



## Salary setting and progression

### Background

1. This guideline sets out the provision of salary on:
  - a. appointment and engagement;
  - b. promotion;
  - c. transfer;
  - d. temporary transfer - internal;
  - e. competency assessment;
  - f. increment; and
  - g. advancement.

### Ongoing employees

#### Salary on appointment

- ▶ Enterprise Agreement clause 17
2. The salary of an employee on appointment is as set out in clause 17 of the Enterprise Agreement, noting however that the salary of an ongoing electorate employee on appointment at the EOA classification must be **at least** the EOA-4 salary point.
  3. For new employees other than those in the EOA classification and senior staff, the salary may be set at any point within the classification.

#### Salary on promotion

- ▶ Enterprise Agreement clause 17
4. The salary of an employee who is promoted (other than senior staff) may be set by the employing Member to any salary point within the respective classification higher than the employee's existing salary.
  5. The salary of senior staff who are promoted may be set by the employing Member to the salary point any salary point within the respective classification, subject to approval by the Prime Minister in the case of Government senior staff.

6. The Department must be notified of the promotion by the prompt provision of a completed *Variation to An Existing Employment Agreement*.

**Salary on transfer**

- 7. A transfer is a permanent move of an ongoing employee, without a break in MOP(S) Act employment:
  - a. to the office of another employing Member (other than a promotion or a temporary transfer – external or temporary transfer - internal); or
  - b. within an office to a position at the same or a lower classification.
- 8. The salary of an employee who is transferred (other than for senior staff) will be:
  - a. the same salary point if that salary point is within the range for the new position; or
  - b. the top salary point of the new position if the employee’s previous salary was higher than the salary range for the new position.
- 9. The minimum salary on transfer to a lower classification of an ongoing electorate employee is shown in the table below.

Previous classification and salary point		Transfer to lower classification	
		EOB	EOA
EOC	2 <sup>nd</sup> and above	Top	Top
	1 <sup>st</sup> salary point	4 <sup>th</sup> salary point	Top
EOB	2 <sup>nd</sup> and above		Top
	1 <sup>st</sup> salary point		5 <sup>th</sup> salary point

- 10. The salary of senior staff who are transferred may be set by the employing Member to any salary point within the respective classification, subject to approval by the Prime Minister in the case of Government senior staff.
- 11. The Department must be notified of the transfer by the prompt submission of a completed *Variation to An Existing Employment Agreement*.

**Salary on temporary transfer – internal (Higher Duties Allowance)**

► Enterprise Agreement clause 18

- 12. The employing Member (or the Prime Minister in the case of Government senior staff) may specify a salary level that would be available if the employee was promoted to that higher classification. The salary level must be a salary point within the relevant classification and is used to calculate the higher duties allowance.
- 13. An employee can be temporarily transferred within the same classification but no higher duties allowance is payable.
- 14. Temporary transfer must be for a minimum period of 2 weeks, except as provided by clause 18.6 of the Enterprise Agreement. Where the temporary transfer only reaches the

minimum period due to temporary transfer against positions at more than one classification, the higher duties allowance will be paid at the lower classification only.

For example: an EOA who is temporarily transferred to an EOB position for one week and then transferred to an EOC position for the one week following may only be paid higher duties allowance at the EOB classification for the two week period.

15. Clause 18.6 of the Enterprise Agreement provides that to facilitate the return to work of an employee following a period of parental leave, and similar return to work circumstances, where that employee returns to work part-time, the Minister may approve the temporary transfer of another employee against the balance of that position.

For example: a formerly full-time EOB returns to work part-time following maternity leave. A part-time EOA may work the balance of hours in the EOB position (up to a total of 38 hrs per week between the two employees). The EOA will be paid as an EOA for their total weekly hours and HDA as an EOB for the hours in the EOB position.

16. Continuous periods of temporary transfer will count towards salary increments at that classification. The 'current salary point' for the purposes of clause 17.9(a) of the Enterprise Agreement will be the salary point at the higher classification.
17. The higher duties allowance paid for temporary transfer at a classification will be included as salary for severance benefits and payment in lieu of unused leave on the termination of employment where the allowance has been paid continuously for a period of 12 months at the time of termination.
18. The Department must be notified of the temporary transfer, or any extension of the period of the temporary transfer, by the prompt submission of a *Variation to An Existing Employment Agreement*.

