



Determination 5:

Classification and remuneration of non-executive employees

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**Government
of South Australia**

Office of the Commissioner
for Public Sector Employment

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Determination 5: Classification and remuneration of non-executive employees

Date of Operation: 5 August 2022

WHO IS COVERED BY THIS DETERMINATION?

This Determination applies to:

- Employees in the Public Service employed under Part 7 of the *Public Sector Act 2009* (PS Act) in a public sector agency that is an administrative unit or attached office, as defined by the PS Act; and also
- Public sector employees whose employment has been declared by another Act or the regulations under the PS Act to be employment to which Section 16(1) of the PS Act applies.

Pursuant to section 14(1)(b) of the PS Act, the Commissioner may issue determinations relating to public sector employment matters. Guidelines and Explanatory notes may be issued in support of the Determination.

For agencies and employees to which Part 7 of the PS Act does not apply, this document is a Guideline of the Commissioner for Public Sector Employment. Agencies are encouraged to formally adopt the Guideline as agency policy.

1. REMUNERATION FOR NON-EXECUTIVE EMPLOYEES

The Commissioner for Public Sector Employment (“the Commissioner”) determines that in fixing or varying the remuneration level of the duties to be performed by an employee, chief executives or delegates must adhere to the criteria contained within the *SA Public Sector Salaried Employees (Interim) Award* (or successor), the *South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014* (“the Agreement”) (or successor) and/or described in the *Classification Standards* issued by the Commissioner.

For duties not covered by the said Award or Agreement, the Commissioner must agree to the processes for fixing and varying of remuneration levels unless the process is covered in another industrial instrument.

2. GUIDELINES AND EXPLANATORY NOTES RELATING TO CLASSIFICATION AND REMUNERATION OF NON-EXECUTIVE EMPLOYEES

The Commissioner has issued *Classification Standards* that represent the relevant classification and remuneration levels and processes for fixing such levels. These Standards constitute a determination pursuant to section 16(2) of the Act.

Classification structures and work level definitions are also detailed in the Agreement for other classes of employees who may be categorised as being employed under Part 7 of the PS Act.

A position must be classified in accordance with the classification that is appropriate to the level of duties, regardless of whether the duties are required temporarily or ongoing.

Likewise, an employee must be remunerated in accordance with the classification that is appropriate to the level of the duties they are assigned to perform, regardless of their employment status.

Attachments to this Determination are published as separate documents. These include:

2.1 CLASSIFICATION STANDARDS ADMINISTRATIVE SERVICES STREAM

Refer to Attachment 2 to this Determination.

2.2 CLASSIFICATION RULES AND REQUIREMENTS

Refer to Attachment 3 of this Determination.

2.3 CLASSIFICATION STANDARDS: HOW TO CLASSIFY DUTIES

Refer to Attachment 4 of this Determination.

2.4 CLASSIFICATION STANDARDS TECHNICAL GRADES STREAM

Refer to Attachment 5 of this Determination.

3. DETERMINATION REGARDING SALARY AND INCREMENT LEVELS

For most levels of a classification/remuneration structure there will be a salary range with specific steps within the range (referred to as increments).

Usually, when initially engaged, employees will be remunerated at the lowest increment of the relevant classification level and salary range. Progression from one increment to the next is based on work experience and will normally only occur on an annual basis following 12 months satisfactory service at a given increment – or higher remuneration level where the service is deemed to be relevant. However, an

agency may determine to commence an employee at a higher increment level within a classification level and salary range or to progress them to a higher increment level earlier.

An employee will progress to the next increment level unless the employee is assessed either as not performing their duties at their current classification level and increment satisfactorily; or as not meeting performance standards. Relevant requirements are detailed in the Enterprise Agreement.

Increment determination or progression to a higher increment within a classification level will be in line with the Enterprise Agreement for the following classifications:

- Professional Officer
- Allied Health Professional
- Medical Scientist
- Grant Funded Scientist.

Classification structures and work level definitions are also detailed in the Enterprise Agreement for other classes of employees who may be categorised as being employed under Part 7 of the PS Act.

4. SERVICE AS A PART TIME OR CASUAL EMPLOYEE

To determine the appropriate increment when engaging a person from outside the public sector, any relevant service they have had working on a part-time or casual basis is to be converted to an equivalent amount of full-time service.

Where an employee has been previously employed in the South Australian public sector on a part-time basis, the relevant period or periods of part-time service is to be treated the same as full time service for the purpose of determining increment progression or the appropriate increment for engagement to other duties.

