

University of St Andrews

Human Resources

Guidance for the use of Casual Contracts

These guidelines aim to provide information about the use of the revised casual contracts. If you have any queries please contact Salaries ext 2560/2644.

1 DEFINITIONS

Casual Contract: To be used for short-term casual employment and the post is to be funded by the school/unit/grant casual budget, using only current published hourly rates on the Salaries website.

Type of contract – criteria can be found at (link to flow chart)

- Bank worker contract
- Casual engagement contract
- Fixed term worker

Monthly Timesheet: An on-line monthly time-sheet can be accessed from the Salaries website. The form can be accessed by anyone who has a University e-mail address and works in the same way as the on-line expense claim form, using user ID or payroll ID.

2 DURATION

Student/Current Staff: The individual can hold a bank worker contract for the length of time they are a student at the University or a member of staff.

Non Student: A maximum of 12 weeks

The use of short term casual contracts allows you to retain necessary flexibility within your School/Unit. However, short term contracts **should not** be used on an ongoing basis. In cases where employment will extend beyond the scope of an initial short term contract you should contact Human Resources on ext 3096. Please see (link to flow chart) for guidance on type of contract to be used.

3. WHEN TO USE A SHORT TERM CASUAL CONTRACT

- If a post requires specialist expertise or experience not readily available within the University *in the short term*.
- To cover staff absences e.g. short term sickness, parental leave etc.
- There is a business need for input from specialist practitioners.
- Where student or business demand is particularly uncertain.

Where your situation falls outside the above criteria or you require any further information please contact Human Resources ext 2350 or 3096.

4. ENTITLEMENT TO WORK IN THE UK

The University must verify prior to the commencement of employment that all new members of staff have:

- The right to work in the UK
- The right to undertake the post being appointed to

You must ensure that the appropriate documentation is attached to all casual contracts, even if the person has been employed by the University previously. Please refer to the nationality check guidelines <http://www.st-andrews.ac.uk/hr/salariesandpensions/casualstaff/nationalitychecks/>

Listed below are the countries which form part of the EEA plus Switzerland. These individuals are free to enter the UK without any restrictions but the checks listed in Sections 7 and 8 must still be undertaken.

EEA nationals (European Economic Area) - member countries are:-

Austria, Belgium, Bulgaria#, Cyprus, Czech Republic*, Denmark, Estonia*, Finland, France, Germany, Greece, Hungary*, Iceland, Ireland, Italy, Latvia*, Liechtenstein, Lithuania*, Luxembourg, Malta, the Netherlands, Norway, Poland*, Portugal, Romania#, Slovakia*, Slovenia*, Spain, Sweden, UK.

EXCEPTIONS

*Nationalities from these countries do not require a Work Permit but they are required to register with the Border and Immigration Agency within one month of starting work, unless they are exempt from doing so. A copy of the Registration or Exemption Certificate must be passed to Human Resources. Details on the Workers Registration Scheme can be found in Appendix 1. Alternatively, contact Human Resources for guidance on registration on ext 1999 or email humres.

#BULGARIA AND ROMANIA

EEA nationals from Bulgaria and Romania are free to come to the UK but can only undertake employment if they hold a valid Accession Worker Card from the Border and Immigration Agency or have a registration certificate stating they have unconditional access to the UK labour market (see Appendix 2). A copy of the Accession Worker Card must be passed to Human Resources. **PLEASE NOTE THAT NATIONALS FROM BULGARIA AND ROMANIA CANNOT COMMENCE EMPLOYMENT WITHOUT THE RELEVANT DOCUMENTATION.** Please contact Human Resources for guidance on worker authorisation on ext 1999 or email humres.

5. STUDENT WORKERS

If you are employing student workers you must ensure that individuals are entitled to work during their studies at the University.

Students who are EEA nationals (with the exception of those from Bulgaria; the Czech Republic; Estonia; Hungary; Latvia; Lithuania; Poland; Romania; Slovakia; Slovenia; who are required to register) are free to take employment without having to obtain permission to work.

If you are employing students from **outside the EEA for over 20 hours per week** you should check the conditions of the visa stamped in their passport. To be allowed to work, the employment condition should be a '*restriction*, rather than a '*prohibition*' on work.

If the individual is enrolled on a course of more than 6 months duration, they will usually be given a 'restriction' on work and can work during their studies.