#### Advancement due to competency assessment (electorate employees)

- ▶ Enterprise Agreement clause 17.7
  - ▶ Form 68 – *Competency Assessment – from Electorate Officer A to Electorate Officer B*
  - ▶ Form 69 – *Competency Assessment – from Electorate Officer B to Electorate Officer C*
19. Competency assessment advancement is available to ongoing EOA and EOB employees who have at least 12 months continuous eligible service at the top of the salary range for their classification or at an equal or higher salary point at a higher classification.
  20. By default, eligible employees are advanced to the next highest salary point in the next classification (i.e. EOA to EOB, or EOB to EOC), unless the employing Member sets the employee to a higher salary point within the next classification.
  21. Earlier continuous service at an equal or higher salary point counts towards eligibility for competency assessment advancement.

### Office structure

22. Competency assessment may be applied in relation to one electorate employee per employing Member at any given time, and may not result in a classification structure higher than:
- 1 x EOC, 2 x EOB and 1 x EOA; 2 x EOC and 2 x EOA; or 4 x EOB in a 4 position office;
  - 2 x EOC, 1 x EOB and 2 x EOA; or 1 x EOC, 3 x EOB and 1 x EOA; or 5 x EOB in a 5 position office; or
  - 2 x EOC, 2 x EOB and 2 x EOA; or 1 x EOC, 4 x EOB and 1 x EOA; or 6 x EOB in a 6 position office.
23. The competency assessment advancement applies to the individual employee not to the position and the advancement ceases on the departure of the employee.
24. An employee who is replacing an employee who has been advanced is paid at the classification of the position, not the classification of the employee who has been advanced.

### Procedure

25. Competency assessment advancement may only occur where:
- a. the employing Member undertakes a formal assessment of the employee against the competencies required at the higher classification;
  - b. the employee has demonstrated the required competency for the higher classification; and
  - c. there is sufficient work available at the higher classification to become the predominant part of the employee's work.
26. The employing Member must forward the completed competency assessment form to the Department. Where the employing Member wishes to advance the salary of the employee to a salary point that is higher than the default position, a *Variation to an existing employment agreement* must also be submitted.
27. Competency assessment advancement will only apply prospectively (that is, from the date the relevant competency assessment form is signed by the employing Member).

## Non-ongoing employees

### Salary on engagement

- ▶ Enterprise Agreement clauses 17.1 and 17.6

28. The salary of a new employee on engagement is as set out in clause 17 of the Enterprise Agreement, noting however that the salary of a non-ongoing electorate employee on engagement at the EOA classification must be **at least** the EOA-4 salary point.

29. For new employees other than those in the EOA classification and senior staff, the salary may be set at any point within the classification. A new employee, in relation to engagement, is an employee who was not employed at that classification on the business day immediately preceding the commencement date of the engagement.
30. The salary of an employee who is engaged on a non-ongoing employment agreement, and who was employed under the MOP(S) Act on the business day immediately preceding the commencement day of the engagement, may be set as follows:
  - a. if the engagement is at the same classification, the salary cannot be less than the salary point of the employee on the business day immediately preceding the commencement day of the engagement; or
  - b. if the engagement is at a different classification, the salary point will be set in accordance with clause 17 of the Enterprise Agreement. For employees other than those in the EOA classification and senior staff, the salary may be set at any point within the classification.

## Ongoing and non-ongoing employees

### Common salary increment date

- ▶ Enterprise Agreement clauses 17.8-17.9

31. To be eligible for a salary increment, the employee must remain at the current salary point, or a higher salary point, from before 1 March until 1 July.
32. Eligibility for a salary increment is broken by any service at a salary point below the current salary point, any casual employment or any break in MOP(S) Act employment.
33. For example: an EOA who is temporarily transferred to an EOB position for three weeks during April will remain eligible for a salary increment at the EOA classification on the following 1 July.
34. Where an employee's performance is reported in writing to the Department as being unsatisfactory by their employing Member prior to 1 July, a salary increment will not be paid. If the employee's performance is subsequently found to be satisfactory, the employing Member may advance the employee's salary to the next salary point (see 'salary advancement' at paragraph 35).
35. An employee is ineligible for a salary increment if their combined approved leave without pay and unauthorised absences are more than eight months of the previous 12 months as at 1 July each year.

