



## **Section 1**

### **Appointment and**

#### **1. Contracts**

All contracts of employment will be with Merseyside Waste Disposal Authority

#### **2. Appointments**

The recruitment of the Director and Assistant Directors will be carried out by independent Consultants and will involve the relevant Authority Member's

The procedure for filling all other vacancies is given in full in the Authority's Recruitment, Selection and Retention Policy.

The Director/Assistant Directors will make all formal offers of appointment and determine starting salaries, within the pre-determined grade. Employees transferring from one section to another (whether promotion or otherwise), should not resign formally and may not need to work out the formal notice period. The actual date of transfer will be agreed between the Directors concerned.

#### **3. Promotion**

Promotion is defined as the transfer of an employee to a post in any section of the Authority which carries a higher maximum salary than the post previously occupied.

It is the Authority's policy to limit the salary increase to the minimum s.c.p. of the new grade provided that the employee's new salary is at least one s.c.p. more than the previous salary. However, individual cases which appear to merit an

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increase in excess of this provision may be referred exceptionally to Directors for special consideration.

4. **Medical Fitness**

No person shall be appointed to the service of the Authority unless the Authority's Medical Officer certifies their medical fitness to undertake the duties of the post concerned.

A medical questionnaire shall be completed by the person concerned prior to appointment for consideration by the appointed Medical Officer, and a medical examination arranged if the Medical Officer considers it to be necessary.

5. **Probationary Period for New Entrants**

- (a) The appointment of every new entrant to the Service of the Merseyside Waste Disposal Authority shall be subject to a probationary period not exceeding six months. At the end of the probationary period and subject to the satisfaction of the Director, the employee shall be deemed to be transferred to the established staff. This rule of probationary service shall not apply to an employee appointed from the service of another local authority or from any other service recognised by the Director as appropriate to the post to be filled.
- (b) In the event of an employee in his/her probationary period becoming unsatisfactory, the Director shall be authorised to terminate the service of the employee serving their probationary period.

6. **Advertising of Posts**

The Authority will ensure that all post currently graded below third tier level shall be advertised internally prior to any public advertisement, unless the agreement of the appropriate trade union has been obtained to the contrary.

When placing an advertisement for a post, the Authority will insure that it is clear that applications are invited from all members of the community, irrespective of sex, race and disability, and shall draw notice to the Authority's Equal Opportunities Policy.

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In its recruitment and selection, the Authority will not refer to or consider educational qualifications that are not directly relevant to the knowledge and skills required for each post.

7. **Temporary Staff**

In the event of there being no suitable permanently employed candidates after internal advertisement, applications will be considered from suitably qualified temporary staff already in the employment of the Director before advertising a post publicly.

Such staff's probationary period will commence from the date of their permanent appointment irrespective of their length of service as a temporary employee.

8. **Notice of Termination of Appointment**

- (i) Notice to terminate a Contract of Employment with the Waste Disposal Authority shall be given, in writing, by or to the Director
- (ii) An officer given notice to terminate their Contract of Employment shall be given the greater of whichever contractual or statutory provision would apply to them in the circumstances attending their dismissal and that any officer giving notice themselves should be required to give one months notice, unless they are graded PO1 to 3 in which case it will be two months notice, or graded PO4 and above, in which case it should be three months
- (iii) The Director shall have the discretion to accept, if appropriate, lesser periods of notice than those specified above from officers resigning their appointments with Merseyside Waste Disposal Authority.

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## **Section 2**

### **Education and Training**

#### **1. Induction**

Induction Training should be the first stage of a training programme which can:

- ✓ Help employees become effective quickly
- ✓ Improve motivation and performance
- ✓ Extend the range of skills of employees, enabling them to be more adaptable
- ✓ Allow managers to delegate, freeing time for key management activities

All staff should be aware that first impressions count. Managers will plan for the arrival of new employees and make them feel welcome

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Appropriate time will be allowed to ensure new staff are given a thorough and comprehensive induction to the organisation by either their Manager, Assistant Manager or the Assistant Support Services Manager. New employees will be given information about the Authority and their new job.

## 2. **Training Facilities**

Training facilities in the form of time off from work, financial assistance or other uses of the Authority's resources for training purposes, are granted at the discretion of the Authority. In determining whether such facilities should be granted, each application will be considered on its merits and the Authority will take into account both its needs for suitably trained staff to be available to provide its services in the future and the effect of the granting of the facilities on the present provision of services. The development needs of the individual employee and other factors relevant to the particular application will also be taken into consideration. The identification of training needs should primarily take place within the employees Staff Development Interview Process. The application for training assistance should be completed on the relevant application form which can be obtained from the Assistant Corporate Services Manager.

If assistance for training is given, the employee will enter into a training agreement with the Authority.

## 3. **Eligibility**

Approval to undertake courses will only be given for courses relevant to the employee's post and career progression.

## 4. **Financial Provisions**

The following assistance will be granted where appropriate, in approved cases:-

- (i) Up to one day's leave with pay per week to attend approved courses or necessary leave with pay to attend block releases
- (ii) Payment of examination fees, and tuition fees

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- (iii) Other expenses which the employee is required to pay as part of the course by the examining or tutorial body provided prior approval is given by the Director
- (iv) The Authority will purchase necessary books for use by employees undertaking approved courses, provided those books are not available in the Authority's library
- (v) Books so purchased shall remain the property of the Authority and be surrendered for addition to the Authority's library at the completion of the studies for which they have been provided
- (vi) Daily excess traveling costs actually incurred and based upon the cheapest form of public transport. Excess travelling costs are the difference in cost of travelling between home and place of employment and between home and place of course

## 5 **Examination Leave**

All employees receiving release and/or financial assistance for approved courses will be granted leave with pay for the periods of the actual examination(s) and excess travelling costs actually incurred in attending the place of examination.

In addition to the above, employees studying for a first attempt at approved examinations shall be granted half a day's leave with pay for each half day of examination.

## 6. **Second Qualifications**

In the case of employees studying for a second final/professional/technical qualification, financial assistance and/or release will only be granted in those instances where (a) the second qualification sought is of a professional/technical nature and the first is not, or (b) where the second qualification is relevant to the work of the Authority and is deemed by the Director to be of benefit to the Authority.

## 7. **Educational Progress**

Financial assistance will be conditional upon satisfactory progress being maintained at each stage of the course. Where an employee without good

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reason fails to sit an examination within a reasonable period or fails to show satisfactory progress in their studies or discontinues their course, the Director may at any time, withdraw the facilities granted and may require the refunding of financial assistance and the return of text books.

8. **Refund of Assistance**

Unless there are exceptional circumstances, an employee who leaves the service of the Authority within two years of completing a course to take employment outside the local government service, will be required to refund any financial assistance received from the Authority.

The amount of financial assistance repayable shall be reduced by 1/24 for each month that the employee remains in the service of the Authority after the qualification has been obtained.

9. **Second Attempts**

Where an employee fails an examination or fails to complete a course of study the employee shall not be granted day release or financial assistance to retake the course and resit the examination without the prior approval of the Director.

10. **Attendance at Short Courses and Seminars Etc.**

Employees seconded to attend such courses will receive payment of full salary. They will also receive assistance as follows:-

- payment of all course fees
- costs of travelling and subsistence in accordance with Section 5 of this Scheme.

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### **Section 3**

#### **Grading and Salary Provisions**

##### **1. Principal Officers**

The following local scales for Principle Officers shall apply :-

	<u>Spinal Column Points</u>
PO1	33 - 36
PO2	35 – 38
PO3	38 – 41
PO4	41 – 44
PO5	44 – 47
PO6	46 – 49

##### **2. Payment of Salary**

Salaries will be paid monthly, on 21<sup>st</sup> of each month

##### **3. Trade Union Subscriptions**

Trade Union subscriptions will be deducted from pay without charge in respect of those Trade Unions which are constituent members of the appropriate negotiating bodies.

