

Higher duties

Policy Number: B30 (QH-POL-260)

Publication date: December 2021

Purpose: To outline the entitlements for higher duties payments in Queensland Health, including wage rates payable for leave and termination payment immediately following a period of higher duties.

Application: This policy applies to all employees of Queensland Health.

This policy does not apply to Executive and Senior Officer roles.

This policy does not apply to Queensland Ambulance Service employees. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedure.

Delegation: The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Industrial Relations Act 2016*
- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers Award – State 2015
- Hospital and Health Services General Employees (Queensland Health) Award – State 2015
- Medical Officers (Queensland Health) Award – State 2015
- Nurses and Midwives (Queensland Health) Award – State 2015
- Queensland Public Service Officers and Other Employees Award – State 2015
- Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019
- Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No.3) 2019
- Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No.7) 2019
- Queensland Public Health Sector Certified Agreement (No.10) 2019
- Minister for Industrial Relations Directive 04/20– Higher duties
- Public Service Commission Directive 12/20– Recruitment and selection
- Public Service Commission Directive 13/20 - Appointing a public service employee to a higher classification level

Related policy or documents:

- Recruitment and Selection HR Policy B1 (QH-POL-212)
- Parental Leave HR Policy C26 (QH-POL-187)
- Determining Salary Levels Upon Appointment HR Policy C59 (QH-POL-123)
- Individual employee grievances HR Policy E12 (QH-POL-140)

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1 Policy

This policy is to be read in conjunction with relevant legislation, awards, certified agreements, directives and Queensland Health policy, which provide for minimum periods of higher duties.

2 Higher duties during periods of leave

All employees of Queensland Health who relieve in higher positions are entitled to be paid at the higher wage rate, during periods of leave taken, in the following circumstances:

2.1 Recreation leave and long service leave

An employee is to be paid at the rate they were receiving immediately prior to commencing recreation leave or long service leave, for the entire paid leave period.

This higher rate is also applicable for payment of cash equivalent of recreation leave and long service leave if an employee is acting in a higher position at the date of termination.

Example

A HP5 who is acting as a HP6 from 1 - 19 September:

- goes on recreation leave on 20 September to 25 September (is to be paid as a HP6 for the duration of the recreation leave); or
- goes on long service leave on 20 September to 10 October (is to be paid as a HP6 for the duration of the long service leave); or
- goes on recreation leave on 20 September to 25 September and then long service leave from 26 September to 8 October (is to be paid as a HP6 for the duration of the leave)

Note – if the employee does not proceed on leave immediately following a period of higher duties for example takes an Accrued Day Off (ADO) on 20 September, before taking a period of recreation or long service leave, the ADO and any subsequent leave taken will be paid at their substantive ordinary rate of pay (e.g. HP5).

Refer Annual/recreation leave HR Policy C51 and Long Service Leave HR Policy C38.

2.2 Sick leave

An employee is to be paid at the rate which would have applied had the employee remained at work. If the relieving period ceases during a period of sick leave, the employee is only to be paid the higher duties amount until the date the relieving period ceases.

Example

A clinical nurse, nurse grade 6 who is required to act as a clinical nurse consultant, nurse grade 7 from 1 - 19 December:

- has one working day sick leave on 7 December (is to be paid as a clinical nurse consultant, nurse grade 7 for that day)
- goes on extended sick leave from 17 December (is to be paid three days as a clinical nurse consultant, nurse grade 7 rate i.e. 17 to 19 December, and remainder of sick leave paid at ordinary rate of pay as a clinical nurse, nurse grade 6).

Refer Sick Leave HR Policy C64.

2.3 Special leave on full pay

The higher duties amount is to be paid for periods of special leave on full pay taken by an employee during the relieving period. If the relieving period ceases during a period of special leave, the employee is only to be paid the higher duties amount until the date the relieving period ceases.

Refer Special Leave HR Policy C7.

2.4 Paid parental leave

When an employee takes paid parental leave during, or immediately after, a period of acting in a higher position, the higher duties amount is payable for the entire paid parental leave period.

Refer Parental Leave HR Policy C26.

3 Fair and reasonable management

Fair and reasonable strategies may be considered to manage the potential increased liability which could result from instances when employees continue in a relieving capacity up until the eve of departure on recreation leave or long service leave.

For example, managers are to ensure that arrangements are handled reasonably and fairly. It is considered unreasonable for a Hospital and Health Service/Department of Health to place an employee in their substantive position after a period of higher duties just before the taking of leave and then return the employee to the higher duties at the conclusion of the leave. Likewise, managers should be cognisant of pending pre-approved leave when placing employees on short-term higher duties.

