

Higher Duties / Acting Policy

Policy No:	HR-011
Adopted:	Chief Executive Officer
Date Adopted:	14 January 2025
Review Date:	January 2028
Version No:	1
Responsible Officer:	HR Manager

Purpose

To prescribe conditions for the payment of higher duties when an employee assumes the duties and responsibilities of a higher classification level.

Commencement of Policy

This Policy will commence on adoption by CEO. It replaces all other policies (whether written or not). Council may amend this policy by resolution.

Scope

This policy applies to employees of Murweh Shire Council.

Policy

Higher Duties are awarded to compensate employees for performing duties classified about those in their appointed position.

This policy applies whenever a vacancy of absence occurs that the Chief Executive Officer or Director required another employee to perform the whole, or a component of the daily duties of the vacant position, for a stated period of time.

An employee is not automatically entitled to higher duties.

The following standards and requirements apply:

1. Higher Duties are to be paid in accordance with the relevant Awards and Enterprise Bargaining Agreement/s and only at the specific direction of the relevant Directors or the Chief Executive Officer.
2. Extra duties should not be confused with Higher Duties.
3. The selection of an employee for Higher Duties is to be based on their qualifications and/or experience. Where two or more employees have the same credentials, the awarding of Higher Duties should be rotated in a fair, equitable and reasonable manner.
4. Subject to policy provisions, where an employee is directed to perform duties of a position classified higher than that of their appointed position, the employee will be paid not less than the base salary for the higher position for the whole period that they are acting in that capacity.
5. Employees should not be directed to perform duties of a higher position until such time as the higher position has been or will be vacant for five (5) or more days. Where the higher position is one that performs a singular service to the public or organisation (e.g.: IT Officer), the five day provision may not be applicable, as determined by the Director or Chief Executive Officer.
6. Higher Duties are not payable when duties are not performed due to the permanent incumbent taking a leave of five (5) working days or less. Managers/Directors should use their discretion to submit Higher Duties

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for the approval of the Chief Executive Officer or relevant Director in the event of five (5) or more days of leave being taken.

7. If the incumbent of the higher position is paid at the top incremental scale or receives an over award payment, the acting incumbent should only be compensated at the appropriate base rate. In the event of an employee performing the higher duties of an incumbent who has a negotiated salary, the Manager/Director should use their discretion to recommend an appropriate hourly rate.
8. An employee directed or appointed to relieve in a higher level position where the employee is not required to perform the substantive functions of the role shall be paid a percentage of the base rate of the higher position, as approved by the Director or Chief Executive Officer. A review of the duties of the higher position should determine the percentage to be paid.
9. Where an employee acts in the position of Manager:

The employee will not be required to perform all the duties of that position and will be paid a percentage of the base salary applicable to the higher position. The following can also be used when determining the percentage of higher duties to be awarded:

% of the higher position salary	Higher duties period
70%	1-2 weeks
75%	3-5 weeks
85%	6-13 weeks
100%	14+ weeks

Consideration will also be given where an employee has acted in the position on a number of occasions previously and the current remuneration of the employee undertaking the higher position

11. The following conditions will apply to all employees:

- a) Any sick leave that occurs while a person is acting in the higher position will be paid at the higher rate.
- b) Higher Duties will not be paid when the relieving employee is absent on a public holiday.
- c) Annual leave will only be paid at the higher rate if the person is acting in the position for longer than 3 months and is acting both before and after the period of leave.
- d) Overtime will be paid at the higher duty rate only if associated with the higher position function.
- e) An employee, whilst acting in a Higher Duties Position cannot act in a position which is higher than the one that they are currently acting in.
- f) An employee acting in higher duties takes on the delegations of that position. Directors and CEO must be cognisant of the employees skills, experience and knowledge to assume these delegations of authority and where applicable, limit the scope of the higher duties through setting conditions.

Approval

- Directors are authorised to approve higher duties for periods of two (2) weeks or less.
- The CEO is to approve higher duties for employees acting in the role of Manager or Director.
- The Council is to approve higher duties for employees acting in the role of CEO.
- A letter of the appointment to higher duties, listing any conditions, must be issued to the employee.

Audit and Review

This policy shall be reviewed every **three years** or as required due to changes to in legislation.

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Definitions

‘Employees’ includes a person who carries out work in any capacity for Council (i.e. temporary or permanent employee, contractor, sub-contractor, employee of a labour hire company, trainee, apprentice)

“Higher Duties” means remuneration paid to an employee for performing duties classified higher than their appointed position.

References

- *Local Government Act 2009*
- *Industrial Relations Act*
- *Public Services Ethics Act*
- *Code of Council for Staff*
- *Enterprise Bargaining Agreement*

Version Control

Version No.	Date	Approved	Amendment
1.0	dd/mm/yyyy	[officer name]	[brief description]

Approval

Chief Executive Officer		Bruce Scott	
Date:	14/01/2025	Signature:	