

Higher Duties Allowance

- 1. PURPOSE:** To prescribe the minimum conditions for the payment of higher duties allowance when assuming the duties and responsibilities of a higher classification level.
- 2. APPLICATION:** This directive applies to Public Service Officers and Temporary Employees under section 113 of the *Public Service Act 1996*.
- 3. MINIMUM STANDARDS:** The prescribed amounts and entitlements set out in the Schedule(s) are the minimum standards to apply.
- 4. OPERATIVE DATE:** This Directive is to operate from 5 July 1997.
- 5. VARIATION:** The provisions in the Schedule(s) may be varied by an agreement made under Chapter 2, Part 1, of the *Workplace Relations Act 1997*.
- 6. ENHANCEMENT:** A Chief Executive may enhance an amount or entitlement prescribed in the Schedule(s) but may not extend the application of existing or enhanced entitlements to classes of employees not contained in the Application clause.
- 7. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and Section 464 of the *Workplace Relations Act 1997* apply if there is a conflict with another instrument:
 - (a) Inconsistency Between Directive And Another Act**
If there is an inconsistency between the *Public Service Act 1996* or another Act or subordinate legislation under either Act and this Directive, the Act or subordinate legislation will prevail over the Directive to the extent of the inconsistency.
 - (b) Inconsistency Between Directive And Agreement**
If there is an inconsistency between an Agreement made under Chapter 2, Part 1, of the *Workplace Relations Act 1997* and this Directive, the Agreement will prevail over the Directive to the extent of the inconsistency.
 - (c) Inconsistency Between Directive And Award Or Industrial Agreement**
If there is an inconsistency between this Directive and an Award or Industrial Agreement, the Directive will prevail over the Award or Industrial Agreement to the extent of the inconsistency.
- 8. SUPERSEDES:** ss.63, 69 *Public Service Management and Employment Regulation 1988*
Determination No.13
DEVETIR letter 6 December 1993

SCHEDULE

HIGHER DUTIES ALLOWANCE

GENERAL CONDITIONS	
<p>Entitlement A Public Service Officer or Temporary Employee under section 113 of the <i>Public Service Act 1996</i> (hereafter "officer") 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 officer who is on leave; or• of an officer who has been directed to perform other duties; or• which is vacant; <p>shall be paid a higher duties allowance as provided in this Schedule.</p>	<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" shall mean, for the purpose of this Directive, a classification level which has a higher maximum salary than the maximum salary of the classification level actually held by the officer.</p> <p>"relevant percentage" shall mean the percentage which, in the opinion of the Chief Executive, represents the extent to which the officer has assumed the full duties and responsibilities of the "higher classification level".</p> <p>"relieving" shall mean when an officer has been directed to assume the duties and responsibilities of a "higher classification level".</p>
HIGHER DUTIES ALLOWANCE	

<p>Allowance Payable The higher duties allowance paid shall consist of the "relevant percentage" of the difference between the salary of the officer and the minimum salary of the "higher classification level".</p> <p>Salary Exceeds Minimum Where the salary of the officer 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 which the officer 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 which is vacant.</p> <p>Leave Not Affecting Minimum Period For the purpose of determining whether an officer 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 officer 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 in respect of leave taken by the officer 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 officer 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. <p>Payment Of Increments During Relieving Period An officer shall move to the next increment within the "higher classification level" where</p> <ul style="list-style-type: none"> • the officer has been relieving continuously in the "higher classification level" for over 12 months; and • the relieving was complied with the Recruitment and Selection Directive; and • the officer has met the performance objectives of the "higher classification level". <p>Where the relieving continues for another 12 month cycle, the officer should move to the next increment within the "higher classification level" subject to meeting performance objectives.</p>
<p>Recognition Of Higher Duties Upon Appointment The relieving period shall be recognised as service for the purpose of determining the payment and increment date of an officer who is subsequently appointed to a "higher classification level" where the following conditions are satisfied:</p> <ul style="list-style-type: none"> • the period of relieving has been continuous for a period exceeding 12 months immediately preceding appointment to the "higher classification level"; and • the officer was selected for the relieving based on the applicable Recruitment and Selection processes; and • the officer 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 the officer has been appointed to. 	<p>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.</p> <p>Senior Executive Service For the purposes of this Schedule, the minimum salary of a Senior Executive, other than a Chief Executive, of a particular level is the minimum amount for that level specified in the relevant Directive.</p>