



ATTORNEY-GENERAL AND MINISTER FOR INDUSTRIAL RELATIONS

DIRECTIVE No. 7/10
April/2010

- 1. TITLE:** **Transfer within and between Classification Levels and Systems**
- 2. PURPOSE:** To detail the conditions applying to the transfer of public service officers from one stream to another within a classification system or from one classification system to another.
- 3. LEGISLATIVE PROVISION:** Sections 54(1), 133 (1) and (2) of the *Public Service Act 2008*.
- 4. APPLICATION:** This directive applies to public service officers whose salaries are determined by classification and remuneration systems in awards and agreements.
This directive does not apply to –
 - award free employees;
 - chief executives, senior executives and senior officers;
 - public service officers on contracts under section 121 of the *Public Service Act 2008*;
 - employees engaged on a casual basis under section 148(2)(b) of the *Public Service Act 2008*; and
 - general employees engaged under section 147 of the *Public Service Act 2008*.
- 5. STANDARD:** The conditions prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **19 April 2010**.
- 7. VARIATION:** The provisions in the Schedule may be varied in accordance with certified agreements made under Chapter 6, Part 1 of the *Industrial Relations Act 1999* or decisions of an industrial tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Sections 52 and 54(1) of the *Public Service Act 2008* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Directive 24/99 “*Transfer Within and Between Classification Systems*”
- 10. PREVIOUS REFERENCES:** Directive 25/97 “*Transfer Within and Between Classification Systems*”

SCHEDULE

TRANSFER WITHIN AND BETWEEN CLASSIFICATION LEVELS AND SYSTEMS

GENERAL CONDITIONS

1. Application

This directive may apply –

- when an officer transfers within a department or to another department as prescribed in section 133(1) and (2) of the *Public Service Act 2008*; and
- the transfer involves movement:
 - from one stream to another within a classification and remuneration system, or
 - between one classification and remuneration system and another.

An officer may be transferred, in accordance with this directive, only where the officer's current pay level is within the minimum and maximum of the salary range of the classification level of the stream or system to which the officer is to be transferred.

Example

In the example below an officer classified at TO5(3) is able to transfer to a PO4 level position as the officer's current salary is between the minimum and maximum salary range of a PO4 level position. However, an officer classified at TO5(2) is not able to transfer to a PO4 level position because the officer's salary is below the minimum salary of a PO4 level position.

Paypoint	TO5	PO4
1	\$2,633.00	\$2,760.40
2	\$2,710.90	\$2,831.60
3	\$2,789.10	\$2,902.60
4	\$2,867.20	\$2,973.80

2. Mandatory requirements

Where applicable, at the time of transfer, an officer must meet mandatory requirements attached to the classification stream or system to which the officer is to be transferred.

3. Definitions

"Classification Stream" means the stream within the classification system e.g. Administrative, Professional, Technical or Operational Stream.

"Classification Level" shall comprise a number of paypoints through which officers will be eligible to progress.

"Paypoint" shall mean the specific rate of remuneration payable to officers within a Classification Level.

"Increment" shall mean for all officers (where applicable) an increase in salary from one paypoint to the next highest paypoint.

"Transfer" is defined in Schedule 4 of the *Public Service Act 2008*.

4. Parity of pay level

Where parity of pay level exists within or between systems, movement shall be to an equal pay level. Where applicable, further incremental pay increases shall occur after twelve months or on the due date of the transferred officer's next increment, whichever occurs sooner.

5. Non-equivalence of pay level

Where no equivalent pay level exists, the transferred officer is to be moved to the next highest paypoint in the classification stream or system to which he or she has been transferred.

6. Incremental advancement

An officer may maintain the increment date of their previous position if they would be financially disadvantaged by the transfer, that is –

- the increment the officer would have been eligible for under the classification stream or system that previously applied (had the officer not been transferred) is higher than that in the new stream or system; and

- the date the officer becomes eligible for an increment under the previous classification stream or system falls within twelve months from the date of transfer.

Otherwise, where applicable, after twelve months, a transferred officer shall advance to the next highest increment in the classification stream or system to which he or she has been transferred subject to demonstrated satisfactory performance.

Example

On 1 October 2009 an officer classified at AO5(1) transfers to a PO3(2) level position in another classification stream. Under the officer's previous position, their increment would be due on 1 April 2010, while under the officer's new position the increment would be due on 1 October 2010.

Paypoint	AO5	PO3
1	\$2,422.50	\$2,374.40
2	\$2,492.80	\$2,447.10
3	\$2,562.90	\$2,519.90
4	\$2,633.00	\$2,592.90

To overcome this disadvantage the officer will move to paypoint 3 of the PO stream on 1 April 2010.

7. Movement to a lower classification level (redeployment)

Where an officer applies for a lower classification within or across departments, they are to be paid at that lower classification level and the paypoint is to be negotiated between the officer and the employer.

Movement to a lower classification level is to be in accordance with the directive *"Employment arrangements following workplace change"*.

8. Movement between certified agreements

(a) Where an officer is appointed to a vacancy or requests a transfer then the

officer becomes subject to the terms and conditions of the certified agreement relating to the new position.

(b) Where an officer is transferred, other than as prescribed in paragraph (a), and

- the officer comes under the provisions of a different certified agreement; and
- the remuneration attached to the classification level is lower than the remuneration attached to the classification level he or she has transferred from;

the officer shall not be disadvantaged and will be remunerated as follows.

The remuneration to these officers will be that which applied to their substantive position prior to transfer; and

- does not include salary increases under the previous certified agreement from which they have transferred, operative after the date of transfer; and;
- will include salary increases (where applicable) under the certified agreement covering the unit to which they have been transferred, operative after the date of transfer; and
- will continue to be guaranteed until such time as a new agreement, covering the unit to which they have been transferred, is in effect, providing that the officer's remuneration is not reduced under the new certified agreement.

Where applicable, officers are to continue progressing incrementally under the classification stream or system to which they have been transferred.

9. Appeals

Fair treatment appeals are permitted in relation to a decision made to apply the provisions of this directive. However, a decision made not to apply the provisions of this directive may not be appealed against.