Managers and employees seeking further information are to contact their relevant human resources unit.

Employees who believe they have been unfairly treated may lodge a grievance (refer Individual employee grievances HR Policy E12).

4 Conversion to permanent status

An employee may, if they have been seconded to or assumed the duties and responsibilities of a higher classification level, apply to be appointed to the position at the higher classification level in accordance with the Directive 13/20 - Appointing a public service employee to a higher classification level. The Recruitment and Selection HR Policy B1 intranet page provides additional information, including the application process.

Definitions:

Higher classification level	A classification level which has a higher maximum salary than the maximum salary of the classification level actually held by an employee.
Relieve	The period in which an employee has been directed to assume the duties and responsibilities of a higher classification level.

History:

December 2021	<ul style="list-style-type: none"> Policy formatted as part of the HR Policy review Policy amended to: <ul style="list-style-type: none"> – update references and naming conventions – content of Attachment One moved to body of policy Content of Attachment One update and clarified for employees employed under: <ul style="list-style-type: none"> – <u>Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019</u> – <u>Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No.3) 2019</u> – <u>Queensland Public Health Sector Certified Agreement (No. 10) 2019</u>
June 2020	<ul style="list-style-type: none"> Policy application amended as a result of changes to the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
March 2014	<ul style="list-style-type: none"> Policy formatted as part of the HR Policy Simplification project. Policy amended to: <ul style="list-style-type: none"> – include periods of higher duties performed after 7 May 2012, in line with the operative date of EB8 – incorporated Higher Duties HR Policy B28 rename policy from 'Leave and Termination Payments Following Periods of Higher Duties' to 'Higher Duties' to better reflect the content.
October 2009	<ul style="list-style-type: none"> Protected IRM 4.5 reformatted as part of the HR policy consolidation project in accordance with EB7.
Previous	<ul style="list-style-type: none"> IRM 4.5 Higher Duties – District Health Services Employees' Award and Public Service Award Higher Duties HR Policy B28

Attachment One – Higher duties for specific employees

The following provisions apply to employees who are covered by the following certified agreements:

- [Aboriginal and Torres Strait Islander Health Workforce \(Queensland Health\) Certified Agreement \(No. 1\) 2019](#)
- [Health Practitioners and Dental Officers \(Queensland Health\) Certified Agreement \(No.3\) 2019](#)
- [Queensland Public Health Sector Certified Agreement \(No. 10\) 2019](#)

1. Higher duties within the same stream

In accordance with the Awards, an applicant who relieves in a position of a higher level shall be paid extra remuneration at the first paypoint of the classification level of the position they are performing higher duties in. At the discretion of the delegate, an employee may be offered and appointed to any pay point within a level based on recognition of skills, knowledge and abilities.

2. Special arrangements

2.1. Operational stream

An operational stream employee who is in receipt of the targeted training allowance and who relieves in a position which is one level higher than their substantive classification level, is in some instances receiving less remuneration. In such circumstances the employee is to be remunerated at the second or third pay point of the higher level if the first pay point of the higher level is less than what they are currently receiving (including the allowance).

For example, an employee with a substantive classification level of OO4.4 who receives a targeted training allowance would be remunerated at the second pay point of the OO5 classification level.

	Fortnightly wage rate	Relevant targeted training allowance	Total fortnightly remuneration
Substantive classification level OO4.4	\$2,693.00	\$73.121 <small>(Australian Qualification Framework (AQF) Diploma or higher)</small>	\$2766.12
Higher classification OO5.1	\$2765.90	N/A	\$2765.90
Higher classification OO5.2	\$2860.50	N/A	\$2860.50

Refer to clause 2.5 of the Queensland Public Health Sector Certified Agreement (No. 10).

2.2. Clinical assistant advancement scheme

A clinical assistant who has advanced to classification levels CA3-A1 or CA3-A2 and performs higher duties in a role at classification level CA4 will be allocated to a paypoint in the CA4 classification level that is the next highest level to that which the employee was paid under the CA3 classification level.

Refer to clause 54 of the Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No.3).

2.3. Clinical assistant – Vocational education and training incentive allowance

A clinical assistant who is in receipt of the vocational education and training (VET) incentive allowance and who relieves in a position which is one level higher than their substantive classification level, is in some instances receiving less remuneration. In such circumstances the employee is to be remunerated

at the second or third pay point of the higher level if the first pay point (including the VET incentive allowance) is less than what they are currently receiving.

