

CAREER BREAKS - GUIDELINES



1. INTRODUCTION

LU recognises that from time to time some employees might require an extended period away from the workplace in order to attend to external commitments. In such circumstances an employee may be entitled to take a career break.

The term career break is used here to describe a voluntary, unpaid break in service, or period of unpaid special leave, taken in order to:

- meet primary childcare responsibilities;
- be the prime carer for an elderly and/or seriously ill person, normally a relation;
- pursue a course of full-time study;
- deal with family affairs or undertake an extended period of travelling, normally abroad.

These guidelines detail eligibility for a career break, together with associated terms, conditions and responsibilities.

2. BACKGROUND

In order to provide an excellent service to its customers and meet its business objectives, LU aims to retain the services of skilled and experienced employees.

The company's Work-Life Balance Standard acknowledges that employees have lives outside the workplace which may give rise to a range of demands and commitments.

Career breaks are one of the provisions of the Work-Life Balance Standard. This provision provides flexibility to employees who require time away from work to fulfil external commitments, and in so doing aims to retain their services.

3. CAREER BREAK PROVISION

Career breaks are a discretionary benefit, and all applications for a career break will be subject to operational requirements and business need. Employees may apply where they have primary childcare responsibilities or are the prime carer for an elderly and / or seriously ill person, normally a relation. Employees may also apply where they wish to pursue a period of full time study in an area related to their work, or to deal with family affairs or undertake an extended period of travel, normally abroad. Career breaks are not intended to enable employees to take unpaid employment elsewhere.

A career break can be of up to five years in duration. In order to be eligible, employees must have at least three years of continuous service at the time the career break starts. Employees must further have achieved a satisfactory level of both performance and attendance. Employees will not be allowed to take more than one career break during their employment with the company.

Where an approved career break is for longer than six months, the employee will be required to resign from their position with the company, and may apply to return to work for the company at the end of the break. Where the approved career break is for six months or less, the employee will be given special leave without pay, and will be able to resume to the same or similar post on returning to work.

4. DEFINITIONS

4.1 Primary Childcare

Employees must have the main responsibility for looking after their own or adopted children. A child is defined as a person under the age of 16 years. The age limit may be increased to 18 years if the child is physically or mentally disabled and for whom a disability living allowance is received.

Proof of primary childcare must be provided. This may be one or more of the following according to the circumstances:

- (MATB1) maternity certificate;
- legal documentation awarding custody of child/children to the employee;
- child's birth certificate;
- adoption papers.

Discretion should be exercised regarding the proof required where the employee is in a same gender relationship and/or is not the legal spouse of the parent of the child or children, and therefore legal documentation may not be available.

4.2 Primary Care for an Elderly and/or Sick Person

Employees must be the prime carer for the elderly or sick person, who would normally be related to them. Examples of this would be where the employee's parent is infirm, or their partner is seriously ill, and a high degree of attention or nursing is required.

A statement from an appropriate medical practitioner regarding the need for attention or nursing of the person requiring care must be provided.

4.3 Course of Study

Employees must be intending to undertake a course which works towards a recognised qualification or skill relevant to the employee's work. This may range from a short course through to a course leading to a degree or professional qualification, or a course designed to help minority groups develop key skills.

Where the career break is requested for study purposes, the employee should provide full details of the proposed course of study to their employing manager as evidence of work-related study. At the earliest opportunity, this should be supported by a letter from the course leader confirming acceptance on the course.

4.4 Period of Extended Travel

Employees may apply for a career break in order to undertake a period of extended travel, normally abroad, in order to attend to family affairs or to broaden their personal experience. Details of travel plans, together with an explanation of why additional time off is required beyond normal annual leave entitlement must be provided. Once the career break has been agreed, the employee will be required to provide evidence of travel bookings.