##### **4. Honoraria Payments**

The payment for additional duties and honoraria payments, as provided for in the National Scheme of Conditions of Service, shall be authorised by the Director.

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## **Section 4**

### **Hours and Leave**

#### **1. Hours of Work**

The working week for staff with the exception of those employed on shift rota's is:

A flexible working week of 36.5 (Monday to Friday) Band time is 08.00 to 9.30 and 16.00 too 18.30. Core time is 09.30 to 11.45 and 14.00 to 16.00 hours. The lunch break is a minimum of 30 minutes and a maximum of 1 hour and 30 minutes.

Details of the Authority's Flexi – System will be outlined fully on induction.

Any fundamental departure from this system will only be introduced after consultation with the appropriate trade union, and will be detailed in the individual employees Statement of Particulars.

#### **2. Annual Leave**

The annual leave entitlement for all officers is 24 days. The annual leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March.

The annual leave entitlement of officers who immediately prior to the commencement of the leave year have had not less than 5 years continuous service under one or more local authorities is 29 days.

Officers shall be permitted to carry over automatically five days annual leave from any one leave year to another. Requests for the carry over of leave in excess of five days will be determined by the Director and will only be granted in exceptional circumstances.

#### **3. Special Leave**

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Additional leave with or without pay may be granted in special circumstances at the discretion of the Director of Waste Disposal. Requests for such leave must be made, in writing and addressed to the Director.

Details of the special circumstances in which leave may be granted are as follows:-

- **Leave for urgent personal reasons**

The Director shall have discretion to grant special leave for unforeseen urgent personal reasons. Normally the period of absence should not exceed five days with and five days without pay in any one leave year. In particular circumstances the period of leave can be extended beyond the 10 days by the Director in consultation with the Clerk to the Authority.

- **Leave for attendance at Court as a Witness**

An employee who is required to attend Court in the capacity of a witness outside the course of their normal duty shall be granted special leave with pay. Any witness fee (as distinct from expenses must be paid to the Authority)

- **Leave for Magisterial Duties**

Leave with pay shall be granted to employees undertaking magisterial duties.

- **Leave to stand as a Candidate in a Parliamentary Election**

Leave with pay shall be granted, up to a maximum of 20 days, to an employee standing as a candidate in a Parliamentary (including European Parliament) Election.

- **Leave to serve as a Member of Another Local Authority**

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Leave with pay shall be granted, within the exigencies of the service, to an employee performing approved duties as a member of another local authority. No deduction will be made from the salary of employees concerned.

▪ **Leave to serve in the Community**

Leave with pay will be granted to an employee who acts in a voluntary capacity as a school governor or as a member of other statutory bodies. Applications for this should be made in writing to the Director, which will be considered on a case-by-case basis according to the needs of the service.

▪ **Election Duties**

Leave with pay from normal duties may be granted where employees are appointed by returning officers to assist at any Elections and Referenda.

▪ **Reserve Forces Annual Training Camps**

Two weeks leave with pay will be granted for attendance at annual training camps.

▪ **Special leave for Trade Union Purposes**

All applications for leave for this purpose will be determined by the Director on the following basis:-

- i) leave with pay may be granted to enable employees to attend appropriate meeting of bodies set up by Trade Unions for the purpose of research or the further advancement of knowledge.
- ii) Leave with pay may be granted to a reasonable number of employees appointed as delegates to attend annual conferences of their trade unions

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- iii) Leave with pay will be granted to an employee who is elected by his/her trade union to the office of President, to enable the employee to discharge the duties of that office
- iv) Leave with pay will be granted to employees who by virtue of their trade union membership are called before the Royal Commissions to give evidence, or are summoned to attend by a Minister of the Crown or Government Department to discuss rates of pay/conditions of service.

- **Meetings of Professional Associations and Outside Bodies**

The attendance of Senior Officers at meetings of professional associations and approved outside bodies be limited to 15 days leave with pay in any one leave year.

- **Payment in Lieu of Holidays**

Employees who leave the service of this Authority to take up an appointment outside the Local Government Service who have been unable to take their annual leave entitlement will receive payment in lieu of any outstanding annual leave at the date of termination.

- **Pre-Retirement : Adjustment of Hours**

Employees who are suitably qualified by service/age shall be granted pre-retirement leave amounting to one day per week during the last year of work before their planned normal retirement date.

Employees concerned should make arrangements with their line manager having regard to the exigencies of the service, to determine a specific day in the working week to be allocated for that pre-retirement leave.

In the event of an employee being required to work on the specified day, that pre-retirement leave be forfeited. During a period of sickness, annual leave, public or statutory holiday, the pre-retirement leave will not operate.

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Maternity and Paternity Leave and further Special Leave are fully detailed in the Authority's Family Friendly Policy.

## **Section 5**

### **Subsistence, Travelling and other Allowances**

Subsistence and travelling allowances will be paid in accordance with the provisions of the NJC Scheme of Conditions of Service, subject to the following local provisions :-

#### **1. Subsistence Allowances**

All Officers shall receive:-

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- subsistence allowance in accordance with the scale for Members of the Authority in respect of journeys outside the County boundary;
- other allowances which will be payable subject to the individual officer certifying that the expenditure has been incurred.

All employees shall be paid all reasonable subsistence allowance subject to the individual officer certifying that the expenditure has been incurred and on production of all receipts.

## 2 Travelling Allowances

Normal public transport costs will be met.

Train fare is subject to second class travel and only in exceptional circumstances will travel by first class by authorised by the Director.

Taxi fares can be claimed in circumstance where public transport is not available. A receipt must be obtained for all taxi journeys claimed.

An Officer may travel by air on the authority of the Director provided that it will be the most economical or practical form of travel, having regard to all the circumstances.

## 3. Travelling Allowances – Private Motor Car

The Director will be classified as an essential car user. Other Officers will be so classified subject to the approval of the Authority, having regard to the provisions of the National Scheme of Conditions of Service.

An Officer will be paid scale allowances for the use of his vehicle on official business within the Merseyside area, for journeys outside that area within the administrative counties of Cheshire and/or Greater Manchester and also for journeys to points within a 30 mile radius of their administrative centre, within the administrative counties of Lancashire and/or Clwyd. For other journeys involving at least two official passengers, car allowance at the appropriate rate shall be paid. In all other cases, the related rail fare shall be paid in lieu of car allowance unless the Director certifies that the particular circumstances of the journey justify the payment of car allowance.

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If an Officer is absent on maternity leave, no payment of lump sum or guaranteed annual minimum payment shall be made in respect of a period in excess of four weeks unless authorised by the Authority.

It should be noted that a car allowance is not a condition of employment, but a re-imbusement of actual costs incurred. It therefore follows that, if circumstances change, allowances may be changed or discontinued as applicable

The Authority will reimburse the cost of tunnel tolls to those employees designated as essential users and whose travel to their place of work entails a journey via the Mersey Tunnels, on the basis of the Authority meeting the cost of the journey in one direction.

#### **4. Guidance on Subsistence, Travelling and Other Allowances**

##### **New Guidance on Payment of Subsistence Allowance**

1. Payments will only be made in circumstances where employees are prevented by their official duties from taking their meal in the normal circumstances at home, establishment or administration centre and thereby actually incur additional expenditure. There is a requirement to produce a receipt as proof of additional expenditure, which can be claimed up to the agreed rate.
2. When a meal is provided in the cost of the accommodation etc an additional allowance will not be paid.
3. Breakfast should not normally be paid for unless it is part of an overnight stay or included in the cost of accommodation, train travel etc, or travel commences before 6.30am
4. Evening meals will not normally be paid for unless an overnight stay is required or the employee is required to work/travel beyond 7.30pm
5. All payments should be authorised by the employee's line manager and process via the corporate services section. All payments will be processed via the normal payroll.
6. Payments in excess of the agreed rates will not be made unless in exceptional circumstances. Claims to pay in excess must be fully justified in writing and authorised by the Assistant Directors/Director.

