



Higher Duties Policy

LOCAL GOVERNMENT (STATE) AWARD

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1.0 Introduction

The Pay Policy Acting Arrangements introduced in September 1994 have been reviewed to incorporate the provisions of the 1997 Local Government (State) Award.

The 1994 Acting Arrangements included a mixed function payment for staff who regularly worked in a job which was in the same group or a different group (eg. Labourers performing grave digging, street & gutter labourers emptying street litter bins).

The Award Clause 11, Use of Skills combines higher grade pay and our previous mixed functions requirements. In line with the Award provisions the 1998 Higher Duties Policy does not allow for a mixed functions payment. Payment for use of skills relieving in a higher paid position shall be made for the time actually spent relieving in the higher position.

The following Acting Arrangements have been developed, taking into account the intent of the Award and Pay Policy principles.

2.0 Background

The Local Government (State) Award 1997 Clause II(iv) and (v) Use of Skills states *An employee who is required by management to relieve in a position which is at a higher grade in Council's salary System, shall be paid for all time spent relieving in that position. The rate to be paid shall be determined by considering the skills/expertise applied by the employee relieving in the position but shall be at least the minimum rate for that position in accordance with the salary system except where the higher level skills have been taken into account within the salary of the relieving employee. Payment for use of skills relieving in a higher paid position shall be made for the time actually spent relieving in the higher position.*

The Award at Clause 15 Leave Provisions C. Annual Leave (v) states *Where an employee receives a varying rate of pay for 6 months in the aggregate in the preceding 12 month period, the employee's ordinary rate of pay shall be deemed to be the average weekly rate of pay earned during the period actually worked over the 12 months immediately preceding the annual leave or the right to payment under this Clause.*

Waverley Council is committed to providing staff with access to higher duties relieving opportunities and paying a higher duties rate. This policy is consistent with and furthers the aims of Council's Equal Employment Opportunity Policy and the Local Government (State) Award (1997) Provisions.

Preliminary

Staff should have the opportunity to undertake new tasks to develop new skills, knowledge and abilities through acting in higher duties. The opportunity to act in higher duties gives staff work experience and skills that benefit their career advancement and encourage personal and career development.

Higher Duties relieving opportunities should where possible be rotated or shared between eligible and interested staff and not confined to one staff member in the section or department. However, this should also be weighed up against the immediate need of the section to get the job done. All staff should have fair and equitable access to opportunities to relieve in higher duties.

3.0 Definitions

The Higher Duties Policy applies to staff who are asked to perform relieving duties of a higher salary range staff member who is sick or absent from work. Higher duties relieving opportunities may also be offered to staff when a vacancy occurs and recruitment action is pending.

Higher duties relief staff may undertake the whole or part of the duties and responsibilities of a higher graded position.

Rotation means that all suitable staff have an opportunity to relieve where a need exists. This gives staff the opportunity to gain experience at a higher level to develop skills and to show their abilities.

The rate to be paid shall be determined by management (in consultation with the staff member) and will take into consideration the skills and expertise applied by the staff member relieving in the position and the duties required. Staff will be paid at least the minimum rate for that position or at least two salary points above their current rate of pay if the minimum rate of the higher duties position is lower than their current pay rate.

Payment for higher duties in a higher salary range will not exceed the salary normally offered for the position.

4.0 Implementation

The Director or their delegate will decide if a vacant position or a position where the normal occupant is sick or absent is to be filled permanently or temporarily. A higher duties opportunity may be offered depending on the needs of the work unit. There is no requirement for management to fill all vacant positions. An assessment must be made on a needs basis.

When deciding whether to offer a higher duties opportunity management will consider the impact on the work unit, the length of time involved and the developmental opportunity for staff.

The Supervisor/Managers initiates claim for higher duties pay and recommends whether full or partial duties will be undertaken during the absence of the incumbent.

Initiating of Claims

The Manager/Supervisor is responsible for processing the claim. Members of staff may initiate claims where the Manager/Supervisor does not do so or does not do so promptly. Staff initiated claims should be submitted to the supervisor.

Assessment of Allowances to be paid

The initial assessment of the level of payment is the responsibility of the Managers/Supervisors.

Payment

For periods of higher duties the payment should be calculated and claimed at the completion of the higher duties.

Staff who are interested in acting in higher duties should advise their supervisor or manager when opportunities are available.

Staff may appeal to their Director if they are not satisfied with the outcome of their application for higher duties.

For vacancies of one month or more, the Supervisor or Manager may circulate a memo to prospective staff asking for expressions of interest in filling the higher duties vacancy. Where this is not practical, the Supervisor will consider the merits of all staff and offer the period to the most suitable employee.

Higher duties may be offered to more than one employee. Employees sharing higher duties may perform the whole duties for part of the period each, or may perform part duties for the whole period.