Refer to HR Policy G22 Clinical assistant vocational education and training incentive.

3. Increments

When Directive 12/20 – Recruitment and Selection has been followed and an employee is relieving in a higher level position for over 12 months, performance objectives are to be set at the relieving level and not at the employee's nominal level. If the performance objectives are met at the end of 12 months, the employee is to move to the next increment within the higher level until the relieving ceases and the employee reverts to their substantive pay point. When another performance appraisal and development (PAD) cycle has been completed, the employee continues to move within the level until relieving ceases.

4. Recognition of higher duties for increment purposes

4.1 Higher duties performed by Health Practitioners and Dental Officers

For HP and DOs, all time at the higher level is to be recognised and accumulated for the purpose of payment at the higher increment level where there has been no break in excess of 12 months.

Example

The following table provides examples of periods of higher duties recognised for increment purposes.

	Periods of higher duties	Periods of recognition
Break in service greater than 12 months	1) 10 May 2019 to 6 June 2019 2) 18 August 2020 to 12 February 2021	Period 1 not recognised as there was a break in service in excess of 12 months between period 1 and period 2.
Break in service less than 12 months	1) 10 February 2019 to 10 June 2019 2) 10 May 2020 to 6 June 2020 3) 18 August 2020 to 12 February 2021	All periods of higher duties recognised as all breaks in service between higher duties were less than 12 months.

4.2 Higher duties performed by all other roles

For all roles not included in 4.1 of this schedule, all time at the higher level is to be recognised and accumulated for the purpose of payment at the higher increment level where there has been no break in excess of six years.

Example

The following table provides examples of periods of higher duties recognised for increment purposes.

	Periods of higher duties	Periods of recognition
Break in service greater than 6 years	1) 10 February 2011 to 10 September 2011 2) 10 May 2018 to 6 June 2018 3) 18 August 2020 to 12 February 2021	Period 2 only recognised as there was a break in service in excess of 6 years between period 1 and period 2.
Break in service less than 6 years	1) 10 February 2012 to 10 September 2012 2) 10 May 2018 to 6 June 2018 3) 18 August 2020 to 12 February 2021	All periods of higher duties recognised as all breaks in service between higher duties were less than 6 years.

For information regarding higher duties prior to 8 May 2012 contact Employment Relations.

5. Recognition of higher duties upon permanent appointment

5.1 Permanent appointment for Health Practitioners and Dental Officers

When Health Practitioner or Dental Officer is promoted, all higher duties performed which are at an equivalent or higher level to the level of the promotion, are to be recognised and incorporated in the commencing increment level, provided there is no break in excess of 12 months between the periods of higher duties and/or subsequent promotion.

5.2 Permanent appointment for all other roles

When all employee, not included in 5.1 of this schedule, is promoted, all higher duties performed which are at an equivalent or higher level to the level of the promotion, are to be recognised and incorporated in the commencing increment level, provided there is no break in excess of 6 years between the periods of higher duties and/or subsequent promotion.

6. Higher duties across streams

Employees who relieve in a position in another stream in the classification and remuneration system are eligible to be paid the next highest pay point in the stream in which they are relieving. This arrangement is to ensure no disadvantage occurs between suitably qualified employees moving between streams after a merit selection process.

When Directive 12/20 – Recruitment and Selection has been followed and an employee is relieving in a position for over 12 months in the other stream, they will increment to the next pay level.

An employee is to perform all the duties and accept all the responsibilities of the position in which they relieve.

7. Higher duties when the period includes a public holiday

The following basis is to be adopted for the purpose of calculating extra remuneration, when the period is affected by a public holiday:

- Public holiday at commencement of period - Not recognised as part of the relieving period and extra remuneration is not to be paid for the public holiday. Where the employee is rostered and required to work on a public holiday and the public holiday date is the date of the commencement of the higher duties, the public holiday forms part of the relieving period and payment of extra remuneration is made.
- Public holiday during the period - Forms part of the relieving period and payment of extra remuneration is made for the public holiday.
- Public holiday at the end of the period - Taken into account in determining the minimum period of three days, but no payment of extra remuneration is made for the public holiday. Where the employee is rostered and required to work on a public holiday and the public holiday date is at the end of the period of the higher duties, the public holiday forms part of the relieving period and payment of extra remuneration is made.

8. Higher duties prior to taking leave

When higher duties are performed immediately prior to taking leave (i.e. recreation, long service and paid parental leave), the entire leave period is to be paid at the higher duties rate paid immediately prior to commencing leave.