Human Resources Policy

Higher Duties

Policy Number: B30 (QH-POL-260)
Publication date: June 2020

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.

Delegation: The ‘delegate’ is as listed in the 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:
- Queensland Public Health Sector Certified Agreement (No.8) 2011 (EB8)
- Health Practitioner (Queensland Health) Certified Agreement (No.2) 2011
- District Health Services Employees’ Award – State 2012
- Queensland Health Nurses and Midwives Award – State 2013
- Queensland Public Service Award – State 2012
- Directive 4/11– Higher Duties
- Directive 15/13– Recruitment and Selection

Related policy or documents:
- Parental Leave HR Policy C26 (QH-POL-187)
- Determining Salary Levels Upon Appointment HR Policy C59 (QH-POL-123)
- Recruitment and Selection HR Policy B1 (QH-POL-212)

Policy subject:
1 Policy statement
Definitions
History

SCHEDULE ONE Leave and termination pay following periods of higher duties
SCHEDULE TWO Higher duties for employees engaged under the District Health Service Award and Public Service Award
1 Policy statement

Queensland Health employees who relieve in higher positions, and take leave during this time, are entitled to be remunerated at the higher classification level, in accordance with relevant legislation, awards, certified agreements, directives and Queensland Health policy.

Definitions:

<table>
<thead>
<tr>
<th>Higher classification level</th>
<th>A classification level which has a higher maximum salary than the maximum salary of the classification level actually held by an employee.</th>
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</thead>
<tbody>
<tr>
<td>Relieve</td>
<td>The period in which an employee has been directed to assume the duties and responsibilities of a higher classification level.</td>
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</table>

History:

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>June 2020</td>
<td>• Policy application amended as a result of changes to the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.</td>
</tr>
<tr>
<td>March 2014</td>
<td>• Policy formatted as part of the HR Policy Simplification project.</td>
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<td>• Policy amended to:</td>
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<tr>
<td></td>
<td>− include periods of higher duties performed after 7 May 2012, in line with the operative date of EB8</td>
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<tr>
<td></td>
<td>− incorporated Higher Duties HR Policy B28</td>
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<tr>
<td></td>
<td>− rename policy from 'Leave and Termination Payments Following Periods of Higher Duties' to 'Higher Duties' to better reflect the content.</td>
</tr>
<tr>
<td>October 2009</td>
<td>• Protected IRM 4.5 reformatted as part of the HR policy consolidation project in accordance with EB7.</td>
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<tr>
<td>Previous</td>
<td>• IRM 4.5 Higher Duties – District Health Services Employees’ Award and Public Service Award</td>
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<tr>
<td></td>
<td>• Higher Duties HR Policy B28</td>
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</tbody>
</table>
Higher Duties– Schedule One
Leave and Termination Pay Following Periods of Higher Duties

The following information is provided as the minimum mandatory standard practice, procedure or process to enable satisfactory compliance with this Queensland Health HR policy.

Local guidelines/procedures may be developed to facilitate implementation of this policy. Any local guidelines/procedures must be consistent with this policy and schedule and ensure employee entitlements continue to be met.

1 Remuneration at the higher wage rate

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:

1.1 Recreation leave and long service leave

An employee is to be paid at the rate they were receiving immediately prior to commencing leave. 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 resignation.

1.2 Sick leave

An employee is to be paid at the rate which would have applied had the employee been required to continue to act in the higher position, i.e. if the employee had remained at work and continued to relieve in a higher position for a given period then the employee is to be paid the higher rate for that period only.

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).

1.3 Special leave on full pay

No entitlement exists in relation to the payment of higher duties when a period of special leave is taken by an employee. In these circumstances, payment for the period of special leave taken is at the employee’s normal rate of remuneration, not at the higher rate.

1.4 Paid parental leave

When an employee takes paid parental leave immediately after a period of acting in a higher position, the higher duties allowance is payable for the paid parental leave. Refer Parental Leave HR Policy C26.

2 Further information

Managers are to ensure that arrangements are handled reasonably and fairly, e.g. it is considered unreasonable for a Hospital and Health Service 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.

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.

Employees seeking further information are to contact their relevant human resources unit.
Higher Duties– Schedule Two

Higher duties for employees engaged under the District Health Service Award (DHSEA) and Public Service Award (PSA)

1 Employees engaged under the DHSEA and PSA

The following provisions apply to employees who are engaged under the DHSEA and the PSA.

1.1 Higher duties within the same stream

Under the classification and remuneration system, employees relieving in positions at a higher level are to be paid at the entry level pay point of the higher role and not at the paypoint of the incumbent of the position for whom they are relieving.

