

Public Sector Industrial Relations

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Title Variation to the *Public Service Award - State*
Date 3 September 1999 Circular No. 8/99

Variation to the Public Service Award - State in relation to the determination of paypoints for new appointees.

This circular advises of the recent variation to the *Public Service Award - State* to clarify a number of issues relating to the determination of paypoints for new appointees.

On 25 June 1999, the Queensland Industrial Relations Commission approved of a variation to the *Public Service Award - State* which is replicated at the end of this circular.

The variation was sought to address a number of issues in relation to the determination of commencing paypoints for new appointees and movement between classification levels under clause 3.3.10 of the Award.

A more detailed explanation of the amendments is set out below -

1. Amendment to clause 3.1 Definitions by adding a definition of "officer"

It was necessary to include a definition of "officer" to provide clarification between an "employee" and "officer" for the purpose of the award, particularly in relation to promotions under clause 3.3.10 (a) (vii).

2. Amendment to clause 3.3.10(a)(vii) by deleting the word "employee" and replacing it with the word "officer"

It is inappropriate to refer to "employees", which includes casual and temporary employees, as being promoted in the same way as an "officer" is promoted under the *Public Service Act 1996*.

In the case of casual and temporary employees, each appointment represents a separate engagement.

3. Amendment to clause 3.3.10(a)(viii) by deleting the words "a person not previously an employee" with the words "an external applicant (that is an applicant who is not an officer)"

Under the previous wording, a person employed as a casual or temporary employee as defined under subclause 3.1.10 of the Award or previously employed as an officer was regarded as an internal applicant for the purpose of determining their commencing paypoint. Hence, they could only be appointed to the minimum paypoint of the classification level of the position being appointed to.

Under the new wording, such persons will be regarded as external applicants for the purpose of determining their commencing paypoint. Current officers are still subject to the provisions of subclause 3.3.10 (a)(vii) and can only be appointed to paypoint one of a higher classified position.

4. Insertion of a new paragraph (ix) to subclause 3.3.10 to cover re-admissions to the Public Service

The addition of this paragraph was necessary to maintain the status quo in relation to the recognition of the previous service of an officer for salary purposes where the officer is re-admitted to the Public Service within 12 months.

This provision which was previously in the *Public Service Management and Employment Regulation 1988* is also contained in Ministerial Directive No. 22/99.

As industrial instruments (ie. awards, etc.) now prevail over Ministerial Directives, it was decided to duplicate the provision in the Award to ensure that officers re-admitted to the Public Service within 12 months would continue to have their previous service counted for the purpose of determining their commencing paypoint and calculation of their salary increment.

Of course, under the amended paragraph (viii) of subclause 3.3.10, such officers can also be considered for a higher paypoint where this is deemed appropriate.

Please ensure when distributing this information to employees in your agency that a contact officer from your agency is nominated for further enquiries.



ANDREW SEE
Acting Director

[Extract from Queensland Government Industrial Gazette,
dated 9 July 1999, Vol. 161, No. 12, pages 228-229]

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997 - s.127 – application for variation

**Department of Employment, Training and Industrial Relations AND State Public Services Federation
Queensland Union of Employees (No. B656 of 1999)**

PUBLIC SERVICE AWARD – STATE

COMMISSIONER BLADES

25 June 1999

VARIATION

This matter coming on for hearing before the Commission at Brisbane on 25 June 1999, this Commission doth order that the said Award be varied as follows as from the twenty-fifth day of June 1999 –

1. In clause 3.1 (Definitions) –
 - (a) by renumbering subclauses 3.1.15, 3.1.16, 3.1.17 and 3.1.18 as subclauses 3.1.16, 3.1.17, 3.1.18 and 3.1.19 respectively; and
 - (b) by inserting a new subclause 3.1.15 as follows -
“3.1.15 ‘Officer’ – for the purpose of this Award shall mean a ‘Public Service Officer’ appointed under section 8 of the *Public Service Act 1996*.”.
2. In clause 3.3 (Salaries) –
 - (a) by deleting paragraphs (vii) and (viii) of subclause 3.3.10 and inserting the following in lieu thereof –
 - “(vii) Subject to clause 3.3.12 (c), an officer promoted to a position at a higher classification level within the same stream shall be appointed to paypoint one at that higher classification level.
 - “(viii) An external applicant (that is an applicant who is not an officer) who is appointed to a position may be appointed to any paypoint within a level, based on recognition of skills, knowledge and abilities.”; and
 - (b) by inserting a new paragraph (ix) to subclause 3.3.10 as follows -
 - “(ix) Provided that an officer re-admitted to the Public Service within 12 months and whose previous employment as an officer was terminated other than by way of disciplinary action, shall have their previous service as an officer counted for the purpose of determining their commencing paypoint and calculation of their salary increment.”.

Dated this twenty-fifth day of June 1999.

By the Commission,
[L.S.] E. EWALD,
Industrial Registrar.

Operative Date: 25 June 1999
Variation – Definitions
Released: 25 June 1999

R.G. Giles, Acting Government Printer, Queensland

The State of Queensland 1999

The Division of Public Sector Industrial Relations provides policy advice and consultancy and training services to Queensland Government departments and agencies. It is part of the Department of Employment, Training and Industrial Relations.

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