

<b>POLICY:-</b>	
Policy Title:	Higher Grade Pay Policy
File reference:	F10/618-06
Date Policy was adopted by Council initially:	16 April 2009
Resolution Number:	138/09
Other Review Dates:	19 August 2010, 15 August 2013, 15 December 2016
Resolution Number:	318/10, 255/13, 357/16
Current Policy adopted by Council:	15 August 2019
Resolution Number:	213/19
Next Policy Review Date:	2022

<b>PROCEDURES/GUIDELINES:-</b>	
Date procedure/guideline was developed;	N/A
Procedure/guideline reference number:	N/A

<b>RESPONSIBILITY:-</b>	
Draft Policy Developed by:	Human Resources Coordinator
Committee/s (if any) consulted in the development of this policy:	Consultative Committee
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	Human Resources Coordinator

## **Aim**

This policy applies to all employees of Upper Lachlan Shire Council and has been prepared to ensure a consistent approach to the application of higher duties payments across all sections of Council.

## **Policy**

Upper Lachlan Shire Council staff who are required to relieve another staff member classified at a higher grade in council's salary system are to be paid as per the attached procedures.

Higher Grade pay does not apply to staff on the same grade regardless of personal rates of pay.

The Council may direct the employee to carry out such duties that are within the limits of the employee's skill, competence and training. Council reserves the right to allocate duties in accordance with operational necessity and within budget.

Payment of higher grade duties in the absence of an employee is not automatic. The Directors and Managers of Council must assess relief positions in accordance with the provisions of the following procedure. The Directors and Manager have a duty to their employees to ensure that extra duties required to be performed by their employees during periods of staff absences are paid accordingly and that time allows during normal working hours for these extra duties to be performed.

## **Procedure**

The aim of this procedure is to clearly define the process of payment to Upper Lachlan Shire Council employees when acting in a higher grade position other than their current classification. This procedure should be followed by all Departments within Council.

An employee who is assessed and is required to perform extra duties outside their normal daily duties or is required to relieve in a position which is at a higher grade in Council's Salary System, shall be paid for the time spent relieving in that position, with a minimum payment of one day.

At the commencement of each relieving "period" a determination will be made on whether the relief will be for a defined period of absence and/or if it is expected that the relieving employee will be acting as a replacement for the position being relieved. Alternatively the relief may be on an intermittent basis. In the case of a defined period of relief the Award provisions in regard to aggregation of a varying rate of pay will apply to annual leave.

All claims for higher grade pay should be made within the current fortnightly pay period. The payment of higher grade duties is to be recorded on the appropriate Higher Duties Form and authorised by the relevant Director/Manager/Supervisor.

Any claim for higher grade pay made after the current pay period will not be paid unless authorised by the General Manager.

The rate to be paid shall be determined by considering the skills/experience applied by the employee relieving in the position but shall be at least the minimum entry grade rate for that position and must be at least 5% more than the employee's normal hourly rate of pay, in accordance with the salary system except in the following two instances:-

- (a) Where the higher level skills have been taken into account within the salary of the relieving employee.
- (b) That the relieving employee cannot receive any payment higher than the maximum Step in the grade that they are relieving in.

### **Long Term Higher Duties**

Where long term higher duties are undertaken by an employee a review of higher duties payment rates will be undertaken in conjunction with the annual review processes.

It should also be noted that a Present Occupant Position is excluded from the above procedure.

The Local Government State Award states as follows:-

#### ***Refer to Clause 8 of the Award – “Use of Skills”.***

- (i) The parties are committed to improving skill levels and removing impediments to multi skilling and broadening the range of tasks that the employee is required to perform.
- (ii) The employer may direct the employee to carry out such duties that are within the limits of the employee's skill, competence and training.
- (iii) An employee shall be paid the salary system rate of pay that recognises the skills the employee is required to apply on the job.
- (iv) (a) The skills paid for shall not be limited to those prescribed by the job description and may, where appropriate, include skills possessed by the individual which are required by council to be used as an adjunct to the employee's normal duties.  
  
(b) Subject to subclause (xii) and (xiii) of Clause 15, Allowances, Additional Payments and Expenses, employees who are required by the employer to use such additional skill(s) in the performance of their duties shall have the use of these skill(s) considered in the evaluation of the position.

As provided by the Award, Council may direct an employee to carry out such duties that are within the limits of the employee's skill, competence and training.

*Refer to Clause 10 of the Award – “Payment for Relief Duties/Work”.*

- (i) An employee required to relieve in a position which is at a higher level within the salary system shall be paid for that relief. The rate to be paid shall be determined by considering the skills/experience 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.
- (ii) Payment for use of skills relieving in a higher grade position shall be made for the time actually spent relieving in the higher position and is not payable when the relieving employee is absent on paid leave or an award holiday. An employee on annual leave may be entitled to a higher rate of pay in accordance with the provisions of Clause 21 D (ix) of this Award.
- (iii) An award employee who is required to relieve in a senior staff position, so designated under the Local Government Act 1993 (NSW), shall be paid an appropriate rate of pay commensurate with the duties and responsibilities of the relief work undertaken.”

#### **Reference Documents:**

#### **Relevant Legislation**

The following Legislation affects the operation of this Plan:-

- Local Government Act 1993;
- Local Government (General) Regulations 2005;
- Local Government (State) Award 2017;
- Work Health and Safety Act 2011 and Regulations;
- Anti Discrimination Act 1977;
- Industrial Relations Act 1996;
- Independent Commission against Corruption Act 1988;
- Workplace Relations Act 2008;
- Fair Work Act 2009;
- Equal Employment Opportunity Act 1987;
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998;
- NSW State Records Act 1998;
- Trade Practices Act 1974;
- Public Interest Disclosures Act 1994; and
- Crimes Act 1900.



## **Related Council Policies and Procedures**

The following Council Policies and documents that are relevant to this Policy include:-

- Code of Conduct for Councillors, staff, contractors and delegates of Council;
- Upper Lachlan Shire Council Resourcing Strategy documentation;
- Human Resource Training Plan;
- Staff Training Policy;
- Human Resource Succession Plan;
- Equal Employment Opportunity (EEO) Management Plan;
- Public Interest Disclosures Policy;
- Recruitment and Selection Policy;
- Complaints Management Policy;
- Grievance Policy;
- Disciplinary Policy;
- Harassment Policy;
- Service Delivery Policy;
- Interaction between Councillors and Staff Policy;
- Bribes, Gifts and Benefits Policy;
- Fraud and Corruption Prevention Policy;
- Drug and Alcohol Policy;
- Rehabilitation Procedure and Practice Policy;
- Manual Handling Policy;
- Child Protection Policy;
- Employee Assistance Program (EAP) Policy;
- Trauma Management Policy;
- Employment and Retention Policy;
- Time in Lieu of Overtime Policy;
- Work Health and Safety Policy;
- Injury Incident Management Procedures;
- Protective Clothing and Equipment Policy;
- Mobile Telephone Policy;
- Smoking in the Workplace Policy;
- Salary Sacrificing Policy;
- Private Use of Council Motor Vehicles Policy;
- Volunteers Policy; and
- Payment of Expenses and Provision of Facilities Policy.
- ULSC Salary System Operating Procedure

## **VARIATION**

Council reserves the right to vary or revoke this policy.

The Local Government (State) Award continues to constitute the conditions of employment for all employees at Council.