

36. INCREMENTS

Entitlement

- 36.1 An employee will be entitled to progress one pay point within the pay scale for the employee's classification after 12 months continuous service, or after 12 months broken service in the preceding 24 months, at a particular pay point.
- 36.2 A second or subsequent increment will not be payable unless the previous increment has been received for a period of 12 months
- 36.3 An employee who is promoted on an ongoing basis will have included for incremental purposes any previous period during which the employee performed higher duties at the new classification level or a higher classification than the new classification level.
- (Note 1: Performance of higher duties of another designation or classification level having a lower scale of rates of salary than the new classification level to which the employee is promoted will not count for incremental purposes.)*
- (Note 2: Refer by-law 23 for recognition of an increment attained by higher duties for future higher duties.)*
- 36.4 An employee will be subject to conditions of advancement if such conditions have been determined.

Withholding of increment

- 36.5 The authority to apply by-laws 36.6 and 36.7 will not be applicable unless the Commissioner is satisfied that an acceptable performance management system is in place which meets the requirements of Employment Instruction No. 4.
- 36.6 The Commissioner will notify all relevant unions of the acceptance of any performance management system for the purposes of by-law 36.4 prior to that system being used for deferral of increments.
- 36.7 The CEO (or delegate) may determine to withhold an increment as set out in by-law 36.7, on the basis that an employee:
- (a) having agreed to or having been assigned reasonable performance targets or reasonable required work outcomes, has failed to meet those targets or outcomes, and
 - (b) has received counselling and been provided with the opportunity to improve performance to an acceptable standard, and
 - (c) has failed to attain or sustain an acceptable standard of work performance.

- 36.8 The CEO (or delegate), may withhold an increment as follows:
- (a) The CEO may defer payment for a specified period of time which will be up to six (6) months, subject to payment earlier if a specified, and preferably agreed, work performance, training or work outcome target is demonstrated.
 - (b) At the end of the six (6) month deferment period, the CEO may again defer the increment by up to a maximum of a further six (6) months where the required performance standard has not been achieved and alternative steps have been taken to address the less than satisfactory performance. The increment will not be withheld for longer than 12 months in total.
 - (c) The CEO (or delegate) must provide the reasons for deferring an increment under by-law 36.8(a) or 36.8(b) in writing to the employee.
- 36.9 If a decision is made under by-law 36.7 or 36.8 the employee may seek a review of the CEO's decision on the basis of one or more of the following reasons:
- (a) this by-law has not been adhered to;
 - (b) the decision was made to punish or harass the employee; or
 - (c) natural justice has not been afforded to the employee.
- 36.10 The review will be conducted in accordance with the grievance review mechanisms under section 59 of the Act.
- 36.11 In all cases where an increment is deferred, the date to which it is deferred will become the anniversary date for the purposes of the next increment.

Limitations

- 36.12 The by-law will not apply to:
- (a) trainees or apprentices;
 - (b) AO1 employees participating in competency based assessment and training;
 - (c) senior administrative officers or senior professionals.

Deferral of increment

- 36.13 Any period of leave without pay that is specified as not counting as service for all purposes or is an unauthorised absence, occurring since the last increment, will defer the next increment by the equivalent number of calendar days, and any subsequent increments will be from that date, or a date resulting from a further deferral.

Increment in relation to age

- 36.14 An employee under 21 years of age who holds a designation where age rates are payable will be paid in accordance with the age rates specified.