



Conference Paper 3 - Operational Status

Introduction

Over the last few years, Conference has spent a significant amount of time discussing the issues with, and the future of, operational pay/status. This discussion has centred on the polarised issue of whether or not operational pay should be kept or scrapped.

This year however we should like to have a broader discussion on the future options for operational pay/status. As part of your group we should like you to consider the following questions:

Operational Status:

- Do we want to do anything about it?
- What can we do about it?
- Who should be involved?
- Could it be sorted by better grading of the roles?
- Can we use other flexible working systems?
- How do we engage with local managers?
- Can it be better defined?
- Does the Staff Handbook add any value in understanding this subject?
- What are the financial implications?
- Is it Monday to Friday or Monday to Sunday?
- Does TOIL add any benefit?

The following sections contain three alternate perspectives from three operational staff which may be of interest in stimulating discussion.

There is also information from the Staff Handbook which may be helpful in considering the questions above.

Allan MacKenzie

Perspective One

I am not against operational pay per se, but vehemently opposed to the imposition of an 'average of 44 hours per week' as now stated in the Staff Handbook. Over time this seems to have skewed the general perception of what is expected from operational staff. My feeling is that operational staff were well and truly shafted when this was introduced.

What is now operational pay was formerly composed of an 'On Call Allowance' (OCA) and an 'All Hours Worked Allowance' (AHWA). The OCA was a relatively small non-pensionable lump sum added to basic salary. My letter of appointment as a Forest Officer IV identified the AHWA at 16.7% of basic salary. This payment was in recognition that Forester Grades did not qualify for overtime payments and that, I quote "In practice, a Forest Officer IV duties often require the working of a significant number of extra hours". For information my basic hours were stated as 37 per week excluding meal breaks.

The crucial bit, as I understand it is that the AHWA was a percentage of basic salary - not a percentage of hours. The payment was probably originally intended to recognise that there was a requirement for flexibility from staff and recompense for working occasional weekends and evenings would be rewarded at a higher rate than earned during the basic week.

I saw the introduction of the 'average of 44 hours' as an erosion of my working conditions and an erosion of the level of my remuneration for hours worked.

At the time of staff unification the deal that was brokered for Pay Band 4 (PB4) operational staff looked very favourable. For loss of operational status PB4's had their operational pay consolidated into salary and were only required to work a 37-hour week excluding meal breaks. I don't imagine for a minute that Pay Band 5 (PB5) operational staff would be offered a similar deal now, so I would suggest we are cautious about if and how this issue is raised. I would not wish my salary to be reduced and then find that there is no cash available to pay for overtime.

That said, there are a lot of discrepancies, variations and shades of grey in what is expected of operational staff in differing posts. Some have to work weekends, some are on emergency rotas to provide cover at weekends and bank holidays, some give talks, attend meetings. It may be worth exploring a more equitable and transparent method of remuneration for these staff.

Perspective Two

Unification was a process that was supposed to bring two staff groups together, whilst this achieved the main goals at the time we still have a work force that is split due to operational and non-operational hours and pay. The definition of Operational Pay in the Staff handbook is woolly to say the least and, if anything, this should be definitive in describing what exactly is required of operational staff.

Having talked to colleagues the main points of contention are: -

1. In this day and age when family life is split between both parents or one in some cases, it has become increasingly difficult to manage the day to day family living when having to work 44 hours per week. To achieve this it either means early start or late finishes, encouraging a 'long hours' culture and depriving staff of essential family time
2. There seems to be discrepancies between the hourly rates between operational staff and non-operational staff in Pay Bands 6A and 5. It could also be argued that staff in the 5 ops pay band have a more responsible role than those in non-operations pay bands in terms of staff management, budgetary control and representation of the organisation.
3. There is anecdotal evidence that some regions throughout the Countries interpret the rules differently to others. If operational staff are only working 37 hours a week then using the times that they are on emergency duty or attend the occasional evening meeting then this is unfair and unjust to colleagues elsewhere who consistently work 44 hours or more per week for the same pay.
4. Most if not all-recreational members of staff are operational and part of their roles and responsibilities is to work weekends. Whilst it is appreciated that this is part of the job, it seems unfair that non-operational staff would receive an enhanced hourly rate if they work weekends. To compensate staff with Time Of In Lieu (TOIL) for working weekends for only the hours they have worked is inappropriate when other staff receive a greater benefit for working the same hours. Having two days off in the week when everyone else is at work, including family deprives staff of the home/work life balance. It also leads to excessive consecutive day working (i.e. between 7 to 10 days consecutively) before 2 days can be taken together or days are split between weeks resulting in a lack of away time from work.