Previous periods of service in the South Australian public sector on a casual basis must be converted to an equivalent amount of full-time service when determining relevant experience for the purposes of determining incremental progression.

5. EFFECT OF SUSPENSION WITHOUT REMUNERATION AND LEAVE WITHOUT PAY ON PROGRESSION THROUGH INCREMENT LEVELS

Any period of suspension without remuneration will not count as service for the purposes of determining incremental progression, or determining the level at engagement, unless the suspension is subsequently revoked.

No period of leave without pay shall count as service for the purposes of determining an incremental progression or level at engagement unless:

- the classification level and salary range gives an entitlement related to the age of the employee, or
- the period of leave without pay was for a work-related placement and the period is determined to count for this purpose in accordance with a relevant Determination of the Commissioner.

6. DETERMINATION ON QUALIFICATIONS FOR NON-EXECUTIVE EMPLOYEES

This determination outlines the minimum qualifications that are essential for persons to be considered for public sector employment in specified occupational groups.

A minimum degree level qualification is required for the engagement of a person to an occupation within the occupational groups of Professional Officer, Medical Scientist, Grant Funded Scientist or Visiting Podiatrist.

Allied Health Professionals

Allied Health Professionals require a minimum undergraduate degree and will perform a role that will enable them to obtain either State or Territory registration; licence or accreditation to practice; or be eligible to join the relevant professional association.

Qualifications for existing employees, that were recognised prior to 14 January 2010 by their current employer as being equivalent qualifications in an occupational group, will continue to be recognised by that agency for all purposes including peer assessment, subject to continuous employment in their occupational group and subject to meeting any compulsory requirements to practice.

For Aboriginal Family Practitioners in the Department for Child Protection and the Department for Human Services only:

Persons of Aboriginal or Torres Strait Islander descent, who have the appropriate background and skills but do not have the essential qualification, may apply for and be engaged/assigned to the role of Social Worker and will be entitled to apply for any Allied Health Professional roles requiring a qualification in Social Work within the Department for Child Protection, and within the Youth Justice Division in the Department for Human Services. This includes progression as part of a peer assessment process.

Nothing in this provision shall reduce an individual's classification or agreed translation arrangements prior to the *South Australian Public Sector Enterprise Agreement: Salaried 2021* (or successor).

Technical Grades Stream

For assignment or reassignment into the Technical Officer Unqualified (TGO0) level, the employee must have previously satisfied the educational standards for entry into a course of study leading to a qualification of, at least, an approved and relevant Certificate level course; that is a 'Recognised Qualification'.

Note, trade and post trade qualifications are not considered to be of a standard approximating that of a Recognised Qualification.

It is incumbent upon the chief executive to identify the appropriate, current Recognised Qualification required as the prerequisite for particular Technical Grade duties in the agency.

The determination as to which particular qualification is appropriate for which classification level will depend on the requirements of the particular field of operations or discipline. It is critical to the success of this process, and the integrity of the classification system, that operational requirements and advice from operational management takes precedence in ensuring qualifications are relevant, current and fit for purpose. Where not already provided for, a particular qualification will need to be identified and started as part of the duties classification assessment process.

7. GUIDELINES AND EXPLANATORY NOTES RELATING TO QUALIFICATIONS FOR NON-EXECUTIVE EMPLOYEES

Agencies should demonstrate that any qualification(s) listed as an essential requirement is/are relevant to the inherent requirements of the duties/role performed. This will ensure that the range of potential applicants is not unnecessarily restricted. If this cannot be clearly demonstrated, the agency will need to confine any qualifications to desirable requirements.

Where an applicant claims to have a relevant equivalent qualification to that specified as the minimum essential qualification for a particular role/duties, it is the applicant's responsibility to provide evidence that the qualification has been formally assessed as relevant and equivalent.

Subsequent to an applicant's qualification(s) being assessed as equivalent by a relevant educational institution (preferably located in South Australia), and/or advice being obtained from any relevant professional organisation/peak body, a chief executive, agency head or delegate may determine that a qualification(s) is acceptable as a basis for engagement of a relevant employee.

Overseas qualifications may be assessed by Skilled + Business Migration
www.migration.sa.gov.au/support-and-resources/support-services/recognition-of-qualifications.

8. MINIMUM QUALIFICATION REQUIREMENTS FOR NON-EXECUTIVES

Refer to Attachment 1 to this Determination.

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