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7. An employee may travel by air on the Authority of the Director provided that it will be the most economical or practical form of travel, having regard to all circumstances.
8. Other approved expenses may include tube fares, taxi fares, car parking etc. Receipts should be obtained and produced for reimbursement.
9. The Authority will reimburse the cost of tunnel tolls to those employees designated as essential users and whose travel to their place of work entails a journey via the Mersey Tunnels, on the basis of the Authority meeting the cost of the journey in one direction.
10. Expenses relating to college course should be claimed as per the training agreement procedure.
11. Out of pocket expenses relate to Residential Training Courses and will not be paid in any other circumstances
12. An allowance in accordance with the National and Local Schemes of Conditions of Service will be made to those employees who are required by the Director to hold current first aid certificates and act as first aiders.
13. Receipts must be provided in all cases and attached to the reverse of the claim. Receipts must be full VAT receipts (with the exception of car parking where the parking ticket is sufficient)
14. All claims should be submitted for payment within two months of expenditure being incurred – failure to claim in that time will invalidate the claim.

## 5. **First Aid Allowance**

An allowance in accordance with the National and Local Schemes of Conditions of Service will be made to those employees who are required by the Director to hold current first aid certificates and act as first aiders.

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## **Section 6**

### **Disturbance and Removal Allowances**

1. Allowances for disturbance and removal expenses will be made only if:-
  - the appointment necessitates the Officer moving home
  - the new Officer's existing residence is within the United Kingdom and is more than 30 miles by the shortest practicable route to the Officer's place of work, and his new home is within a radius of 20 miles of the administrative centre.

### **2. Removal Etc., Expenses for Newly Appointed Officers**

Subject to the submission of two estimates from recognised removal contractors, the Authority shall meet the lower invoice in respect of furniture removal expenses including up to six months' furniture storage provided that the officer can engage the contractor of their choice if they pay the difference in cost between this and the lower estimate. These expenses will only be reimbursed on production of a receipted bill from the contractor charged with the removal or if moving oneself, the production of evidence of cost incurred.

Travelling expenses and subsistence allowances for the officer and their dependents from their old home to the new at public transport rates (second class if rail) or the appropriate car user allowance for the whole family to travel by car, whichever is actually incurred.

Two days' paid leave in respect of moving home will be given.

### **3. Legal and Other Fees**

The repayment of all legal, estate agents and mortgage and survey fees arising from the sale and/or purchase of property will be given.

Where estate agents or auctioneers are not engaged, the officer shall be reimbursed the actual advertising costs incurred up to a maximum in accordance with Appendix E of the National Joint Council Scheme.

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4. **Disturbance and/or Settling in Allowance**

The repayment of all incidental expenses up to the maximum indicated in Appendix E of the National Joint Council Scheme.

Repayments in respect of paragraphs 2, 3 and 4 will be based on the actual expenditure incurred and will not normally exceed £7133 in total. Claims for repayment in excess of this amount will not be paid unless specifically authorised by the Director after consultation with the Chairman of the Authority.

5. **Lodging Allowance**

A lodging allowance at the rate indicated in Paragraph 7 (c) (ii) Appendix E, of the National Scheme, shall be paid for maximum period of 39 weeks if temporary residence in lodgings by the officer is occasioned in taking up the appointment, other than for a single person with no dependants, except for special circumstances as approved by the Director and provided also that the dependants live more than 30 miles away from the administrative unit.

6. **Search for New Accommodation**

Up to a maximum of three days' paid leave shall be granted where necessary.

7. **General**

An officer who leaves the service of the Authority within 12 months of the date of appointment is required to repay the removal expenses etc., in full, and on a graduated scale, as indicated below, if they leave during the second year.

From 13<sup>th</sup> month to end of 16<sup>th</sup> month  $\frac{3}{4}$  of full amount

From 17<sup>th</sup> month to end of 20<sup>th</sup> month  $\frac{1}{2}$  of full amount

From 21<sup>st</sup> month to end of 24<sup>th</sup> month  $\frac{1}{4}$  of full amount

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**\*\*Note**

**A travel allowance (at 2<sup>nd</sup> class return rail fare) in order for an officer to travel home on a fortnightly basis up to maximum of 12 journeys, be incorporated into the scheme of allowances; and,**

**The Director in conjunction with the Treasurer to the Authority continue with their delegated powers to increase the allowance annually on 1<sup>st</sup> April in line with the increase in the General Index of Retail Price (R.P.I)**

## **Section 7**

### **Assisted Car Purchase Scheme**

The following conditions will normally apply:-

1. A maximum advance of £15,000
2. The value of any vehicle disposed of during the previous year will be deducted from the basic purchase price of the vehicle for which a loan is sought in deciding the maximum amount to be advanced.
3. The Director is to certify that the employee is either an essential car user, or a casual car user likely to travel at least 1,500 miles per annum on Authority business, and that the vehicle is suitable for the duties of the post concerned.
4. The maximum repayment period to be five years for a new vehicle. In the case of a second hand vehicle, the loan period shall be reduced according to the age and expected life of the vehicle. Loans will not be granted therefore for vehicles more than 5 years old from date of first registration.
5. The applicant will provide at his own expense, evidence from an independent qualified mechanical engineer of the value and expected life of any second-hand vehicle. In the case of any vehicle, an invoice must be produced before payment can be made.

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6. The total interest charge will normally be calculated by applying 4% per annum to the amount of the advance, but where an officer repays the loan prematurely interest will be recalculated in accordance with the Treasurer's schedule.
7. Aggregate principal and interest to be repaid in equal monthly installments over the period by deduction from salary or wages.
8. The borrower to enter into an agreement which will specify, amongst other things, immediate repayment of any balance outstanding if the employee leaves the Authority or the vehicle is disposed of.
9. Officers must insure the vehicle comprehensively and obtain and submit for inspection an endorsement of the policy noting the Authority's interest.
10. An officer will not normally be granted a further loan within 24 months of the commencement of the previous loan.
11. As a condition of any assistance given under this scheme an officer will be required to execute a bond with the Authority for the due performance of his contracted obligations, the cost of such bonds to be deducted from the advance (£25).

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## **Section 8**

### **Telephones and Internet at the Homes of Approved Officers**

Payment shall be made to cover installation and rental charges in respect of telephones and internet access authorised by the Authority for official use by officers in their private residences.

Installation charges shall not normally be reimbursed to officers who already have a domestic telephone on appointment.

Consideration by the Authority will be given to reimbursement of the cost of business calls where these are considered to be excessive by the Director and where:-

- (i) There is a liability to be called upon outside normal office hours fairly often to deal with emergency situations

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- (ii) There is a need to be contacted fairly often outside normal office hours so that information or instructions can be obtained from the officer
- (iii) The officer is of such seniority and wide spread responsibility that he/she would, within reason, be constantly available outside normal office hours.
- (iv) The officer must be able to access the Authority network to supply or receive information outside normal office hours.
- (v) Where circumstances warrant the officer to work on project specific tasks outside normal office hours.

## **Section 9**

### **Sickness Scheme**

#### **1. The Scheme**

The provisions of the National Scheme of Conditions of Service shall apply to employees absent from duty owing to illness.

#### **2. Statutory Sick Pay**

Notification and Certification Procedures:-

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## Sickness Notification

- An employee who is unable to attend work because of illness should contact his/her Section Manager (or Deputy) by 10am on the first day of absence
- Section Managers must report their own sickness/injury to the relevant Assistant Director
- The Director of Waste Disposal must report sickness/injury to the Assistant Directors .
- In the absence of any of the above, sickness/injury must be reported to the Assistant Corporate Services Manager

Where the employee's state of health allows it, telephone contact should be made by the employee personally. If an employee does not have a telephone, he/she should discuss with his/her Section Manager alternative arrangements for notifying sickness, before the case arises.