5. CAREER BREAK APPLICATIONS

5.1 Arranging a Career Break

In the first instance, employees wishing to take a career break must notify their employing manager. Three months' notice should normally be given of the intention to take a career break and the expected duration. The maximum duration for a career break is five years.

The employing manager is responsible for progressing the request and making the necessary arrangements, supported by the local Human Resources (HR) office. Final approval of a request for a career break will need to be given by the employing director, based on a recommendation from the employing manager, who should give due consideration to the needs of both the employee and the business.

Where a request for a career break is granted, the employing manager should notify LU Resourcing, who will maintain a central record of all employees on career breaks.

6. EMPLOYMENT

6.1 Career breaks of six months or less

A career break of six months or less will be taken as unpaid special leave. Although the career break is unpaid, the contract of employment will continue to apply. The employee will be able to return to the same or similar job on returning to work.

6.2 Career breaks of over six months

Where the approved career break is for longer than six months, an employee will be required to resign from their position with LU. At the end of the career break the employee may apply to return to work. Every attempt will be made to provide a post at the same grade and, where possible, in the same location or area. However, re-employment with the company cannot be guaranteed.

A career break will contribute towards continuous service provided that the employee returns to work within the company, and has not taken up other paid employment, nor registered as available for work with the Employment Service during the break. Continuous service in relation to career breaks is further defined in Section 12.

Where an employee does work during a career break and is subsequently re-employed, the career break will not be counted towards continuous service. The normal practices regarding aggregation of service following a break in employment resulting from a resignation will apply.

Employees on a career break will be eligible to apply for promotional positions. They will be expected to attend for any interview or tests appropriate to the position in their own time. If found suitable, the employee must be prepared to take up the position in accordance with the promotion arrangements or as directed by the manager concerned. If the employee takes up the new position, this will terminate the career break, which will contribute towards continuous service, providing the terms of the career break have been observed.

7. PAY AND BENEFITS

7.1 Career breaks of six months or less

As the employee is not required to resign, all contractual terms and conditions (apart from pension contributions) and eligibility for benefits will continue to apply, including travel facilities. This includes the requirement for the employee not to take up employment outside the company. It also means that annual leave entitlement will continue to accrue. The employee and their manager need to agree in advance when the leave which will accrue during the career break will be taken. For instance, the appropriate number of days may be regarded as the final days of the agreed career break, with salary paid accordingly.

Membership of the TfL Pension (the Fund) during the career break is usually treated as non-pensionable and will not count towards any pension benefits when the employee later leaves service.

On returning to service after a career break the employing manager must advise the Fund Office so that pension contributions can start again. However, the employee may elect before the start of the career break to pay his or her own scheme contributions during the period of leave so that this period of absence is treated as pensionable and will count towards pension benefits when the employee later leaves service. After 13 weeks the employee, at the discretion of the Participating Employer, is liable to pay special additional contributions equal to the contribution the employer would have paid.

Unless advised otherwise by the employee the period of Fund membership during the career break will be treated as non-pensionable.

7.2 Career breaks of over six months

As the employee is required to resign, they will be removed from the payroll for the duration of the career break. A P45 will be issued to the employee, who should contact their tax office for advice on any possible tax rebates.

Where the employee is subject to performance related pay (PRP) arrangements prior to the career break, the employing manager must carry out a performance review for the period from the last annual performance review on which performance pay was based, to the start of the career break. (See Section 12.3 regarding salary on return from a career break.)

The employee will not be entitled to receive travel facilities or benefits during the career break and annual leave entitlement will not accrue. The employee will also not be eligible for membership of the TfL Pension Fund, and will not receive employer national insurance contributions. The employee should contact their local tax office to make arrangements with regard to the voluntary payment of national insurance.

The employing manager, in liaison with HRS, must advise Payroll Services, the TfL Pension Fund and the Staff Travel Section that the resignation of the employee is in fact a career break. As the employee is required to resign, membership of the TfL Pension Fund will stop and the employee advised of the benefit options available under this period of Fund membership. Career breaks are treated in the same way as when an employee leaves service, so on their return they will be treated as a new member and have a separate period of Fund membership. However, the employee does have the option of linking these two periods of membership together and details will be provided at the time of the request by the Fund.