This will not be an easy issue to overcome; some operational staff would be against any abolition of operational pay. It is however appreciated that operational staff have a greater pension benefit than those in non-operational pay bands, but apart from this it is difficult to see what other benefits there are to operational pay. Management would perhaps disagree, they realise that it is the cheapest way to employ staff but to have a truly unified workforce, parity should exist.

Perspective Three

Should we be working 44 hours (net) per week or should we be reviewing it and pushing for a reduction to 37 hours? 44hours = 6 days and 37 hours = 5 days.

Times Have Changed:

- Fewer staff live locally (i.e. 5 miles or less from the forest, realistically this means that we are unable to respond within a reasonable amount of time to issues considered 'operational')
- Longer commuting times and distances
- Partners also tend to work (i.e. parental, family responsibilities have to be shared therefore more flexibility required achieving acceptable home/work life balance)
- Jobs have changed, roles have changed, and methods of work have changed

Operational Issues:

- Fire duty - given the size of management areas, the British climate and actual hours required to be on call, then overtime or TOIL or a change to work patterns could be applied
- Safety cover for staff working outwith normal core hours - very few staff now work alone, with the exception of Wildlife Rangers. Given the advances in telecommunications and lone working systems there are very few occasions that now require to be covered "operationally"

Reasons for Change

- Equality within cost centres and across the organisation (Pay Bands 4 & 6)
- Home / Work life balance
- Pay settlements have consistently been below cost of living over the last several years so this may be another way of addressing the balance
- Retention and recruitment (a 44 hour working week may deter people in applying for a post and may prove not to be competitive in the market place. In some cases resignation may result due to the long and inflexible working hours)
- Whilst employment legislation covers flexible working, it is not a right and can only be "considered" by your line manager under the current terms and conditions. This relies on a local or personal (formal or informal) agreement between you and your line manager (Line manager can consider flexibility but it is not a right)

Loss of operational status should not reflect in pay or pension decrease, as we are currently below that of similar grades both within the Civil Service and the private sector. A similar approach to the change in Pay Band 4 conditions of service may be a possible solution, WHAT DO YOU THINK?

Staff Handbook

Hours and Working Time 11000

'The number of hours that staff in non-operational posts are required to work per week are called 'conditioned hours'. These hours may vary depending on the terms of appointment, i.e. whether staff are employed on a full or part-time basis. The gross 'full-time' working week (i.e. including a daily lunch break of one hour) for non-operational staff is 42 hours (37 hours net). Standard hours are:

Monday-Thursday 8.30 - 17.00

Friday 8.30 - 16.30

Local units have their own arrangements to meet their business/operational needs and consequently field staff may be working to different patterns which will be agreed locally. Posts classed as operational do not have 'conditioned hours', and require work over and above the non-operational conditioned hours. Their hours will average:

44 hours per week at Pay Band 5 and Pay Band 6a level

These hours are based on the definition of 'working time' and are net of meal breaks. Operational posts are not entitled to payment of overtime or travelling time.'

'1. 'Working Time' is defined as:

- any period during which a worker is working, at his/her employer's disposal and carrying out his/her activities or duties;
- any period during which the worker is receiving training; and
- any other period covered by the collective agreement detailed below.

Working time is not limited to contractual hours e.g. paid or unpaid overtime is counted as 'working time'.