Employees should explain the nature of the absence and if possible give some indication of its likely duration.

If the absence is due to an accident or injury at work, this must be stated. (NB. Industrial injuries must also be documented in accordance with the Authority's Accident Reporting Procedure).

If the absence lasts for longer than 3 days, employees should contact their Section Manager (or the Assistant Manager) on the fourth day of absence to inform him/her of their state of health.

## Documentation

1. If the absence lasts for 3 days or less, the employee must self certify it by completing the Authority's Sickness Declaration Form (Blue Form) immediately upon return to work

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2. If the absence lasts for longer than 3 days, the employee will be sent a Sickness Declaration Form which must be completed and returned immediately
3. As soon as the absence exceeds 7 days, in addition to the Sickness Declaration Form the employee must submit a doctor's certificate
4. Thereafter, a doctor's certificate must be submitted as soon as each successive certificate expires.

Sickness Declaration Forms may be obtained from the Corporate Services Section. Completed Sickness Declaration Forms and doctor's certificates should be returned to the Assistant Corporate Services Manager.

It is the responsibility of Section Managers to notify the Assistant Corporate Services Manager on the first day of absence that an employee is sick and again when an absence has exceeded 3 days. The Corporate Services Section will forward Sickness Declaration Forms to employees whose absence has been notified as longer than 3 days.

Where a fee is paid to a doctor for providing a medical certificate, the Authority will refund the cost, subject to the employee producing a receipt.

Failure to fulfill any obligations under the above procedure may render the employee liable to loss of pay in accordance with the regulations of the S.S.P and Occupational Sick Pay Scheme.

### 3. **Extension of Sick Pay**

In exceptional cases the Authority may give favourable consideration to an extension of sick pay, beyond the provisions of the National Agreement where the employee concerned has long service.

### 4. **Refund of Sickness Payments by Employees**

The Treasurer to the Authority in consultation with the Clerk to the Authority is authorised to determine the application of the provisions of the National Scheme in relation to the refund of Sickness Payments on the following basis:-

- (i) An employee who is absent from duty as a result of an accident in respect of which damages, or a settled amount, may be receivable from a third

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party, shall be paid sickness allowances in accordance with the National Scheme provided that:-

- a) the employee gives an undertaking to refund to the Authority the full amount of such sickness allowances, or the proportion thereof, represented in the amount of damages or settled amount, received from the third party.
  - b) the employee takes such steps as may be considered reasonable by the Clerk to the Authority and the Treasurer, having regard to the circumstances of the case, to make and pursue a claim for damages against the third party; and,
  - c) any claim for damages shall specifically include the amount of sickness allowances advanced to the employee
- (ii) Any period of absence in such a case where a refund of the monies advanced is made in full, shall not be recorded for the purpose of the Sickness Payment Scheme. Where, however, the refund is made in part only, the Authority will decide to what extent, if any, the period of absence may be so recorded
- (iii) If any claim made by an employee is settled by an ex gratia payment which does not specify the amount of sickness allowances advanced, and which does not exceed £250, the officer will not be required to repay the sickness allowances to the Authority.
- (iv) The question of the repayment of sickness allowances when a claim is settled by an ex gratia payment which exceeds £250 will be considered in each case by the Authority.
- (v) Any period of absence not covered by a refund which an employee may make to the Authority of sickness allowances or settlement received from a third party will be recorded as sick leave and treated accordingly.

## 5. **Redeployment of Medical Grounds**

The Director is authorised after consultation with the Chairman of the Authority to arrange, in appropriate circumstances, for the redeployment of employees who on medical grounds are not undertaking the particular duties attached to their

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posts, to other suitable vacancies or to supernumerary duties, and to determine any necessary pay adjustments.

## **Section 10**

### **Grievances**

#### **GRIEVANCE AND DISPUTES PROCEDURE**

##### **PURPOSE AND APPLICATION**

All employees of the Authority have a right to raise any grievance relating to their employment and have it settled fairly and without undue delay. This procedure applies to all employees.

The procedure applies to probationary and temporary employees, up to stage 2.

##### **General Principle**

1. Any issue will be dealt with quickly and whenever possible by the employee's immediate line manager. This is to enable the line manager, particularly if the complaint is about their actions, to put it right.
2. The grievance procedure is intended to protect staff who are the victims of unfair/unacceptable treatment. Line Managers will be expected to deal reasonably and helpfully with an employee's complaint; equally employees will be expected not to challenge reasonable management actions. In most cases it is the intention of this procedure that grievances will be resolved at the informal stage. Where a grievance is referred to the next stage, both the line manager and employee will be expected to show what steps they have taken to achieve a reasonable solution to the problem. The procedure ensures that an appeal is not heard by the person against whom the grievance was originally submitted.
3. Recognising that raising a grievance can be stressful, the procedure allows an employee to be accompanied by a Representative of their trade union or a work colleague.

Either party may ask for the Assistant Corporate Services Manager in their HR role, to be present.

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Where the grievance concerns a larger group of employees they may be represented by their shop steward/nominated representative who will normally meet the line manager on their behalf.

4. Any issues must be dealt with fairly and strictly in accordance with the Authority's' established policies, in particular the Equal Opportunities Policy.

5. There will be no victimisation of any employee who raises a grievance.

6. Raising a grievance will not delay any action being taken under the Authority's disciplinary or capability procedure.

7. An employee will be given access to information relating to the grievance except where there is a need for confidentiality to be maintained, e.g. relating to personal information of other employees. Where a request for information is unreasonably denied, this may form part of the grievance.

## **The Stages**

Stage 1 Raising the problem with the Line Manager

Stage 2 Referring the problem to the Assistant Director

Stage 3 Grounds for Appeal

Stage 4 Disputes only - Conciliation

## **STAGES OF THE PROCEDURE**

### **Stage 1: Raising the problem with the Line Manager (informal stage)**

Any aggrieved employee or group of employees, with a complaint or problem at work should contact their immediate line manager in writing about it within five working days of receiving notice of/or the most recent decision or the event. Verbal submissions of a grievance will not be accepted.

The supervisor will try to settle the grievance as quickly as possible ensuring relevant advice is taken from HR and senior management where appropriate and, in any case, must respond within five working days. Where the line manager is prevented from resolving the issue within this time limit the employee will be

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told the reasons for the delay and a deadline will be set for a final response.

The line manager will respond in writing within five days and, if not satisfied with the answer, the employee may proceed to Stage 2 within five working days.

Complaints may also be referred directly to Stage 2 with the agreement of both parties.

## **Stage 2: Appeal to the Assistant Director**

At this stage the employee will write to their Assistant Director within five working days of registering the appeal giving full reasons for their grievance, including reasons why the line manager's response at Stage 1 is unsatisfactory. Notification of any witnesses to be called must also be given at this stage.

The Assistant Director (or delegated senior manager) will give this to be the line manager, who will be required to respond in writing to the Director within five working days, with a copy to the employee. Notification of any witnesses to be called must also be given. The hearing will normally take place within 10 days of the employee's case and management's response having been received.

### **NOTE:**

(1) Where the grievance is directly about the Assistant Director, Stage 2 will be heard by the Director or an officer specifically nominated for the case. A grievance against the Director will be heard by the Clerk to the Authority.

(2) Where it is the Director who is aggrieved, the Clerk to the Authority will hear the grievance and any appeal will be to the Local Appeals Committee.

(3) Time limits in this procedure are expressed in working days. These are deemed to be Monday - Friday in all cases. Except in exceptional circumstances both sides will be expected to adhere to the time limits set. Failure to observe these time limits may result in either party losing their rights under the procedure if there is no acceptable reason.

## **The Grievance Hearing**

The aggrieved employee will explain the problem, followed by the line manager who made the decision at Stage 1 explaining how this was reached. Each party may call witnesses as appropriate. Both parties will refer to their written

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statements to try to show that they have tried to reach a reasonable solution to the problem.

Further complaints and/or new evidence will not normally be permitted at this stage.

