

- 1. TITLE:** **Higher Duties Allowance**
- 2. PURPOSE:** To prescribe conditions for the payment of higher duties allowance when a public service officer or temporary employee assumes the duties and responsibilities of a higher classification level.
- 3. LEGISLATIVE PROVISION:** Section 34(2) of the *Public Service Act 1996* and section 686 of the *Industrial Relations Act 1999*.
- 4. APPLICATION:** This directive applies to -
 - public service officers; and
 - temporary employees under section 113(2)(a) of the *Public Service Act 1996*.This directive does not apply to employees engaged on a casual basis under sections 112(2)(b) and 113(2)(b) of the *Public Service Act 1996*.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 2001**.
- 7. VARIATION:** The provisions in the Schedule may be varied in accordance with certified agreements made under Chapter 6, Part 1 of the *Industrial Relations Act 1999* and decisions of an industrial tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and sections 686 and 687 of the *Industrial Relations Act 1999* apply if there is a conflict with provisions of an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Directive 18/99 "Higher Duties Allowance"
- 10. REFERENCES:** Sections 63 and 69 of the *Public Service Management and Employment Regulation 1988*
Determination No. 13
DEVETIR letter of 6 December 1993
Administrative Instruction No. 1132

**SCHEDULE
HIGHER DUTIES ALLOWANCE**

GENERAL CONDITIONS	
<p>Entitlement A public service officer or temporary employee under section 113(2)(a) of the <i>Public Service Act 1996</i> (referred to as “employee” for this schedule) who is directed to assume, for any applicable "minimum period", the duties and responsibilities of a "higher classification level" –</p> <ul style="list-style-type: none"> • of an employee who is on leave; or • of an employee who has been directed to perform other duties; or • of a position which is vacant; <p>shall be paid a higher duties allowance as provided in this schedule.</p> <p>Time limit on claims Without the approval of the chief executive, a claim shall not be paid unless it is submitted within 12 months</p> <ul style="list-style-type: none"> • of the date of completion of the work; or • incurring of the expense; or • the conclusion of the circumstances leading to the claim. 	<p>Definitions "minimum period" shall mean -</p> <ul style="list-style-type: none"> • 3 weeks where the relevant percentage is less than 100%; or • more than 3 working days where the relevant percentage is 100%. <p>"higher classification level" for the purpose of this directive, shall mean a classification level which has a higher maximum salary than the maximum salary of the classification level actually held by the employee.</p> <p>"relevant percentage" shall mean the percentage that, in the opinion of the chief executive, represents the extent to which the employee has assumed the full duties and responsibilities of the "higher classification level".</p> <p>"relieving" shall mean the period in which an employee has been directed to assume the duties and responsibilities of a "higher classification level".</p>
ENTITLEMENTS	
<p>Allowance payable The higher duties allowance paid shall consist of the "relevant percentage" of the difference between the salary of the employee and the minimum salary of the "higher classification level".</p> <p>Salary exceeds minimum Where the salary of the employee exceeds the minimum salary of the "higher classification level", then the minimum salary of the "higher classification level" shall be taken to be the salary that the employee would be paid if actually appointed to the "higher classification level".</p> <p>No minimum period A minimum period shall not apply where the "higher classification level" is one that is vacant.</p> <p>Leave not affecting minimum period For the purpose of determining whether an employee has satisfied the "minimum period" requirement, leave taken during the relieving period shall be counted as forming part of the relieving period if -</p>	<ul style="list-style-type: none"> • the employee resumes duty in the "higher classification level" immediately upon returning from leave; and • the leave taken is on full salary, or special leave without salary to claim workers' compensation or sick leave without salary. <p>Payment of higher duties allowance during leave Higher duties allowance shall not be paid for leave taken by the employee during the relieving period, except where –</p> <ul style="list-style-type: none"> • leave on full salary is granted to sit for examinations or absences of less than 1 working day is authorised to attend lectures, as part of a course of study approved under the Study and Research Assistance Scheme; or • the employee takes leave on full salary after being in receipt of higher duties allowance for 12 months immediately before going on such leave and any leave taken during the period of relieving may be credited as service.

Payment of increments during relieving period

An employee shall move to the next increment within the "higher classification level" where –

- the employee has been relieving continuously in the "higher classification level" for 12 months or more; and
- the relieving has complied with the recruitment and selection directive; and
- the employee has met the performance objectives of the "higher classification level".

Where the relieving continues for another 12 months, the employee should move to the next increment within the "higher classification level" subject to meeting performance objectives.

Recognition of higher duties upon appointment

The relieving period shall be recognised as service for the purpose of determining the paypoint and increment date of an employee who is subsequently appointed to a "higher classification level" where the following conditions are satisfied -

- the period of relieving has been continuous for a period of 12 months or more and preceded the appointment to the "higher classification level" by no more than 12 months; and
- the employee was selected for the relieving based on the applicable recruitment and selection processes; and
- the employee has met the performance objectives of the "higher classification level"; and
- the relieving was at the same or at a higher level to the classification level to which the employee has been appointed.

Public holiday

Public holidays falling at the beginning or end of a relieving period are to count towards the qualifying period but no higher duties allowance is to be paid for the public holiday. Public holidays falling within the relieving period are to count towards the qualifying period and higher duties allowance is to be paid for the public holidays.