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**NATIONAL JOINT COUNCIL
FOR LOCAL AUTHORITY
FIRE AND RESCUE SERVICES**

**To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of Human Resources at Fire Authorities**

Members of the National Joint Council

30 December 2011

CIRCULAR NJC/10/11

Dear Sir/Madam

SICK LEAVE – TAKING OF ANNUAL LEAVE

1. We write to advise authorities that the Employees' Side of the NJC has brought forward a claim in connection with the above matter.
2. The Employees' Side is seeking amendment to the current NJC Grey Book provisions to reflect its understanding of the Stringer and Pereda European Court of Justice rulings. Namely:

(a) Section 4 Part C paragraph 7 to read:

“Where leave is not taken during the leave year which is not as a consequence of the decisions of the individual he/she will be entitled to take any outstanding leave. Where the return date requires some or part of that leave being taken in the following year it shall be taken within 3 months of his/her return to work. An individual will not have to take such leave on days when he/she would otherwise be entitled to be excused from duty.”

(b) Section 4 Part C paragraph 10 to read:

“Payments in lieu of any leave accrued but not taken in the current leave year, or in circumstances as described in paragraph 7 above, shall be made in cases of termination of employment. In the case of death this amount shall be paid into the employee's estate.”

(c) Section 5 Part B 24 to read:

“An employee who falls sick whilst on annual leave or who is absent on account of sickness when his or her annual leave falls due shall be entitled to take any outstanding leave. Where the return dates requires some or part of that leave being taken in the following year it shall be taken within 3 months of his/her return to work. An individual will not have to take such leave on days when he/she would otherwise be entitled to be excused from duty.”

(d) Section 5 Part B 25 now to state:

“Where an employee is on sick leave on a public holiday he or she shall still be entitled to a day’s leave in lieu later.”

3. At the recent meeting of the National Joint Council the Employers’ Side responded that there were a number of wider factors to be taken in to account in consideration of the claim. It was agreed that discussion should take place at Joint Secretary level.
4. These discussions commenced at a recent regular business meeting of the Joint Secretaries.

Yours faithfully

SARAH MESSENGER

MATT WRACK

Joint Secretaries