In reaching the decision the Assistant Director or delegated senior manager will normally be advised by the Assistant Corporate Services Manager

After the hearing the employee and the line manager will be notified of the decision in person whenever possible, and this will be confirmed in writing within ten working days of the hearing. Where a hearing is adjourned for further investigation, or for any other unavoidable reason, the employee must be kept informed of progress and a date set for the resumed hearing. It is not Authority's policy to issue notes as the official record of hearings.

### **Stage 3: Grounds of Appeal**

Stage 2 shall be the final stage except in the following cases:

- (1) Where the grievance relates a grading appeal;
- (2) Where an important issue of principle arises relating to joint agreements and which should be considered through the National conciliation machinery.

### **Procedure and Time Limits for Stage 3 Appeals**

Appeals must be registered in writing to the Assistant Director within ten days of receiving the decision. A further 5 days will be granted to provide a written statement explaining the grounds of appeal.

Where the Assistant Director is satisfied that the grounds of appeal are met, he/she will organise an Appeal Hearing. Where the Assistant Director is not satisfied that the grounds for appeal are met he/she will inform both parties of their decision in writing within five days.

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No new evidence or witnesses can be introduced by either side at this stage, except with the prior agreement of the committee hearing the appeal.

#### **Stage 4: Disputes - Conciliation**

Where matters referred to the appropriate meetings are not resolved, they may be referred by either party to ACAS for conciliation

Disputes will not be referred to ACAS until the above procedure has been exhausted.

No form of industrial action (e.g. "strikes" or "lock-outs") will be taken by either side whilst the relevant grievance/dispute is under consideration within this Procedure.

This procedure will be subject to periodic review.

## **Section 11**

### **Local Disciplinary Procedure**

#### **Introduction**

The Director of Waste Disposal is responsible for the management of the Authority and for the discipline of members of staff. (The primary purpose of disciplinary action is to ensure fairness and order and (with the exception of dismissal) to encourage any necessary improvement in an employee's work or conduct). In this connection the following procedure will apply where an employee's work or conduct appear to warrant disciplinary action.

#### **General**

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- (i) An employee shall be entitled to be accompanied and represented by his/her trade union or a work colleague of their choice at any interview at any stage of the procedure. His/her attention shall be drawn to that facility.
- (ii) The trade union or colleague shall be given the opportunity to consult with the employee in private prior to or at any stage during the procedure.

### **Warning Procedure**

- (i) Where an employee's work or conduct are such as to appear to warrant disciplinary action, the Section Manger or Officer nominated for that purpose should interview the employee concerned and, if satisfied that disciplinary action is warranted give a warning to the employee.
- (ii) Warnings should be given only after the employee has been interviewed and has been given the opportunity to state his/her case in the presence of his/her trade union representative if he/she so desires.
- (iii) The warning may be given orally or in writing according to the circumstances. The warning should identify the nature of the complaint and any implication there from, and register the fact that the employee has been notified of the serious nature of the offence.
- (iv) The further commission of an act warranting disciplinary action may result in a further warning, which according to the circumstances, may be a final warning. The employee's attention must be drawn to the issue of a final warning, and to the facility available to the employee to arrange for his trade union representative to be present at the interview.

Any final warning must be confirmed in writing as soon as possible after the interview has taken place. The letter should stipulate the nature of the complaint, the improvement in work or conduct expected, the probable result of failure to meet the desired standard, and the right of the employee to appeal.

Details of all formal recorded warnings (either oral or written) will be entered on the employee's personal file.

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A written warning will be placed on the employee's personal file for a period of twelve months. Provided that no further warnings occur within a specified period of twelve months from the date of the warning letter, the warning will be cancelled and disregarded .

A final written warning will revert to a written warning after twelve months and will be cancelled and disregarded after a further twelve months, provided that no further warnings occur within the twelve months from the date of the warning letter

### **Gross Misconduct**

- (i) Gross misconduct is misconduct of such a nature that the Authority is justified in no longer tolerating the continued presence at the place of work of the employee who commits an offence of gross misconduct.

Examples of offences of gross misconduct which have led to dismissal of Local Authority employees, and which, if committed by an employee of the Authority, will be regarded as breaches of disciplinary rules include:-

- Unauthorised removal of the Authority's property;
- Stealing from the Authority, its members, members of staff or the public, and other offences of dishonesty;
- Sexual offences;
- Sexual misconduct at work;
- Fighting;
- Physical assault;
- Falsification of subsistence and expense claims etc.
- Falsification of qualifications which are a stated requirement of employment or which result in financial gain;
- Malicious damage to the Authority's property;
- Serious breaches of safety regulations endangering other people, including deliberate damage to, neglect of, or misappropriation of safety equipment.

The list is neither exclusive nor exhaustive. There may be other offences of a similar gravity which would constitute gross misconduct.

- (ii) For offences of suspected or alleged gross misconduct, immediate suspension will normally apply, followed by dismissal without notice if the

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offence is established and there are no acceptable mitigating circumstances.

### **Suspension**

- (i) An employee may be suspended from duty on full pay by the Director of Waste Disposal either:-
- to enable investigations to be made where the possibility of serious disciplinary action arises; or
  - where there are grounds for doubt as to the advisability of the employee continuing work pending criminal investigations or prosecution.

In the event of it being adjudged that the employee is not blameworthy, the suspension from duty shall be terminated.

- (ii) Where an employee is suspended from duty he/she shall be allowed to interview witnesses and obtain evidence.
- (iii) If the employee is adjudged blameworthy, the Authority shall have discretion to decide whether the offence is such as to warrant dismissal or to allow the employee to resume his/her duties after a warning as to his/her future conduct. The employee shall have the right to be represented in stating his/her case either in writing or orally.
- (iv) If the employee is dismissed, he/she shall be allowed to retain any such sum already paid to him/her as suspension allowance during the period of suspension from duty together with any holiday pay due to him/her at the date of his/her suspension from duty.

### **Dismissal**

The Director of Waste Disposal has delegated powers to:-

- (i) Dismiss an employee where previous warnings have been ineffective or for gross misconduct; and
- (ii) Exercise the powers of discipline and dismissal of all employees.

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## **Appeal**

An employee has a right to appeal against any formal disciplinary action. This appeal will be heard by the Director of Waste Disposal or an officer nominated by him. The nominated officer must be of a higher level of seniority than the line manager who took the original disciplinary decision.

Where an appeal is dismissed the appellant has a right to a final appeal. In the case of an oral warning, this final appeal is to the Director of Waste Disposal. In all other cases the final right of appeal is to the Appeals Committee of the Authority.

The right of appeal must be exercised by writing to the Director of Waste Disposal, within 5 working days of receipt of the warning or notification of termination of employment.

## **Review of Action**

- (i) In those cases where an employee is in receipt of a final written warning and the employee's conduct has been such as to warrant no further disciplinary action being taken for a period of one year from the date of the original offence, the disciplinary action shall be reduced to a first written warning. Thereafter the situation shall be reviewed after twelve months and if no further disciplinary action has been necessary within that period, the warning shall be expunged from the employee's record.
- (ii) All first written warnings shall have a review period of one year, after which time if no further disciplinary offence has been committed, they shall be expunged from the employee's record.
- (iii) All oral warnings shall have a review period of six months, after which time if no further disciplinary offence has been committed they shall be expunged from the employee's record.
- (iv) The results of all reviews of disciplinary action shall be communicated to the employees concerned in writing by the Director of Waste Disposal.

## **Elected Staff Side Representative**

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No disciplinary action other than an oral warning shall be taken against an elected departmental representative until the circumstances of the case have been reported to a full official and/or Branch Secretary and/or Branch Chairperson of the union concerned.

### **Exemptions**

The procedures outlined in this section relate only to disciplinary matters and do not apply to situations where notice is given to probationary or temporary employees and to employees engaged on a short term contract with less than twelve months' service.

