

AUSTRALIAN DIGITAL HEALTH AGENCY

Public Service Act 1999

ADHA Determination 2022/01 (non-SES employees) under section 24(1)

I, Amanda Cattermole, Chief Executive Officer of the Australian Digital Health Agency (**Agency**), make the following determination under section 24(1) of the *Public Service Act 1999* (the **Act**).

General

This determination may be cited as ADHA Determination 2022/01 (non-SES employees).

Application

This determination provides the terms and conditions of employment for non-SES employees of the Agency (in the classifications listed at Attachment A) who are engaged as APS employees under the Act (**Employees**).

Period of operation

This determination applies to Employees on and from 7 February 2022.

This determination will cease to apply to an Employee if:

- (a) it is revoked;
- (b) it is replaced by another determination that applies to the Employee; or
- (c) an enterprise agreement that covers the Employee commences operation.

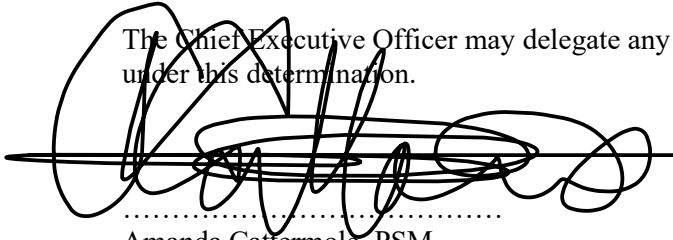
Terms and conditions

Attachment A to this determination sets out the terms and conditions of employment that will apply to the Employees' employment with the Agency by force of this determination.

The terms and conditions of employment provided in this determination supplement the National Employment Standards (**NES**) and the Australian Public Service Enterprise Award 2015 (**APS Award**). This determination is of no effect to the extent that it purports to reduce the benefit to an Employee of any individual term or condition applicable to the Employee by operation of the NES or the APS Award.

Delegation

The Chief Executive Officer may delegate any of the Chief Executive Officer's powers and functions under this determination.



.....
Amanda Cattermole, PSM
Chief Executive Officer
Australian Digital Health Agency

Date: 4 February 2022

**Determination 2022/01 (non-SES employees)
Attachment A
Terms and Conditions**

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PART A – GENERAL

Policies

1) Any authorised policies or procedures referred to in this Determination are not incorporated into, and do not form part of, the Determination. If there is any inconsistency between the terms of the Determination and the policies and procedures, the terms of the Determination will prevail.

PART B – DEFINITIONS

2) In the Determination, unless a contrary intention is clear, the following definitions apply:

APS	Means the Australian Public Service.
APS Employee	Has the same meaning as in the PS Act.
Chief Executive Officer	Means the person who at the relevant time is performing the duties of the office of the Chief Executive Officer of the Agency, and holding those powers provided to Agency Heads under the PS Act. A reference to the Chief Executive Officer may also mean a reference to a person holding a delegation from the Chief Executive Officer.
CPI related allowances	Means that CPI related allowances, as prescribed below, will be adjusted in accordance with the preceding year's September annual CPI figure released by the ABS. Single Vision spectacles; Bi-focal, multi-focal or tri-focal spectacles; School Holiday Family Care Subsidy; Redundancy Financial Counseling; Redundancy Career Counselling; Mature-aged employees financial assistance.
Dependant	Means in relation to an employee: a) the employee's partner, or b) a child or parent of the employee, or of the partner of the employee, being a child or parent who ordinarily resides with the employee and who is wholly or substantially dependent upon the employee.
Employee	Means an employee engaged by the Agency in non-ongoing or ongoing classification under section 22 of the <i>PS Act</i> .

Family	Means a person who: a) is a spouse of the employee, b) is a child including an adult child, adopted child, stepchild, or foster child of the employee, c) is a parent, grandparent, grandchild or sibling of the employee, or the employee's spouse, d) the Chief Executive Officer is satisfied has a strong affinity with the employee, e) is a member of the employee's household, or f) for Aboriginal and Torres Strait Islander employees, is a person related to the employee through traditional kinship and includes a person of the opposite or same sex to the employee.
Foster child	Means a child for whom the employee has assumed long-term responsibility arising from the placement of the child by a permanent or long-term (minimum 6 months) fostering arrangement: a) by a person or an organisation with statutory responsibility for the placement of the child, and b) where the child is expected to stay with the employee.
FW Act	Means the <i>Fair Work Act 2009</i> (Cth) as amended or replaced from time to time.
HDA	Means Higher Duties Allowance, the temporary payment of an allowance where an employee is temporarily assigned duties at a higher classification than his or her current classification.
Health/Medical Practitioner	Means a person registered or licensed as a Health/Medical Practitioner under Australian law.
LSL Act	Means the <i>Long Service Leave (Commonwealth Employees) Act 1976</i> (Cth) as amended or replaced from time to time.
Manager	Means an employee who has operational and/or supervisory responsibility for another employee or a team of employees.
ML Act	Means the <i>Maternity Leave (Commonwealth Employees) Act 1973</i> (Cth) as amended or replaced from time to time.
Movement or Move	Means reassignment of duties of an employee, whether on a temporary/non-ongoing or ongoing basis, either within the Agency or from/to another agency. Previously referred to as 'transfer'.
Parliamentary Service	Refers to employment under the <i>Parliamentary Service Act 1999</i> as amended or replaced from time to time.
Part-time employee	A part-time employee is one who regularly works less than full-time ordinary hours, by agreement.
P&D	Means the Agency's Planning and Development Process
Promotion	Means the ongoing assignment of duties at a higher classification (excluding HDA) than the employee's current classification, as defined in the <i>Australian Public Service Commissioner's Directions 2013</i> as amended or replaced from time to time.