Eligibility for Overtime

Section 11020

Overtime working is paid work carried out by staff in non-operational posts in excess of weekly conditioned hours (see paragraph 11000). It is subject to the following conditions:

- Weekly conditioned hours must be completed before overtime rates are paid. Overtime is not based on the total hours an individual works on any particular day but on the total hours worked each week in excess of the normal gross conditioned hours of 42.
- It can only be authorised by managers who have specific delegated financial authority to do so from their Country Director/Chief Executive Forest Research/Head of Division/ or

Business Unit Manager. Obviously, overtime can only be authorised when sufficient funds have been allocated to and remain in the relevant budget.

- Authorised managers will only authorise overtime exceptionally and specifically to deal with particular pressures of work.
- Overtime should normally be worked by volunteers but, where this is not possible, people will be given at least 48 hours notice if it is required. Authorised overtime will not, as far as possible, be worked at weekends, except as a last resort.

“Travelling Time” is paid in a similar way to overtime for official travel by non-operational staff outwith conditioned hours. This is covered in paragraph 11050 onwards.

Non-Operational Staff

Section 11021

'Overtime is paid for at one of 3 rates and varies with Pay Band and when the overtime was worked, and whether staff are contracted to work on a roster basis.

Section 11022

'Staff are entitled to receive overtime payments but if time off in lieu is requested this must be agreed in advance with the line manager. TOIL will be agreed where it can be accommodated by the needs of the work. Time off in lieu cannot be taken as an alternative to the Saturday Premium Payment.'

Section 11072

'This section is concerned with the payment of allowances to staff in non-operational posts who have a specific rostered commitment to be on-call or on stand-by. These allowances can apply to staff in all Pay Bands in these posts. Staff in Operational posts receive pay which includes an additional element for on-call and stand-by commitments so have no entitlement to these allowances.'

Operational Staff

Section 11023

'Staff in receipt of operational pay (PB5op and PB6Aop) do not qualify for overtime payment. Operational post salaries are higher in recognition of extra hours required, and additional duties such as on-call requirements and other flexibility. However, time off in lieu may be allowed, subject to management needs, for excessively long hours of extra duty at weekends or on public or privilege holidays.'

Section 12017

'Operational pay is paid in two Pay Bands (6A and 5) where there are clear operational working conditions attached to specific jobs that make it necessary. Operational posts are those directly concerned with managing activities in the forest (including work within FE forests or within private sector landowners). Operational pay is higher than the non-

operational equivalent to reflect a contractual requirement to work longer operational hours, a requirement for greater flexibility in working hour arrangements and to be on call or work rotas. This pay lead is paid in lieu of overtime payments and on-call allowance. Non operational pay reflects lower contractual hours and staff in receipt of it are eligible to receive overtime payments in respect of additional authorised time (over and above conditioned hours) spent working or travelling on business.'

Section 12018

'Indicates that there will be circumstances in which staff move between operational and non-operational posts. The effect on pay is set out in the following appendix. (The relevant section from the appendix is as follows)

Staff transferring from a non-operational post to an operational post in Pay band 5 or 6A will become eligible for operational pay, linked to the appropriate increase in hours. If promoted into one of these bands they will receive a 7% increase in basic salary, plus 17.5% in recognition of the operational working conditions. From the effective date of promotion/transfer, the person will be employed on an operational contract (full time 44 hours net of lunch breaks) with no entitlement to overtime. Staff on level transfer into an operational post at Pay bands 5 or 6A will be subject to the same arrangements, excluding the 7% promotion increase.'

The Definition of Working Time

The following is the collective agreement on 'working time' which the Cabinet Office has reached with the CCSU. Although (in September 1999) this agreement covers only the non-industrial Civil Service, the FC intend to apply it to all staff:'

Meal breaks- excluded unless staff are at the disposal of and actively engaged on their employer's business. e.g. working lunches.

On call time- where staff are actively engaged on their employer's business i.e. this is included only when an officer is called upon to perform their duties.

