

DIRECTIVE 10/16

Supersedes: 11/13

Minister for Employment and Industrial Relations Directive: Transfer Within and Between Classification Levels and Systems

1. 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.

2. Effective date: 8 January 2016

3. Legislative authority:

Sections 54(1), 133(1) and (2) of the *Public Service Act 2008*.

4. Application:

This Directive applies to public service officers under the *Public Service Act 2008* whose salaries are determined by classification and remuneration systems in awards and agreements.

5. Previous references:

Directives 25/97, 24/99, 7/10 and 11/13.

DIRECTIVE

6. Movements covered by Directive

6.1 This Directive applies where an officer is transferred (including following a selection process) and the transfer involves movement:

- (a) from one stream to another within a classification and remuneration system, or
- (b) between one classification and remuneration system and another.

6.2 This Directive also applies where an officer applies for appointment to a lower classification level (re-deployment).

7. Mandatory requirements

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

8. Pay level

8.1 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 (12) months or on the due date of the transferred officer's next increment, whichever occurs sooner.

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

- 8.3 An officer may maintain the increment date of their previous position if they would otherwise be financially disadvantaged by the transfer.
- 8.4 Where an officer **applies** for a role at a lower classification within or across departments, they are to be paid at that lower classification level and the pay-point is to be negotiated between the officer and the employer.
- 8.5 Movement to a lower classification level following workplace change is to be in accordance with the Directive relating to employees requiring placement.

9. Movement between certified agreements

- 9.1 Where an officer applies for and is appointed to a vacancy or requests a transfer then the officer immediately becomes subject to the terms and conditions of the certified agreement relating to the new position.
- 9.2 Where an officer is directed to transfer the officer shall not be disadvantaged if they come under the provisions of a different certified agreement which has a remuneration level lower than the remuneration level attached to their former role.
- 9.3 The remuneration of officers under clause 9.2 will be that which applied to their substantive position prior to transfer; and
- (a) does not include any increases under their previous agreement which occur after the date of transfer;
 - (b) does include any applicable salary increases under the certified agreement covering their new role that occur from the date of transfer;
 - (c) will continue until a new agreement exists for the role the officer was transferred to that provides for a salary equal to or greater than that of the role the officer transferred from (i.e. to the maintained level).
- 9.4 Where applicable, officers under clause 9.2 are to continue progressing incrementally under the classification stream or system to which they have been transferred.

10. Appeals

Appeals are only permitted in relation to a decision made to apply the provisions of this Directive, to the extent an appeal right is available pursuant to s194(1)(a) of the *Public Service Act 2008*, in accordance with the Directive relating to appeals. A decision made not to apply the provisions of this Directive may not be appealed against.

11. Definitions

Unless otherwise defined, terms in this Directive have the meaning prescribed in the *Public Service Act 2008*.

Classification Level shall comprise a number of pay-points through which officers will be eligible to progress.

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

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

Pay-point shall mean the specific rate of remuneration payable to officers within a Classification Level.

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