

# STATES OF JERSEY



## **DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 4) (JERSEY) REGULATIONS 200-**

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**Lodged au Greffe on 24th November 2009  
by the Chief Minister**

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**STATES GREFFE**





Jersey

## **DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 4) (JERSEY) REGULATIONS 200-**

### **REPORT**

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In accordance with the Employment of States of Jersey Employees (Jersey) Law 2005 certain States of Jersey employees were deemed “politically eligible” to stand for election whilst continuing to be employed. In order to do so they were granted unpaid special leave from the date of their nomination.

A proposition was lodged in the States by Deputy T.M. Pitman of St. Helier on 1st June 2009, requesting that “politically eligible” States of Jersey employees should be permitted to take untaken accrued annual leave or authorised time off in lieu of extra hours worked, in addition to the existing provision for unpaid special leave.

Previously “politically eligible” employees had to take unpaid special leave once they had been nominated to stand as a States Member.

Following Deputy Pitman’s proposition, it was agreed that “politically eligible” employees standing for election should be given the option to use untaken accrued annual leave or authorised time off in lieu of extra hours worked so they would not be financially disadvantaged.

These draft Regulations contain an amendment to Article 36 of the Employment of States of Jersey Employees (Jersey) Law 2005 to reflect these changes. The new paragraph (3) simply reaffirms that unpaid special leave is not pensionable.

#### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from these draft Regulations.

## **Explanatory Note**

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These Regulations would amend Article 36 of the Employment of States of Jersey Employees (Jersey) Law 2005. Article 36 requires a politically eligible States' employee who stands for election as a Senator, Deputy or Connétable to take leave from the day of his or her public nomination for office until he or she resigns or returns to work remains unchanged. However this amendment would provide that the employee is no longer required to take unpaid special leave for the whole of that period. Instead, the employee would be able to use annual and other leave accrued in accordance with the terms of his or her employment, if he or she so wishes.



Jersey

## **DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 4) (JERSEY) REGULATIONS 200-**

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 42 of the Employment of States of Jersey Employees (Jersey) Law 2005<sup>1</sup>, have made the following Regulations –

### **1 Article 36 of the Employment of States of Jersey Employees (Jersey) Law 2005 amended**

In Article 36 of the Employment of States of Jersey Employees (Jersey) Law 2005<sup>2</sup> for paragraphs (2) and (3) there shall be substituted the following paragraphs –

“(2) A politically eligible States’ employee shall take leave for the period commencing with the day of his or her public nomination for office and ending with whichever is the earlier of –

- (a) his or her resignation from employment as a States’ employee; or
- (b) his or her return to work under Article 37(3).

(2A) If –

- (a) a politically eligible States’ employee has insufficient annual and other leave accrued, in accordance with the terms of his or her employment, that the employee may take to comply with paragraph (2); or
- (b) the employee does not wish to take all or any of that leave to comply with paragraph (2),

the employee shall be granted unpaid special leave for so much of the period described in paragraph (2) for which the employee does not take annual or accrued leave.

(3) If a politically eligible States’ employee who is required to make contributions under any pension scheme established under the Public Employees (Retirement) (Jersey) Law 1967 or the Teachers’

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Superannuation (Jersey) Law 1979 is granted unpaid special leave under paragraph (2A) –

- (a) notwithstanding any requirement of the pension scheme, neither the employee nor his or her employer shall make contributions under the pension scheme whilst the employee is on such leave; and
- (b) the period for which the employee is on such leave shall be disregarded in determining the employee's period of pensionable service for the purposes of the pension scheme.”.

## 2 Citation and commencement

These Regulations may be cited as the Employment of States of Jersey Employees (Amendment No. 4) (Jersey) Regulations 200- and shall come into force 7 days after they are made.

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- <sup>1</sup> *chapter 16.325*  
<sup>2</sup> *chapter 16.325*