public Office Held:

Dates Unpaid Leave Required:

Duration of Unpaid Leave:

**Signature:**

**Date:**

**To Be Completed By Department Manager**

Leave Request Approved / Rejected (delete as appropriate)

<b>Signed</b>		<b>Date</b>	
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