



MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS

DIRECTIVE No. 24/99
July 1999

- 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 34(2), 79(2) and (3) of the *Public Service Act 1996*.
- 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;
 - senior executives and senior officers;
 - public service officers on contracts under section 69 of the *Public Service Act 1996*;
 - employees engaged on a casual basis under section 113(2)(b) of the *Public Service Act 1996*; and
 - employees engaged under section 112 of the *Public Service Act 1996*.
- 5. STANDARD:** The conditions prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 July 1999**.
- 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 34 and 117 of the *Public Service Act 1996* 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 25/97 "*Transfer Within and Between Classification Systems*"

SCHEDULE

TRANSFER WITHIN AND BETWEEN CLASSIFICATION LEVELS AND SYSTEMS

GENERAL CONDITIONS

Application

This directive may apply-

- when an officer transfers within a department or to another department as prescribed in section 79(2) and (3) of the *Public Service Act 1996*; 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 classification system to which the officer is to be transferred.

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.

Non-equivalence of pay level

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

Incremental advancement

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.

The transferred officer may advance to the next highest paypoint within the classification stream or system to which he or she has been transferred on the anniversary date that would have applied if he or she had not transferred.

This occurs only where the officer 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.

Example

On 1 January 1999 an officer transfers from PO4(1) \$46097 of the C&RS (with an increment date of 1 July) to a position in another classification system. The rates of each paypoint are as follows –

	PO	IO
Paypoint 1	46097	46392
2	47284*	47992**
3	48471	48631
4	49658	49862

* next increment due 1 July 1999

** next increment due 1 January 2000

To overcome this disadvantage the officer will move to paypoint 2 of the IO stream on 1 July 1999.

Satisfactory performance

Movement to a higher increment level is to be subject to demonstrated satisfactory performance (for example, a performance, planning and review process).

Mandatory requirements

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

Movement to a lower classification level (redeployment)

Movement to a lower classification level is to be in accordance with the directive – "*Deployment and Redeployment*".

Movement between certified agreements

Where an officer is transferred, other than by appointment to an advertised vacancy or by requesting a transfer, 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.

The remuneration applicable to officers in these circumstances will be that which applied to their substantive position prior to 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.

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

Appeals

Fair treatment appeals are permitted in relation to a decision to act under the provisions of this directive. However a decision not to act in accordance with this directive may not be appealed against.