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## **Section 12**

### **PROCEDURES TO DEAL WITH GRADING AND DISCIPLINARY ACTION APPEAL**

#### **1. Introduction**

The following outlines the procedure for appeals by employees against dismissals.

Appeals against salary grading or on matters arising from the disciplinary procedure will also be heard under this procedure.

#### **2. Appeals Committee**

The Authority will provide Appeals machinery at member level for all permanent employees of the Authority.

The employee shall be given notice in writing at least 14 days in advance of the time and place of the hearing and shall be allowed to be represented by his/her trade union representative or a work colleague and shall be enabled to call witnesses and produce documents relevant to his/her appeal.

#### **3. Hearing Procedure**

The Authority's representative(s) shall put the case in the presence of the employee and his/her representative and may call witnesses.

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The employee (or his/her representative) shall have the opportunity to ask questions of the Authority's representative on the evidence given by him/her and any witnesses whom he/she may call.

The Committee may ask questions of the Authority's representatives and witnesses.

The employee (or his/her representative) shall put his/her case in the presence of the Authority's representative and call such witnesses as he/she wishes.

The Authority's representative shall have the opportunity to ask questions of the employee and his/her representative and his/her witnesses.

The Committee may ask questions of the employee and his/her representative and his/her witnesses.

The Authority's representative and the employee (or his/her representative) shall have the opportunity, in that order, to sum up their case if they so wish.

The Authority's representative and the employee and his/her representative and witnesses to withdraw.

The Committee and the Clerk to the Authority or his/her representative, together with the officer appointed as Secretary to the Committee shall deliberate in private, only recalling the Authority's representative and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the points giving rise to doubt.

#### **4. Decision**

The Committee will announce the decision to the parties personally, or in writing as they may determine.

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## **Section 13**

### **Early Retirement**

1. The provisions included in this Scheme shall apply to the early retirement of any pensionable employee of the Authority to whom the provisions of the Local Government Superannuation Acts and Regulations apply.
2. Any early retirement of an employee under the provisions of this Scheme shall require the approval of the Authority Board and the consent of the employee. Early retirement of an employee may arise in conjunction with proposed changes in departmental staffing structures or complements or as the result of a voluntary application by an employee. The Authority will only give approval to the early retirement of an employee if it is in the interest of the efficient exercise of the Authority's functions.
3. This Scheme shall only apply to employees who:-

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- (i) are at least 50 years of age but have not reached the age of 65;  
and
  - (ii) have completed 5 years reckonable pensionable service.
4. An employee wishing to be considered for early retirement under this Scheme shall make application to the Director. All such applications shall be considered by the Authority which shall take into account any recommendations made by the Director and the Clerk to the Authority.
  5. The Treasurer to the Authority shall supply on request, to an employee who is likely to be considered for retirement under the provisions of this Scheme, full details of all benefits due to that employee upon early retirement.
  6. An employee who is 50 years of age or over but who has not reached the age of 65 years shall have their reckonable service at the date of early retirement enhanced provided that such enhancement shall not exceed the shortest period of the following alternatives, viz:-
    - (i) ten years: or
    - (ii) A period equivalent to the aggregate of the employee's reckonable and qualifying service; or
    - (iii) a period which, when added to the employee's reckonable service, does not exceed forty years, or
    - (iv) the period from the day following the early retirement of the employee to the day of their 65<sup>th</sup> birthday.
  7. An employee shall have the option, if they so wish of purchasing a number of additional years of scheme membership but limiting any enhancement of their service to 6 2/3 years.
  8. If an employee is entitled to compensation upon retirement under any other Regulations, then their pension and lump sum enhancement under this Scheme will be reduced in accordance with the provisions of such Regulations.
  9. The words "reckonable service" and "qualifying service" used in this Scheme shall have the same meaning as applies to them in the Local Government Superannuation Regulations.

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10. This Scheme shall come into operation on the 1<sup>st</sup> January 1980 and shall continue in force until such time as the Merseyside Waste Disposal Authority may, at any time, amend the provisions of the Scheme.

## **Section 14**

# Alcohol and Drug Misuse Policy

## **1. Introduction**

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The Authority has a duty, so far as is reasonably practicable, to provide and maintain a safe and healthy working environment for employees. The Authority recognises that alcohol and drug misuse problems are an area of social concern.

Increasingly the workplace is being seen as an appropriate context for preventative healthcare and development of alcohol and drug policies related to employment.

The Authority also recognises that an employee with such problems requires support and help

## **2. Legislation**

The following legislation applies to the application of this policy;  
Health and Safety at Work etc. Act 1974  
Management of Health & Safety at Work Regulations 1999  
Human Rights Act 1998  
Misuse of Drugs Act 1971

## **3. Definitions**

For the purpose of this policy, alcohol and drug misuse (which includes the improper use of solvents and other substances) is defined as:  
“the intermittent or continual use of alcohol and/or drugs which impairs or is detrimental to the employee’s ability and obligations in the areas of efficiency, safety, attendance or behaviour at work and/or to the employee’s relationship with their employer and working colleagues”.

## **4. Scope of Policy**

The Policy applies to all employees of the Authority

The Policy does not apply to employees who, because of excessive indulgence in alcohol on random occasions, behave in a manner contrary to acceptable standards of conduct and safety; and / or are found in possession of illegal drugs, or buying or selling drugs.

Such instances will be dealt with in accordance with the Authority’s Disciplinary Procedures.

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## **5. Aims**

The main aims of the policy are to:

- Ensure that misuse of alcohol or drugs does not compromise the safe, and efficient services of the Authority
- Alert employees to the risks associated with excessive consumption of alcohol and drug misuse and to promote a progressive change in attitude.
- Engender a climate which encourages honesty and gives both employees and management confidence to deal with alcohol or drug related problems.
- Encourage employees who suspect or acknowledge that they have an alcohol or drug related problem to seek help voluntarily at an early stage.
- Offer employees who may have an alcohol or drug related problem, support, assistance and the opportunity to seek assessment and treatment through Authority's Occupational Health Unit or from appropriate specialist agencies.
- Contribute to the promotion of the health, safety and welfare of staff, and stakeholders.
- Raise awareness of alcohol or drug related problems, its impact on the workplace and what help is available.
- Assist managers in dealing with alcohol or drug misuse incidents in the workplace.

## **6. Confidentiality**

The maintenance of strictest confidentiality is fundamental to this policy. Management will treat in the strictest confidence all dealings with individuals coming within the scope of this policy and any records associated with referral to the Occupational Health Unit or appropriate specialist agencies.

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## **7. Responsibilities**

### **Directors / Senior Managers**

Shall ensure that the requirements of this policy are included in the Health and Safety planning process and are implemented in all work locations for which they have responsibility.

### **Line Managers**

Shall make themselves familiar with the policy and ensure that their staff are aware of and understand its contents. They shall also be alert to possible alcohol or drug misuse within their area of responsibility. Appendix 1 contains examples of signs which may, but do not necessarily, indicate substance misuse problems.

Line Managers will provide support and practical assistance to those with alcohol and drug related problems, and shall take an objective and non-judgmental approach when investigating or taking action on any potential or actual case of alcohol or drug misuse.

### **Employees**

All employees shall;

- Report to work free from the effects of illegal drugs, misuse of prescribed drugs or alcohol and in a condition that allows them to perform their duties safely.
- Not possess, consume, sell or give away illegal drugs or controlled substances.
- Notify their line manager upon reporting for duty that they are on prescribed medication which may affect their ability to perform their duties or present any safety risks.

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- Not consume alcohol on Authority premises unless prior authorisation has been given by Senior Management.
- Not cover up or collude with any colleague who has or may have a substance misuse problem.

## **Human Resources Advice**

The Assistant Corporate Services Manager shall refer staff for support and assistance in appropriate cases and advise on the appropriateness or otherwise of recourse to the disciplinary procedure.

