

Higher Grade Duty Payments to Nurses and Midwives

Summary The purpose of this Information Bulletin is to provide further information about the changes to higher grade duty payments to nurses and midwives covered by the Public Health System Nurses and Midwives (State) Award.

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HIGHER GRADE DUTY PAYMENTS TO NURSES AND MIDWIVES

INTRODUCTION

This Information Bulletin supplements Clause 24 (i) of the *Public Health System Nurses' and Midwives' (State) Award* ('the Award'), which sets out the provisions regarding payment for performing higher grade duty.

This Information Bulletin should be read in conjunction with the Award.

Determination of Conditions of Subsidy requires (to the extent permitted by law) non-declared affiliated health organisations to comply with policy directives dealing with the terms and conditions of employment of staff employed in the NSW Health Service and to provide to staff the same conditions of employment as those set out in industrial instruments applicable to staff employed in the NSW Health Service.

BACKGROUND

Higher grade duty provisions have changed as a consequence of changes to the Award arising from the Memorandum of Understanding ('MOU') between the NSW Nurses' Association and the NSW Department of Health, for the period 2008 – 2010.

Information Bulletin IB2008_036 MOU between the NSW Department of Health and the NSW Nurses Association 1 July 2008 - 30 June 2010, published 29 July 2008, was issued to communicate the agreements reached in the MOU.

PURPOSE

The purpose of this Information Bulletin is to provide further information about the changes to higher grade duty payments.

THE AWARD

Clause 24 (i) of the Award states,

An employee who is called upon to relieve and does relieve an employee in a higher classification or is called upon to act and does act in a vacant position of a higher classification for a continuous period of at least five working days shall be entitled to receive for the period of such relief or acting, the minimum payment for such higher classification. The employer shall not rotate the performance of higher grade duty so as to avoid payment for performance of the higher grade duty in this manner.

IMPLEMENTATION

Payment for performing higher grade duty is paid after acting or relieving in a higher classification for a continuous period of at least five full time equivalent rostered working days (or 38 hours, whichever comes first), unbroken by the employee discharging the higher duties taking any leave. An employee who has met the minimum period of five continuous full time equivalent working days is not required to meet it again during the same period of acting or relieving.

Following are some illustrative examples.

Example 1. Relieving or acting in place of a full time employee

When an employee acts or relieves in place of a substantive full time employee whose roster is five days on duty followed by two days off duty, the employee acting or relieving is entitled to payment for the higher grade duties after completing five days. If, for any reason, the employee who is acting or relieving takes leave within the first five days the calculation starts again from the day the employee returns to work. See Figure 1.

Figure 1. Example Full Time Roster

Substantive Full Time Employee Roster	On	On	On	On	On	Off	Off
	1	2	Leave	1	2	Off	Off
Restart							
Acting/Relieving (Days)	On	On	On	On	On	Off	Off
	3	4	5	Leave	6	Off	Off
			Higher Duties Payable		Five continuous days has been met		

Example 2. Relieving or acting in place of a part time employee

When an employee acts or relieves in place of a substantive part time employee whose roster is three by eight hour shifts on duty followed by four days off duty, the employee acting or relieving is entitled to payment for the higher grade duties after completing five full time equivalent days or 38 hours, whichever comes first. See Figure 2.

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Figure 2. Example Part Time Roster

Substantive Employee Roster 3 x 8 Hour Shifts	On	On	On	Off	Off	Off	Off
	8	16	24	Works Substantive Position	Works Substantive Position	Off	Off

On	On	On	Off	Off	Off	Off
32	40	48	Works Substantive Position	Works Substantive Position	Off	Off

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On	On	On	Off	Off	Off	Off
Leave	56	64	Works Substantive Position	Works Substantive Position	Off	Off

Five continuous days has been met

Example 3. Relieving or acting in a 10 hour roster

When an employee acts or relieves in place of a substantive employee who works a four by 10 hour roster, the employee acting or relieving is entitled to payment for the higher grade duties after completing five full time equivalent days or 38 hours, whichever comes first. See Figure 3.

Figure 3. Example 4 x 10 hour roster

Substantive Employee Roster 4 x 10 hour shifts	On	On	On	On	Off	Off	Off
	10	20	30	Leave	Off	Off	Off

On	On	On	On	Off	Off	Off
10	20	30	40	Off	Off	Off

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Example 4. Relieving or acting in a 12 hour roster

When an employee relieves or acts in place of a substantive employee who works a three by 12 hour roster, the employee acting or relieving is entitled to payment for the higher grade duties after completing five full time equivalent days or 38 hours, whichever comes first.

Employees working a three by 12 hour roster work 36 hours in three days and might consider the three days a 'week'. However, the full time hours for such employees are measured over four weeks (or longer depending on the arrangements) and the requirement of five full time equivalent rostered working days is not satisfied by working the first three 12 hour shifts only. Therefore, in order to ensure consistency in application of the principle "five full time equivalent rostered working days (or 38 hours, whichever comes first)", the three by 12 hour roster needs to be considered in similar fashion to a part-time roster (see Example 2) in that the rostered hours are cumulative. See Figure 4.

Figure 4. Example 3 x 12 hour roster

Substantive Employee Roster 12 hour shifts	On	On	On	Off	Off	Off	Off
	12	24	36	Off	Off	Off	Off
Acting (Hours)	12	24	36	Off	Off	Off	Off

On	On	On	Off	Off	Off	Off
48	60	72	Off	Off	Off	Off

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If the employee who is acting or relieving takes leave before completing five full time equivalent days the calculation starts again from the day the employee returns to work, in the same manner as described at Example 1.

ENQUIRIES

Any enquiries concerning this Information Bulletin should be directed to the relevant human resource personnel in Area Health Services. Only human resource personnel from Area Health Services are to contact the Department.

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