On returning to service after a career break the employing manager must advise the Fund Office so that a new period of membership and pension contributions may begin. The person's staff file must be endorsed to this effect and retained with current staff files.

Where an employee is eligible for reimbursement of professional fees under existing company policy, this entitlement will continue during the career break. Such fees arising during the break will be paid in full, three months after the employee returns to work from the career break. Receipts must be provided as proof of payment for all reimbursement claims.

8. COMMUNICATION DURING A CAREER BREAK

The employing manager will remain responsible for the employee during the career break and should agree to meet with the employee at least once every six months during the period of the career break. These meetings are intended as an opportunity to pass on information regarding matters which may affect the employee, as well as to keep the employee informed of the prospects for a return to work. Where the employee is taking the career break in order to travel, such meetings will not always be possible, so alternative arrangements for regular contact must be made in advance.

The employing manager and the employee must also jointly agree to any arrangements requested by the employee to be kept advised of job vacancies during the career break.

Where any change occurs within the organisation with the effect that a new employing manager becomes responsible for the employee on a career break, HRS must take steps necessary to ensure that both parties are informed of the situation and that a smooth hand-over takes place.

9. WORK REFRESHER TRAINING

Where a career break of more than six months is agreed, the employee concerned may, where appropriate, be required to attend work to undergo training and/or work updating for a minimum of two weeks per year in order to maintain working knowledge and skills levels. The employing manager

should arrange this in conjunction with the employee, having due regard for the employee's domestic circumstances, study commitments or travel arrangements. Some flexibility may be needed according to these factors.

The attendance period should either be arranged before the employee begins the career break or during the six monthly meeting. The employing manager will be responsible for determining the most appropriate form of refresher training in conjunction with the Learning and Development office, where it is felt that such training will be beneficial.

Employees will be required to sign a short fixed-term contract for periods of work refresher training. During this attendance period the employee will receive payment on a pro rata basis in accordance with contractual salary, and travel facilities will be reinstated. The contractual salary applicable will be based on the same formula for an employee returning from a career break, without any element of PRP adjustment. (See Section 12.3.)

10. EXTENDING A CAREER BREAK

Where the approved career break is for more than six months, and less than five years, the employee may subsequently elect to extend the break beyond the notified period, up to the maximum of five years. An extension of this kind is permitted subject to the employee providing three months' notice to their employing manager, and will only be allowed on one occasion.

Where the approved career break is for six months or less, an extension will not normally be allowed, except where extenuating circumstances exist (see Section 11.1 below).

11. ENDING A CAREER BREAK

11.1 Career breaks of six months or less

A firm return date should be agreed between the employee and their manager at the point when the career break is approved. The employee should confirm the return date four weeks in advance. If the employee wishes to return earlier they should provide the employing manager with at least four weeks' notice. The notice is necessary to enable the manager to terminate any arrangements made to cover the absence of the employee, arrange any refresher training which may be deemed necessary or, where appropriate, liaise with HRS regarding an alternative position for the employee on their return.

For employees subject to performance related pay, performance ratings will be based on the periods during which the employee was at work and awards will not be pro rated to account for the career break.

An employee taking a career break of six months or less would not normally be entitled to extend the break. However, an extension may be possible where extenuating circumstances exist, such as in the case of the continued illness of

a relative. In this case, an employee should give at least four weeks' notice where possible to their manager, providing detailed reasons and supporting evidence (such as a medical statement). If the employing manager feels an extension is justified, then an extension of up to a further four weeks may be agreed. Any extension beyond this would, if agreed and approved by the employing director, need to be treated in the same way as a career break of over six months.

