



Employment Contracts for Local Councils

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Holiday pay

The clerk's final working day was 30 June 2013. His contract of employment states:

"The employee is entitled to four weeks' paid leave each year including all public holidays. The employee's leave year starts on 1 January. On termination of employment, the employee shall be entitled to receive pay in lieu of any annual leave outstanding at that date."

The clerk took four days' leave in 2013.

What is his entitlement to accrued holiday pay?

Notice

The clerk employment began on 1 January 2001

Her contract of employment states:

“Either party may terminate the contract of employment by giving one month’s notice in writing”.

1. She is dismissed on 1 January 2014 on notice
2. She resigns on 1 January 2014 on notice

When should her employment come to an end?

Continuity of employment

The council's new clerk left a neighbouring council on a Friday to start work at the council the following Monday.

The council also employs a swimming pool attendant during the summer season when its pool is open. Each season the council issues her with a new employment contract.

All council contracts of employment state “ No previous service counts for purposes of continuity of employment”

Will the clause be effective in either case?

Hours of Work

The clerk works for three other councils. The council does not know her total number of hours in all four jobs.

Does it need to find out?

Employment status

The council's litterpicker works for a few of hours every month – The council pays him by cheque every couple of months. He does not have a written contract – He is happy with the arrangement.

Is it ok to continue on this basis?

Pensions

The council's new clerk has previous Local Government Pension Scheme membership from his employment with the district council. His contract with the local council does not contain a contractual entitlement to LGPS membership.

Is the council required to enrol him in LGPS?