All long term higher duties are to comply with Directive 15/13 – Recruitment and Selection.

1.2 Special arrangements - Operational stream

An operational stream employee who is in receipt of the all purpose 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 paypoint of the higher level if the first paypoint is less than what they are currently receiving.

1.3 Increments

When Directive 15/13 – Recruitment and Selection has been followed and an employee is relieving in a 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, the employee is to move to the next increment within the higher level until the relieving ceases and the employee reverts to their normal paypoint. When another performance appraisal and development (PAD) cycle has been completed, the employee continues to move within the level until relieving ceases.

For part-time employees, the total number of hours worked at the higher level is to be taken into account for the calculation of the next increment.

1.4 Recognition of higher duties for increment purposes

1.4.1 Higher duties performed on 1 April 2000

Employees in a period of higher duties on 1 April 2000 are to have all time in that period of higher duties recognised and accumulated for the purpose of payment at the higher increment level (even before 1 April 2000) where there has been no break in excess of 12 months.

1.4.2 Higher duties performed between 1 April 2000 and 8 May 2012 (2 April 00 – 7 May 12)

For periods of higher duties between 1 April 2000 and 7 May 2012, 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.

1.4.3 Higher duties performed from 8 May 2012

For periods of higher duties from 8 May 2012, 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 6 years.
Example
The following table provides examples of periods of higher duties recognised for increment purposes.

<table>
<thead>
<tr>
<th>Periods of higher duties</th>
<th>On 1 April 2000 (no longer than 12 month break)</th>
<th>2 April 2000 – 7 May 2012 (no longer than 12 month break)</th>
<th>8 May 2012 onwards (no longer than 6 year break)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) 1 September 1999 to 16 March 2000</td>
<td>1) 1 September 1999 to 16 March 2000</td>
<td>3) 8 April 2001 to 16 May 2001</td>
<td>5) 10 May 2012 to 6 June 2012</td>
</tr>
<tr>
<td>2) 22 March 2000 to 15 April 2000</td>
<td>Not recognised as higher duties was not performed on 1 April 2000</td>
<td>Periods 2 and 3 recognised as there was less than 12 month break</td>
<td>Period 5 only recognised as there was a break in service in excess of 12 months from period 4 which occurred prior to 8 May 2012</td>
</tr>
<tr>
<td>3) 8 April 2001 to 16 May 2001</td>
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<tr>
<td>4) 10 June 2008 to 10 September 2008</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5) 10 May 2012 to 6 June 2012</td>
<td>2) 22 March 2000 to 15 April 2000</td>
<td>4) 10 June 2008 to 10 September 2008</td>
<td>6) 18 August 2013 to 12 February 2014</td>
</tr>
<tr>
<td>6) 18 August 2013 to 12 February 2014</td>
<td>Period 2 recognised as employee was on higher duties on 1 April 2000</td>
<td>Period 4 only is recognised as there was a break in service in excess of 12 months from period 3</td>
<td>Periods 5 and 6 recognised as periods of higher duties occurred after 8 May 2012, and the break in service was less than 6 years</td>
</tr>
</tbody>
</table>

1.5 Recognition of higher duties upon permanent appointment

1.5.1 Permanent appointment after 7 May 2012

When an employee is promoted after 7 May 2012, 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.

1.5.2 Permanent appointment between 1 April 2000 and 7 May 2012 on or after 1 April 2000

When an employee is promoted, all higher duties performed on or after 1 April 2000 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.

1.5.3 Permanent appointment on or after 1 February 1995 and before 1 April 2000

When an employee who has been appointed to continuous relieving in higher duties (in accordance with the directive relating to Recruitment and Selection in operation at the time) has met any specified performance outcomes during the period, and the employee is subsequently permanently appointed to the position while still relieving, the period of service may be taken into account when determining the Higher Duties.
relevant paypoint upon which to appoint the employee, i.e. employees are to be appointed to the relevant paypoint they occupied while relieving in the position.

1.6 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 paypoint 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.

In certain circumstances an employee may relieve in a position which requires a mandatory qualification without the employee holding that qualification. This arrangement can only occur when no mandatory professional registration requirement exists, e.g. social workers.

An employee is to perform all the duties and accept all the responsibilities of the position in which he or she relieves.

1.7 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:

1.7.1 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.

1.7.2 Public holiday during the period

Forms part of the relieving period and payment of extra remuneration is made for the public holiday.

1.7.3 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.

2 Higher Duties prior to taking leave

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