The supervisors will counsel staff who have been unsuccessful in applying for higher duties, and advise them of the reasons why they have been unsuccessful and whether they may be given an opportunity on the next occasion.

4.1 Amount Payable

Whole of Duties and Responsibilities

A staff member who satisfactorily performs the whole of the duties and assumes the whole of the responsibilities of the higher duties position is entitled to higher duties pay during the higher duties relief period.

The amount should be agreed and determined prior to the staff member assuming responsibility for the higher duties position.

The amount payable ranges from entry level of the higher duties position up to the current wage or salary of the higher duties position. If the person's current wage or salary is greater than the entry level for the higher duties position the person should be progressed at least 2 salary points above their current wage or salary. (Examples of a range of payments is included on page 8)

Where an employee is requested to work in a higher duties position for a period of one month or more agreement should be reached as to the duties to be undertaken. Where possible a workplan should be developed for the period of the relief.

Part of Duties or Responsibilities

Where the staff member does not assume the whole of the duties or responsibilities of the position, the amount to be paid shall be determined by the appropriate Director/Manager in accordance with Section II (iv) and (v) of the Award which is spelled out earlier in this policy.

4.2 Acting for Periods of 6 Months or More***Payment for Leave Taken***

Where a member of staff receives a varying rate of pay (higher duties) for 6 months in the proceeding 12 months period, the ordinary rate of pay becomes the average weekly rate of pay earned during the period actually worked over the 12 months immediately proceeding the annual leave.

For example if an employee works in a higher capacity for 6 months in a 12 months period and receives higher duties in the sum of \$100 per week, the payment of annual leave will be calculated as if the person received higher duties of \$50 per week over a 12 month period.

Staff members who have acted for one year or more in the same higher graded position and who, due to extraordinary circumstances, continue to act in that position are eligible for payment of the higher duties allowance for any annual leave, extended leave, sick leave or special leave which is taken during the further period of higher duties relief.

Payment for Leave on Retirement when Acting for a Continuing Period of 12 months or more

Payment of accrued annual leave shall also be paid at the higher rate of pay including when payment is made upon retirement, providing the higher duties allowance was paid at the full rate for a continuous period of 12 months or more directly prior to retirement. Only leave accrued during the higher duties relief period of 12 months or more attracts the higher rate of pay upon retirement. Leave accrued prior to the period of higher duties is paid at the persons substantive rate.

Skills and Performance Assessments

Where a very lengthy period of acting in the higher position (continuously for a period of 12 months) is unavoidable, the staff member may progress to the next salary point of the substantive pay range following a satisfactory skills and performance assessment.

Where the allowance has been discontinued during a period of leave within the 12 month period, progress should be delayed accordingly. Progression is then within the substantive pay range.

Part time higher duties on a Continuing Basis

Part-time higher duties in a position on a continuing basis shall be paid higher duties allowance calculated on a pro rata basis based on the average number of hours worked per week divided by the full-time equivalent hours.

4.3 Higher duties in Position Where Salary Package Applies

Where higher duties is required in a position normally occupied by a staff member receiving a personal salary package eligibility for payment of higher duties allowance refers only to the salary for the position and will not take into account the normal occupant's personal salary arrangement.

4.4 Calculating Overtime

A higher duties allowance is to be included in salary for the purpose of calculating overtime, if and only if the duties carried out during the overtime are those of the higher position.

5.0 Review

It is agreed that the Higher Duties Policy will be reviewed after 12 months of operation. Any issues which arise during the operation will be considered by the Consultative Committee.

6.0 Examples of a Range of Payments When Acting in a Higher Capacity

This is an example of the range of payment and does not reflect the current actual salary point of the current title holder.

Job Title	Normal Salary Group & Point		The Range of Higher Duties Payment - from minimum to maximum
Garden labourer acting in Team Leaders position	Group C, Point 3 Group F, Point 5	\$505.95 \$595.35	\$529.10 minimum \$595.35 maximum
Lifeguard acting in Senior Lifeguard	Group F, Point 3 Group H, Point 3	\$568.85 \$608.60	\$595.35 minimum \$608.60 maximum
Mechanic acting in Mechanic Workshop Supervisor	Group H, Point 5 Group K, Point 6	\$635.10 \$764.90	\$675.00 minimum \$764.90 maximum
Senior Finance Officer acting in Financial Services Manager	Group M, Point 7 Group P, Point 10	\$879.95 \$1108.20	\$899.00 minimum \$1108.20 maximum
Waste Services Labourer Waste Supervisor	Group C, Point 6 Group I, Point 8	\$540.85 \$719.95	\$599.95 minimum \$719.95 maximum

The rate to be paid is determined by considering:

- (1) Skills and expertise applied by the person relieving in the position but shall be at least the entry level for the higher duties position; except
- (2) Where the higher level skills have been taken into account within the salary of the relieving staff member.