6. NON STUDENT WORKERS

If you are employing non student workers from outside the EEA you must ensure that individuals are entitled to work in the UK. This can be done by checking the conditions of the visa stamp in their passport.

7. VERIFYING THE DOCUMENTATION To satisfy yourself that the employee is the

rightful holder of the documentation, you should:

- check the employee matches the photographs in the document(s).
- check that the date of birth listed is consistent with the appearance of the employee.
- check that the expiry dates have not passed and are valid for the duration of the contract.
- check any UK Government stamp or endorsements to ensure that the employee is able to do the type of work being offered.
- check that where an employee has provided 2 documents which have different names, you have verified the reason for this by asking for further documentation (i.e. marriage certificate, divorce document, deed poll, adoption certificate).
- satisfy yourself that the documents are genuine, have not been tampered with and belong to the role holder.

8. COPYING THE DOCUMENTATION

To ensure accurate records are kept, please ensure that you:

- Copy the relevant page(s) of the document which provide the required information.

Please note that for a passport or other travel document the following must be copied:

- (i) The front cover
 - (ii) The page containing the holders personal details (any page providing detail of nationality, photography, date of birth, signature, date of expiry or biometric details)
 - (iii) Any page(s) containing UK Government endorsements, noting the date of expiry and any relevant UK immigration endorsement which confirms the individual can undertake the type of work on offer
- All other documents should be copied in their entirety

If you have any queries about entitlement to work, please contact Human Resources prior to approving any contract on ext 1999.

9 COMPLETING THE CONTRACT

The contracts have been split into two sections.

- Sections 1-4 should be completed by the School/Unit. Any contracts funded by a grant should initially be forwarded to Research Grants for approval before being sent to Salaries for processing.
- Section 5 should be signed by the Head of School/Unit/Designated Signatory, along with an extension number for whom we should contact for any query after the employee has completed sections 6-10
- Sections 6-10 must be completed by the Employee either **before or on the first day** of duties, ensuring the document is signed and any required documentation for entitlement to work is attached.
- A copy of the completed contract and the Terms and Conditions of Employment should be retained by the Employee and the School/Unit.
- Completed and signed contracts should be forwarded to Salaries, The Old Burgh School, during the first few days of employment or at least **before the cut off date in the month employment commenced**.
- A timesheet detailing the actual number of hours worked, should be completed by the employee, signed by the Head of School/Unit and submitted before the published deadline.
- Any employee with a University e-mail address can access the on-line monthly time-sheet, which allows the employee to save a version of the last time-sheet submitted. The form can be accessed from the Salaries website, <http://www.st-andrews.ac.uk/timesheet>
- A timesheet should also be submitted for annual leave accrued against the hours worked at the end of the contract period. The holiday calculator can be accessed through the on-line monthly time-sheet.

10. HOURS OF WORK

Hours of work should not exceed 36.25 hours per week, irrespective of how many contracts/post the individual has with the University. If you wish to offer an additional contract to someone who already works 36.25 hours per week at the University please contact Louise Nixon (ext 3096) for further advice.

11. CUT OFF DATES

- The cut off date for **receipt of new contracts is the 15th of each month.**
- The cut off date **for timesheets is also the 15th of each month.**

Late or incomplete contracts will not be processed and will be returned to the School/Unit. This may result in payment being delayed. Please contact salaries if you have any queries. Please refer to the Salaries website for actual monthly cut-off and payment dates, noting the early cut-off date for December: <http://www.st-andrews.ac.uk/staff/money/Salaries/dates/>

13. RATES OF PAY

All current casual hourly rates can be obtained from the Salaries website

<http://www.st-andrews.ac.uk/staff/money/>

You should contact the Framework Team ext 1651, prior to any work being undertaken, if you wish to pay any alternative rate and attach a copy of the approval with the casual contract.

14. TAX DETAILS

All individuals regardless of their age are liable to pay Income Tax if their income exceeds their personal allowance. Any new employee or someone who has had a gap in their University employment must submit the relevant tax form along with their contract, as below:

-**P45** from a previous employment should be submitted, where possible

-If an employee is already using their tax allowance with another employer they would pay tax on all of their earnings with us, therefore the employee would tick statement 3 under the section entitled 'Your personal circumstances

-**P38** form would be completed by a student who has a contract of employment, which covers the period solely during a holiday, eg a contract that covers purely the period of the University student break

There is a misconception that students do not pay tax, but the only time a student is treated differently to any other new employee is when their contract covers only the period of a University break, a P38 form is completed and no other work will be undertaken within that tax year.

