

STATES OF JERSEY



STATES EMPLOYEES STANDING FOR ELECTION: USE OF ANNUAL LEAVE AND TIME OFF IN LIEU (P.66/2009) – COMMENTS

Presented to the States on 2nd June 2009
by the Chief Minister

STATES GREFFE

COMMENTS

1. The Law relating to political activities for “politically eligible” employees became effective in the spring of 2008 – some months before the elections.
2. One provision of the Law – in Article 36 – is that a politically eligible employee wishing to stand for election to the States “shall be granted unpaid special leave” upon public nomination.
3. This is consistent with legislation in the U.K. where Civil Servants and Local Government employees are required to resign if they wish to stand for election to both Parliament or Local Authority Assemblies. One assumes that the principle underlying this arrangement is that employees fighting an election for public office should not be paid from the public purse whilst they are doing so.
4. Soon after the new Regulations took effect, it became known to the Human Resources Department that Mr. Trevor Pitman in the Education Department, and one or two other States employees, wished to stand for election. The Education, Sport and Culture Department, having sought advice from the States Human Resources Department, applied Article 36 literally and rejected Mr. Pitman’s request that he use accrued annual leave and time off in lieu (TOIL) of overtime worked in order to qualify for payment whilst electioneering as not consistent with the Law.
5. In his report, Deputy Pitman implies that he had the support of his line manager and departmental HR representative in his endeavours: this has been denied by both officers. He puts the matter down to “the internal wranglings of HR.” This is unfair: the Department was simply applying the Regulations that the States had recently approved.
6. Just prior to the Senatorial elections (in October 2008) this matter was raised at the States Employment Board (as previously constituted). Whilst the Board recognised that the Department had simply followed the Regulations, it had some sympathy with Mr. Pitman’s position and did not feel that this was an issue worth resisting.

The States Employment Board is of the view that the Proposition is acceptable. Article 36 of the Law would need to be amended – in order to provide complete clarity – and this can be done by Regulations. Instructions will be given to the Law Draftsman for this to be implemented.