

23. HIGHER DUTIES

Interpretation

23.1 For the purpose of this by-law:

“higher duties” is defined as temporary performance of the duties of a designation which has a higher attainable maximum salary than the substantive designation occupied;

“higher duties allowance” means the difference in salary between the incremental point of the salary range applicable to the substantive designation and the minimum incremental point of the salary range applicable to the higher duty designation or the applicable incremental point determined in accordance with by-laws 23.2 to 23.5; and

“substantive designation” means the designation to which an employee has been employed, transferred or promoted on an ongoing basis.

Higher duties allowance

23.2 The CEO may direct an employee to perform higher duties.

23.3 An employee who is paid salary in respect of age and who performs the duties of a higher designation will:

- (a) be paid higher duties allowance of an amount equal to the difference between the salary rate for age at the substantive designation and the salary rate for age in the higher designation where age rates are prescribed for that higher designation; or
- (b) be paid a higher duties allowance in accordance with the provisions of this by-law where an age rate is not prescribed for the higher designation.

Increments

23.4 The amount of allowance payable to an employee temporarily performing higher duties will be adjusted to equal the difference between the appropriate increment points of the higher and lower ranges where higher duties have been performed:

- (a) for a continuous period of 12 months; or
- (b) non continuously for a period which aggregates in total a period of 12 months within the preceding 24 months of current service; and

a second or subsequent increment will not be payable unless a previous increment as provided at by-laws 23.4(a) or 23.4(b) has been received for a period of 12 months.

23.5 The period of employment at a higher duty designation will count for incremental purposes at the substantive designation; and service towards increments applicable to a higher duty designation will be recognised if the employee is subsequently promoted on an ongoing basis to the relevant higher designation or to a designation which is higher than the employee's substantive designation but equal to or lower than a higher duty designation to which the increment has been applied.

Other conditions

23.6 An employee temporarily performing the duties of a designation, the conditions of service of which differ from those of the designation normally held by the employee, will be subject to the conditions of service of that designation as though the ongoing holder of that designation.

23.7 An employee who temporarily performs the duties of a designation, the salary range for which includes a barrier point determined by the Commissioner or in the relevant Award or Enterprise Agreement, must meet the criteria for advancement beyond the point before an allowance may be paid to raise salary beyond the barrier.

Allowance not payable in certain circumstances

23.8 An employee is not entitled to receive a higher duties allowance unless:

- (a) other than an employee referred to at by-law 23.8(b), the employee performs the duties of a higher designation for a period of one day; or
- (b) in the case of an employee employed in a teaching capacity, the employee performs the duties of a higher designation for a period of five (5) days or more.

23.9 Without affecting by-law 23.1, where the maximum attainable annual salary payable in relation to a designation exceeds the maximum attainable annual salary payable in relation to the designation of Administrative Officer 6, an employee who performs in that designation is not entitled to be paid a higher duties allowance where the period of higher duties is less than six (6) days, unless the Commissioner determines otherwise.

Partial payment of allowance

23.10 Where an employee performing higher duties does not perform all the duties applicable to that designation the CEO will determine the higher duties allowance payable, calculated as a percentage of the duties performed, and subject to such conditions as the CEO approves.

Payment on leave

23.11 An employee who, immediately before proceeding on paid leave was receiving higher duties allowance, will continue to be paid such a higher duties allowance at the same rate which would have applied if not on leave and to the extent that the CEO certifies that the higher duties allowance would have been payable but for the grant of leave.

Allowance as salary

- 23.12 An allowance payable under this by-law will be regarded as salary for the purposes of calculating payment for overtime and excess travelling time.