Travel Time- only normal business travel (excluding the time spent travelling between home and normal place of work) i.e. travel in the exercise of work duties and additional time spent travelling to a different workstation. An example would be travel to a detached duty station.

Work performed away from the normal place of work: only where the work is performed on a basis agreed with the manager and the time is properly recorded. An example would be drafting a document at home.

Other business engagements: only where staff are required to attend work related functions as part of their duties.

TU/Health and Safety Duties: agreed time spent undertaking trade union or health and safety representative duties

Flexible Working

Section 11003

'The 5 day working week is, wherever practicable, the standard arrangement throughout the Forestry Commission, although overtime may be required to be worked from time to time where the pressure of work demands. Where necessary, local arrangements will be made to enable a work pattern which will reflect operational requirements. Where staff work weeks of unequal length, (including staff working on a flexi time system) weekly average hours worked over a period should equal conditioned hours. Disciplinary action may be taken when an individual fails to work their conditioned hours. Staff with access to a flexi-time system are required to acquaint themselves with the rules of the scheme.'

Section 11005

'The term 'Flexible Working' covers the different types of arrangements for organising working time, whether it be the hours worked, the numbers of days attended or the location of work. The Commission recognises the importance of helping its staff to balance work and home life by offering a range of flexible working arrangements.'

Section 11006

'The FC will aim to extend opportunities for flexible working as far as possible within reasonable limits set by the operational needs of the business. This means that the full range of flexible working options will not be suitable for all jobs across all areas of our business. Managers can reasonably decide not to use an option that prevents the priorities of the business being met. However, many options are already being used successfully in a range of roles.'

Section 11007

'There is no automatic 'right' to use any specific flexible working option. Since the range of jobs is wide in the Commission, each application will be considered by managers on its merits, in discussion with the individual, and by considering the job's priorities, cost implications, the impact on colleagues, the business unit/the team. Many requests to work flexibly can be agreed with your manager through discussion. However, if this is not successful, or you would prefer to make a written application, a Flexible Working Request Form is available on the Human Resources Intranet site. Further guidance on Flexible Working, examples of options that might be available and best practice case studies are contained in Staff Notice 2, also available on the Human Resources Intranet site.'

Section 11008

'In April 2003, statutory rights were introduced on flexible working for employees with 26 weeks continuous service, who have one of the following parental responsibilities:

- Parents of children aged under 6; or
- Parents of a disabled child aged under 18 There is a statutory right to apply for (but not demand) a flexible working pattern.

'Working flexibly' includes variations to the number of hours worked, the place worked or the working pattern. The statutory definition of 'parent' is given in the Flexible Working Request form. For the purpose of the Regulations, the person must also have responsibility for the upbringing of the child and be making an application to enable them to care for the child. The

statutory requirements cover proper consideration of a request, a process and timetable for dealing with requests from staff falling into the above category. Further information on the statutory timetable is provided on the Human Resources Intranet site, Flexible Working Folder.'

What the Statistics say

Pay Band	PCS Members	%
SSG	1	
1	4	
2	24	
3	52	
4	157	
5	96	11
5 Operational	219	25
6a	47	5
6a Operational	29	3
6b	224	
7	15	
Total	868	

Pay Band	PCS Members	%	Other	Total
5	96		206	302
5 Operational	219		178	397
Total	315	45	384	699
6A	47		445	492
6A Operational	29		218	247
Total	76	10	663	739
Grand Total	391	27 (45*)	1047	1438

* Indicates the total against the overall PCS membership

Pay Band	Male	%	Female	%	Total
5	144		158		235
5 Operational	352		45		339
Total	496	69	203	31	699
6A	411		81		492
6A Operational	199		48		247
Total	610	67	129	33	739
Grand Total	1106	68	332	32	1438

Pay Band	Full Time		Part Time		Total
	Male	Female	Male	Female	
5	133	109	11	49	302
5 Operational	345	41	7	4	397
Total	478	150	18	53	699
6A	403	53	8	28	492
6A Operational	197	43	2	5	247
Total	600	96	10	33	739