11.2 Career breaks of over six months

An employee must contact their employing manager three months prior to the end of the career break to confirm the date that they intend to return. The employing manager will consider whether there are any appropriate positions available within their area of responsibility.

If no suitable positions exist locally, the employing manager must liaise with HRS and Resourcing to ascertain whether any suitable positions exist elsewhere in the company.

In any event, the employing manager must ensure that the employee is informed of progress regarding their request to return to work. In particular, the employee should be given the maximum possible period of notice if it is not possible to accommodate their request to return to work.

Where it is not possible to accommodate a request to return to work, or where the employee has not complied with the terms of the career break, the employing manager must advise Payroll Services, the TfL Pension Fund, the Staff Travel Section and Resourcing that the career break arrangement for the individual have ended. The person's staff file should then be moved to "dead" records or archived as approved.

11.3 Applicable to all career breaks

Immediately prior to returning to work, the employee's medical fitness for work will need to be confirmed, which may involve a physical examination.

Upon returning to work, employees may be required to undertake further refresher training in order to ensure licences are in date and provide assurance of competence. This refresher training must be organised by the employing manager in consultation with the Learning and Development office, and carried out before the employee resumes full duties.

Where an employee decides during the course of a career break that they no longer wish to return to employment with LU, they should notify their employing manager at the earliest opportunity of their intention to terminate the arrangement. In this case, the employee's name should be removed from the Resourcing's central register.

12. CONTINUITY OF SERVICE – RETURN FROM CAREER BREAKS OF OVER SIX MONTHS

12.1 Membership of the TfL Pension Fund

The period of the career break will be non-pensionable. On returning to service after the career break, the employing manager must advise the Pensions Office so that membership and contributions will start again. Membership will be as a new entrant. However, the employee does have the option of linking theseir two periods of membership together and details will be provided at the time of the request by the Fund

12.2 Re-employment

The employee will be re-engaged as a new entrant with a new employee number. However, Payroll Services must be advised by the employing manager that the employee has returned from a career break, and sick pay entitlement will be continuous inclusive of the career break period.

The employee must be issued with a new contract which includes a statement to the effect that employment is regarded as continuous from the original employment start date inclusive of the period of the career break.

The person's original staff file should be used, endorsed with the new employee number.

12.3 Salary

The following arrangements are correct at the time of issue of these guidelines. Where pay rules change during the period of an employee's career break, the rules applicable at the date of return will apply.

Return to job of the same grade

Where the employee can be offered the same job or an alternative job of the same grade, on return, their salary should be based on the current rate for the job. Where the salary is based on a salary band, the new starting salary will be that applicable to the same position on the band as applied at the time the career break started. Performance related pay will not apply for the period of the career break. However, if the employee would have been eligible for a performance related pay increase at the next PRP revision date following the start of the career break, an increase may be applied according to their performance rating for the year in question, pro rated to the time worked in that year, providing this can be based on at least three months' work. (See Section 7.2.) Where the salary is based on increments, the employee will return on the current salary applicable to the position on the salary range which applied when the career break started.

Return to alternative job of different grade

Where the employee is offered and accepts an alternative job of a different grade, the current rate for the alternative job will apply. Where the alternative job is subject to PRP:

- If the employee was previously subject to performance related pay, the same formula will apply as for employees returning to a job of the same grade.
- If the employee was not previously subject to performance related pay, the normal pay rules will apply as for an employee transferring or being promoted, based on the rate for the previous job, either the spot salary or the incremental point, at the time of returning.

12.4 Service Related Benefits

Any service related benefits such as long service awards and additional service related leave will include the period of the career break.

12.5 Travel Facilities

The employing manager must advise the Staff Travel Section that the employee has returned from a career break. The employee's service for the purposes of entitlement to travel facilities (including privilege ticket authority cards where the employee held one immediately prior to starting the career break) will then include the period of the career break.

The Career Break Guidelines effective from 23.10.00 are hereby superseded.