### Salary advancement

- ▶ Enterprise Agreement clauses 17.10

36. An employing Member may advance the salary of an ongoing or non-ongoing employee at any time, subject to any arrangements that the Prime Minister may have put in place from time to time in relation to such salary advancements.

37. The Department must be notified of the salary advancement by the prompt submission of a completed *Variation to An Existing Employment Agreement*. The salary advancement will be from the date specified on the form.
38. Salary increments apply to employees whose salary is advanced, in accordance with the salary increment provisions of the Enterprise Agreement.

## Casual employees

### Salary on engagement

- ▶ Enterprise Agreement clauses 17.3 and 17.6
39. For casual employment against an established position, the salary on engagement used to calculate a casual employee's hourly rate will be subject to the salary setting provisions in clause 17 of the Enterprise Agreement. For employees other than senior staff, the salary may be set at any point within the classification.
  40. For casual employment wholly against the Electorate Support Budget, the employing Member must indicate the Electorate Officer classification applicable to the employment and the salary may be set at any point within the classification.
  41. Casual employees do not receive salary increments. Service as a casual employee does not count as service for salary increment purposes if the casual employee is subsequently appointed as an ongoing or non-ongoing employee.

## Examples

### Promotion

Jane is presently an ongoing EOA at the EOA-5 salary point<sup>5</sup>. Jane's employing Member has reviewed Jane's performance and decided that Jane is to be promoted to an EOB at the EOB-3 salary point. What are the next steps to document the new arrangement?

*Answer:* Jane and her employing Member should complete a *Variation to An Existing Employment Agreement* (Form 102) and submit it to the Department as soon as possible to ensure that Jane may be paid from the commencement of her promotion.

### Reduction in classification

Brendan has approached his employing Member about his plans to return to university. He would like to work three days a week at a lower classification to accommodate his university commitments. Brendan's employing Member agrees with this arrangement. Brendan's working hours will be reduced from full-time to part-time. Brendan is

currently an ongoing EOC at the EOC-2 salary point. It is proposed that his salary will be changed to EOA at the EOA-5 salary point. Is this permitted?

*Answer:* Yes and no. Brendan can transfer to the lower classification and reduce his working hours. However, as Brendan is ongoing, his salary can be reduced to no lower than the EOA-6 salary point. Brendan and the employing Member should complete a *Variation to An Existing Employment Agreement* (Form 102), recording Brendan's new classification, salary and work hours. The form must be submitted to the Department as soon as possible to ensure that Brendan is not overpaid.

#### **High Duties Allowance – Example 1**

Jason is an ongoing EOA at the EOA-5 salary point and has agreed to undertake higher duties for one week to cover the annual leave of a colleague. Jason's absent colleague is an EOB at the EOB-4 salary point. Is this permitted?

*Answer:* No. Temporary transfer must be for a minimum period of two weeks unless approved by the Minister where an employee has returned to work part-time (refer to clause 18.66 of the Enterprise Agreement).

#### **High Duties Allowance – Example 2**

Kim is an ongoing EOA at the EOA-6 salary point and is temporarily transferred against an EOB position at the EOB-3 salary point for one week and then immediately against an EOC position at the EOC-1 salary point for one week. Will Kim be paid higher duties allowance as an EOB and EOC for the respective weeks of temporary transfer?

*Answer:* No. The Higher Duties Allowance will be paid at the EOB classification only for the two week period. The minimum period for temporary transfer is two weeks. Kim can be transferred as an EOB against these positions for two weeks. She cannot be transferred to an EOC for just one week.

#### **Increases to a higher salary point**

Sarah commenced ongoing, full-time employment on 17 May. She is employed as an EOB at the EOB-4 salary point. Will she automatically advance to the next salary point on 1 July?

*Answer:* No. Sarah isn't eligible for a salary increment as she has not been at her salary point, or a higher salary point, since before 1 March.