Please contact the Salaries Office if you require further information about tax forms.

15. PAYMENT

Salaries are paid on the second last working day of the month by BACS transfer and can only be paid to UK bank accounts. Providing contracts and relevant timesheets are received by the published cut off dates we will ensure payment is processed on the second last working day, even if the contract start date is after our cut off date. Please contact the Salaries Office if you have any further query.

16. FOR FURTHER INFORMATION

<http://www.st-andrews.ac.uk/staff/money/Salaries/>

Salaries – ext 2568/2569

**University of St Andrews Appendix 1
Human Resources**

Worker Registration Scheme (WRS)

What is it?

With effect from 1 May 2004 nationals of the following member states* who wish to work must register under the Workers Registration Scheme within one month of employment commencing.

***Czech Republic; Estonia; Hungary; Latvia; Lithuania; Poland; Slovakia; Slovenia**

Full information on the scheme can be obtained from the Home Office website at:-

<http://www.bia.homeoffice.gov.uk/workingintheuk/wrs/whomustregister/>

When should I apply?

You are required to register within one month of starting work, failure to do so will result in you not being recognised as a qualified person under the EEA Regulations 2006 and you will be required to stop working. *Please note that you cannot apply to the Worker Registration Scheme prior to your employment starting.*

What should I do now?

As soon as you start work you should complete the appropriate form which can be accessed via the Border and Immigration Agency website at:

<http://www.bia.homeoffice.gov.uk/workingintheuk/wrs/workers/>. The completed form and associated documentation should be sent directly to the Border and Immigration Agency along with the appropriate payment. The University will, once proof of payment has been received, reimburse the cost of registration.

What happens next?

Once you receive your Worker Registration Card you must bring this to Human Resources in order that a copy can be placed on your personal file.

What if I change employer or I already have a card for another employer?

If you change employer or already have a card for another employer, you will need to apply for a registration certificate authorising you to work for your new employer. There is no fee attached to this.

What happens after 12 months?

If you have worked for 12 months, without interruption, you will be able to apply for an EEA residence permit.

What if I already have a certificate or an EEA residence permit?

If you already have a certificate, as outlined above, this will need to be changed to reflect the University as your new employer. If you already have an EEA residence permit, Human Resources is still required to verify the document and place a copy in your personal file.

If you have any queries regarding the above scheme, require a paper copy of the form or need assistance with the completion of the form, please contact Human Resources on ext 3096 or email: humres.

Accession Worker Cards (AWC) – Bulgarian and Romanian Nationals

What is it?

With effect from 1 January 2007 Bulgarian and Romanian nationals are free to come to the UK but are subject to worker authorisation. This means that they are only able to undertake work if they hold a valid accession worker card or have documentation to prove they are exempt.* If an individual does not hold these documents then a work permit must be applied for by the employer and the individual must apply for an Accession Worker Card once the work permit has been received. No work can be undertaken until these documents have been received.

Full information on the scheme can be obtained from the Home Office website at-

<http://www.ukba.homeoffice.gov.uk/workingintheuk/bulgariaromania/>

or contact Human Resources on ext 3096 or email: humres.

* Documentation providing right to work in the UK:

- Blue registration certificate showing full access to the UK labour market
- Yellow registration certificate confirming the person is a student
- UK residence permit showing the person has leave to remain with unrestricted permission to work
- An indefinite leave to remain stamp in their passport
- A no time limit stamp in their passport

Student Workers

If the individual is a full time student they can work up to 20 hours per week during term time and full time during vacation time. However, they will need to apply for a registration certificate providing them with authorisation to work while registered as a full time student.

What if I change employer or I already have a card for another employer?

If you change employer or already have a accession worker card for another employer, you will need to apply for a new accession worker card authorising you to work for your new employer.

What happens after 12 months?

If you have worked for 12 months, without interruption, you will be able to apply for a registration certificate which provides unrestricted access to the UK labour market.

What if I already have a registration certificate or exemption to work in the UK?

The University is still required to verify the document and place a copy in your personal file.

If you have any queries regarding the above scheme, require a paper copy of the relevant forms or need assistance with the completion of the documentation, please contact Human Resources on ext 3096 or email: humres.