The Assistant Corporate Services Manager shall provide advice and guidance, to the Authority, in undertaking the measures needed to comply with the requirements of this policy and shall review this policy and associated guidance, periodically.

## **8. Process**

Should a manager suspect an employee may have an alcohol or drug related problem, factual information should be gathered relating to the employee's general conduct, behaviour or pattern of work. The situation should be approached with tact and sensitivity and the employee informed that any admission will be treated with respect and confidentiality.

In the interests of safety, an employee, who is considered to be under the influence of alcohol or drugs, may be suspended on a precautionary basis to remove them from the workplace. The employee should be sent from the workplace and asked to report to a senior manager usually the next working day. Precautionary suspension is not disciplinary action and implies no judgement or censure.

In such cases the employee should be strongly cautioned not to drive and, where necessary, arrangements should be made for the employee to be transported home or collected by a friend or relative.

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## **9. Referral for Assessment**

### **Voluntary Referral**

An employee who suspects or knows that they have an alcohol or drug related problem is encouraged to seek specialist help through a voluntary referral or by consulting their own general practitioner. The employee can approach their Line Manager or Assistant Corporate Services Manager for information, advice and support in obtaining specialist help.

### **Management Referral**

An employee who is identified through observation as misusing alcohol or drugs will be given the opportunity to seek a diagnosis and specialist help. In consultation with Assistant Corporate Service Manager the employee will be referred to the Authority's Medical Officers.

Progress will be monitored on a routine basis to ensure the employee is fully participating in the recommended treatment / rehabilitation programme.

### **Safeguard**

Encouragement to seek and accept help; and/or treatment from a specialist agency is on the understanding that:

- The employee will be granted time off or leave to undergo a course of treatment. Leave of absence required for a residential course of treatment, will be treated as sick leave and the terms of the sick leave/pay provisions will apply.
- Following a period of treatment the employee will be able to return/continue with the same job, unless it is decided that the effects of the employee's alcohol or drug related problem renders them unfit or unsuitable to resume that job, or where resumption of the job would be inconsistent with the long term resolution of the employee's alcohol or drug related problem, in which case suitable alternative employment will be sought.
- The confidential nature of all personal records will be strictly preserved.

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The Authority encourages their employees who suspect or know that they have an alcohol or drug misuse related problem to seek help from, their line manager, the Assistant Corporate Services Manager, or appropriate specialist agency. Where an employee is subject to formal proceedings, these will be held in abeyance where an alcohol or drug misuse problem is a factor, on condition that the employee involved follows a suitable and agreed course of action.

### **Management Referral during Formal Proceedings**

Formal proceedings, for the purposes of this policy, are any which are instigated in accordance with the Authority's approved Human Resource Policies and Procedures for e.g. Disciplinary Procedure or Grievance Procedure

The following approach will apply to such procedures:

If an alcohol or drug related problem emerges as a possible factor during formal proceedings, referral to the Occupational Health Service may be pursued as an alternative to formal action. If however the employee refuses to accept referral for medical examination or discontinues a course of treatment, formal proceedings will continue.

Following assessment, the appropriate formal procedure will be resumed:

- i) if the assessment shows no dependency problem then the appropriate formal procedure will be concluded,
- ii) if the assessment shows an alcohol dependency problem, then this may be used as mitigating circumstances in any resulting formal action,
- iii) if the employee subsequently fails to follow or co-operate with referral conditions, the Authority reserves the right to review the formal action taken.

If any further allegation of misconduct is raised against an employee during or following a period of referral, each case will be considered on its own merits under the Authority's Formal Procedures.

## **10. Education**

In terms of this policy the Authority will;

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- aim to promote a healthy lifestyle amongst employees;
- make advice and guidance available to employees of the risks associated with excessive consumption of alcohol and drug misuse;

## **Managers**

To ensure the effective implementation of the Policy, the Authority will offer support and guidance to Managers to:

- raise awareness of the nature of alcohol and drug misuse as it affects the workplace.
- raise awareness of how to recognise and respond to early signs of alcohol and drug misuse.
- ensure that managers can determine early recognition of problems, understand the use and implementation of support mechanisms, referral mechanisms and disciplinary procedures.

## **APPENDIX 1**

The Authority recognises the importance of identifying substance misuse problems as soon as possible. Some important signs which may, but do not necessarily, indicate substance misuse problems are:

- Employee coming forward with concerns relating to alcohol and/or drug issues.
- Frequent lateness and/or repeated brief periods of self-certified absence particularly related to weekends, holidays or after pay days.
- Poor performance, impaired concentration and memory
- Frequent submission of medical certificates for gastro-enteritis, dyspepsia, nervous debility etc.

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- Accidents either on or off the job.
- Smelling of alcohol or appearing to be under the influence of alcohol and/or drugs during working hours.
- Mood changes, irritability, lethargy.
- Deterioration in relationship with fellow employees, borrowing money.
- Hand tremors, slurred speech, facial flushing, poor personal hygiene.
- Stress related problems.
- Issues highlighted via the Grievance Procedure.

## **Section 15**

### **Employees' Personal Accident Scheme**

1. This Personal Accident Scheme provides for certain lump sum benefits to be paid by the Authority in respect of employees who are killed or permanently disabled in the course of their employment.

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2. The Scheme of Benefits shall apply to all employees of the Authority other than persons over seventy years of age.
3. All employees to whom the Scheme applies or their legal personal representatives shall be entitled to receive the payments set out in the Schedule hereto in respect of their sustaining bodily injury by violent accidental external or visible means as a result of which death or disablement occurs within twelve months of sustaining such injury whilst engaged in the business of the Authority on journeys directly connected there with and journeys between the private residence and place of work.
4. No payment will be made in respect of death or disablement caused directly or indirectly by:-
  - (i) suicide or attempted suicide, insanity, intoxication, the illegal use of drugs, venereal disease, pregnancy or child birth;
  - (ii) any pre-existing mental or physical defect or infirmity of any person in respect of whom compensation would otherwise be payable but only if and to the extent to which such defect or infirmity prolongs the period of disablement or causes death or other permanent total disablement;
  - (iii) racing of any kind or travelling on or entering or disembarking from any airborne craft. Travel as a passenger in duly licensed multi-engined conventional type passenger aircraft (other than helicopters) is not excluded.
5. In the event of any accident or injury to an employee which results in the death or permanent disablement of that employee being brought about by or aggravated by the conduct of that employee, no benefit shall be payable as of right in accordance with the provisions of the Scheme but the Authority may in their absolute discretion pay all or part of the benefits arising under this Scheme.
6. The benefits payable under this Scheme shall be payable regardless of and without prejudice to any claim by an employee against the Authority or a third party or by the Authority against such employee or a third party provided that such benefits will be set off against or recoverable from:-

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- (i) a sum received by the Authority under any Insurance Policy, other than a Policy effected for the purpose of this Scheme, in respect of the employee and for which the Authority is accountable to the employee;
- (ii) a sum in the nature of damages recovered by the employee as a result of any claim taken against a third party; or
- (iii) a sum in the nature of damages payable by the Authority arising from any claim made or action taken against the Authority as an employer.

Unless the Authority at the request of this employee, determines otherwise it is a condition of this scheme that an employee shall make and pursue a claim against any third party involved in an accident giving rise to a claim under this Scheme.

7. Any employee who considers that they have become entitled to benefits in accordance with his Scheme shall notify the Treasurer to the Authority and state the extent of his injuries provided that the personal representative of a deceased employee shall not be required to notify the Treasurer in respect of an accident or injury giving rise to benefits under this Scheme which brought about the employee's death, but shall supply the Treasurer with a death certificate and any further information which the Treasurer may require.
8. Any employee who becomes entitled to benefits in accordance with this Scheme shall make themselves available for and submit to any medical examination which the Authority may require provided that the time and place of such examination shall be reasonable and an employee who refuses to make themselves available for and submit to such examination shall not be entitled to payment of benefits under this Scheme.
9. Compensation in respect of any one person shall not be paid under more than one of the items in the Scale of Compensation in respect of the same period of time. The Authority shall not be liable in respect of any one person to make any further payment here under after a claim in respect of that person has been admitted in respect of permanent disablement of any kind.

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10. Payment of benefits shall be made as soon as possible after the degree of injury resulting from any accident is ascertained and no interest shall be paid to an employee in respect of any benefits.
11. From the benefits payable under this Scheme shall be deducted any amount payable under any superannuation or pension scheme applicable to the employees as defined in Paragraph 2 hereof (but not including the State Pension or Insurance Scheme) by way of death or injury benefit, award grant or allowance which may become payable in addition to the usual superannuation or pension benefits.
12. This Scheme came into operation on 5<sup>th</sup> July 1978 and shall continue in force until the Authority resolve that it shall be discontinued.

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## Schedule - Scale of Compensation

Item	Amount Payable
	The undermentioned Percentage of the Capital Sum
1. Death, total an irrecoverable loss of all sight in one or both eyes, total loss by physical severance of complete loss of use of one of both hands or feet at or above wrist or ankle, occurring within 12 months of sustaining bodily injury within the Meaning of the Schedule.	100%
2. Permanent total and absolute disablement (other than as stated in Item 1) from engaging in or giving attention to any profession or occupation of any kind.	100%
3. Permanent partial disablement (not otherwise Provided for above) the percentage of the capital sum set against the degree of disablement in the following table:-	
(a) total loss of hearing in both ears	40%
(b) total loss of hearing in one ear	10%
(c) complete loss of use of hip or knee or ankle	20%
(d) removal of the lower jaw by surgical operation	30%
(e) fractured leg or foot with established non-union	25%
(f) factured knee cap with established non-union	20%
(g) shortening of a leg by at least 3 centimetres	15%
(h) loss of amputation or complete loss of use of :-	

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		<u>Right</u>	<u>Left</u>
(i)	one thumb	20%	17.5%
(ii)	one index finger	15%	12.5%
(iii)	any other finger	10%	7.5%
(iv)	any big toe	10%	10%
(v)	any other toe	3%	3%
(j)	complete loss of use of shoulder or elbow	25%	20%
(k)	complete loss of use of wrist	20%	15%

### **Memoranda**

1. The benefits under (h), (i) and (j) shall be reversed in the case of a left handed person.
2. In the case of other permanent partial disablement not specified in Item 3, the amount payable shall be such percentage of the capital sum as is commensurate with the degree of permanent partial disablement when compared with the degree of disablement specified in Item 3.

### **Capital Sum**

The capital sum referred to in this Scale of Compensation is five times the annual earnings of the employee subject to a minimum payment of £20,000.

The term annual earnings shall mean the gross annual rate of wage or salary of the injured person at the date of disablement.

### **Medical Referee**

Any question relating to the degree of disability or interpretation of this Scale of Compensation shall be referred to a medical referee appointed by the Authority.

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## **Section 16**

### **Statement of Health and Safety**

1. Health and Safety is the responsibility of all employees at all levels within the Authority. This is a statutory duty that must be accepted and complied with to reduce the risk of injury and ill health to us and others.

Whilst the Health and Safety at Work Act imposes a general duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees whilst at work, it also places a statutory duty on employees, to take reasonable care of themselves, and others, who may be affected by acts or omissions whilst at work.

To fulfill these duties it is the Authority's intention to ensure that there are effective organisational arrangements in place at all levels of the our organisation to manage health and safety.

To do this the Authority requires the cooperation of all employees to consider health and safety in everything they do from the very simple to the more complex tasks. Health and Safety is the responsibility of us all and it is only by developing an active safety culture that we will achieve our aim.

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2. In pursuance of the above statement the Authority will as so far as reasonably practicable ensure that:-
  - Adequate Resources are provided so that proper provision can be made for Health and Safety
  - By risk assessment there is adequate control of the health and safety risks arising from our work activities.
  - There are established and maintained procedures for consultation and communication on health, safety and welfare, between employees and management, at all levels of the organisation.
  - The plant, machinery and equipment we provide is suitable for use, is safe and is maintained in a safe condition.
  - Arrangements are in place to ensure that articles and substances are used, handled, stored and transported safely and without risk to health.
  - Employees are provided with such information, instruction, training and supervision as is necessary to secure the safety and health of themselves and others.
  - Safe and healthy working conditions are maintained in all our workplaces
  - Accidents and cases of work related ill health are, so far as is reasonably practicable, prevented.
  
3. Without detracting from the primary responsibility of Managers and supervision to ensure safe conditions of work, the Authority will arrange competent technical advice on safety and health matters to assist management in its task.
  
4. The Authority believes that accidents can be avoided by the joint efforts of both Management and employees and it is in this belief that the Authority will:-
  - (i) co-operate fully in the appointment of Safety Representatives from recognised Trade Unions
  - (ii) provide elected Safety Representatives with facilities, information and training to carry out their tasks
  - (iii) establish a Safety Committees as appropriate and provide facilities for Safety Committee Meetings

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- (iv) monitor the progress of the accident prevention programmes and measure efforts against past experience
5. As employees of the Authority you will be expected to:
- To co-operate with management to enable them to fulfill the Authority's statutory duties.
  - To take reasonable care for the health and safety of yourselves and of any person(s) who may be affected by your acts or omissions at work.
  - Not to interfere with or misuse anything provided in the interests of health and safety.
  - To report any situation which you may consider presents a serious or immediate danger to health and safety.
  - Report any matter that you consider to be a shortcoming in the Authority's arrangements for health and safety.
  - To report all accidents, acts of violence, near misses and ill health to your line manager at the earliest opportunity.

A copy of this statement will be issued to every employee. Where this Statement of Safety Policy is revised or modified each employee concerned with such changes will be notified.

## **Section 17**

### **General Matters**

#### **1. Extension of Service of Employees Beyond the Age of 65**

Extensions of service or appointments beyond the age of 65 shall not be permitted except on the specific authority of the Authority Board and by agreement with the appropriate trade union, and only then in exceptional cases where it is in the interests of the Authority.

#### **2. Recognition of Long Service on Retirement**

A gift of the employee's choice to the value of £100 shall be made to employees on retirement after 25 years continuous Local Government Service (including outside the Merseyside area) and, a further £4 for each completed year of service in excess of 25.

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For this purpose, service with one of the local constituent authorities prior to reorganisation or an existing local authority shall be counted, where that service is continuous.

3. **Termination of Service on Grounds of ILL Health**

In the event of the Medical Officer recommending that the service of an employee be terminated on the grounds of permanent ill health, the Director shall be delegated authority to take all necessary action to implement the Medical Officer's recommendation, subject to the Clerk to the Authority being satisfied in all cases that the appropriate sick leave entitlement and/or requisite period of notice is afforded to the employee concerned. Any employee whose services are so terminated shall be given the right of appeal to an independent medical referee whose findings will be considered in conjunction with those of the Medical Officer.

3. **Payment in Lieu of Notice**

In the event of an employee being retired on the grounds of ill health, the employee may, if he/she so desires, receive payment of salary/wages in lieu of notice, or work their notice period on full pay, to accrue additional pension rights.

4. **Employees Engaging in Other Employment Outside Normal Working Hours**

Except where it is a condition of appointment, indicated in an employee's individual statement of particulars, expressly barring him/her from engaging in other employment outside normal working hours, the provisions of the National Agreement will apply in all other cases.

5. **Retention of Fees Etc.**

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Officers are permitted to retain half of any fee payable in respect of a talk, lecture and the like, given in normal office hours, the balance being paid to the Authority.

6. **Damage to or Loss of Personal Property**

The Director is authorised to settle claims by employees for damage to or loss of property not exceeding £100 provided that, in settlement of such claims, due consideration is given to the provision made by the Authority for employees to use facilities provided for the security of their possessions.

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