PS Act	Means the <i>Public Service Act 1999</i> (Cth) as amended or replaced from time to time.
Representative	Means a person or organisation chosen by an employee, or a group of employees, to speak for and/or represent them.
Salary advancement	Means movement through increments within a salary range for a classification, subject to meeting any necessary requirements. These increases are salary for the purposes of superannuation.
Salary adjustment	Means a general adjustment to the base salary paid to an employee. These adjustments are salary for the purposes of determining salary for superannuation purposes.
School-aged	Means the age at which the child is required by the law of the State or Territory in which the child lives to attend school.
Spouse	Means in relation to an employee: a) the husband or wife of the employee, b) the former husband or wife of the employee, c) a person who is in a recognised de facto relationship with the employee, d) the former de facto of the employee, or e) the partner of the employee and includes a person of the opposite or same sex to the employee.
Support person	Means a person selected by the employee to provide support during a discussion the employee has with the employee's manager.
Voluntary retrenchment	Means voluntary termination of an excess employee's APS employment, also known as 'voluntary retirement' or 'voluntary redundancy'.
WPI – Private Sector Adjustment	Means the figure advised by the Australian Public Service Commission to be the year-to-date percentage change in the Wage Price Index for the private sector from the most recently released June quarter. The WPI adjustment percentage at a point in time applies to adjustments to be made under the instrument from 1 September in a calendar year to 31 August in the following calendar year.

PART C – REMUNERATION AND CLASSIFICATIONS

Salary rates

3) Employees' salaries set out in column 2 of table 1 at Attachment A are adjusted by 1.9 per cent from 7 February 2022.

Note: Employees' salaries will be further adjusted from 7 February 2023 and 7 February 2024 by the WPI – Private Sector Adjustment through subsequent determinations.

Junior wage rates

4) Employees who are younger than 21 years of age and who are employed as an APS 1 or Cadet (practical training) will be paid the following percentages of the minimum APS1 salary range:

- | | |
|-------------------|-----|
| a) Under 18 years | 60% |
| b) At 18 years | 70% |
| c) At 19 years | 81% |
| d) At 20 years | 91% |

Part-time employees

5) Remuneration for part-time employees will be calculated as a pro-rata of the appropriate salary table indicated at Attachment A, based on the proportion of hours worked in comparison to full-time hours.

Non-ongoing employees

6) A non-ongoing employee engaged for duties that are irregular or intermittent in nature will be paid for the actual hours worked, based on the appropriate salary rate as indicated at Attachment A plus a 25 per cent loading in lieu of all paid leave and accruals (excluding Long Service Leave) and public holidays on which they do not work.

Payment-related matters

7) Employees will be paid fortnightly in arrears, based on the following formula:

$$\text{Fortnightly pay} = \frac{\text{annual salary} \times 12}{313}$$

8) Payment will be made by electronic funds transfer (EFT) into a financial institution of the employee's choice.

9) Where an employee is overpaid an amount of salary or other benefits including allowances, the overpayment will be recovered in accordance with the provisions of the FW Act. These provisions do not operate to limit the right of the Agency to recover a debt from monies that are, or become, payable to an employee under this Determination.

Salary advancement

Within classifications

- 10) Salary advancement within all classification levels will occur from the beginning of the first full pay period commencing on or after 1 August each year subject to the following:
- a) completing the requirements of the P&D unless there is reasonable cause not to have done so, and
 - b) achieving a 'Met all requirements' rating at the end of the P&D planning cycle, and
 - c) for ongoing employees, having performed duties within the Agency at their substantive level or above (i.e. higher duties), for an aggregate of three months or more within the P&D planning cycle, or
 - d) for non-ongoing employees, other than employees employed for irregular/intermittent duties, having been engaged at the same classification to perform the same duties continuously for six months during the P&D planning cycle, and
 - e) not being ineligible for salary advancement due to relevant administrative actions, including a sanction under section 15 of the *PS Act*, or
 - f) any additional advancement provisions applying to specific groups of employees as outlined in this section.

Salary payable on engagement, promotion and movement

- 11) Unless otherwise determined by the Chief Executive Officer (having regard to experience, qualifications and skills) where a person:
- a) is promoted or engaged, salary will be payable at the minimum increment point of the relevant salary range,
 - b) is moved at level on an ongoing or temporary movement basis from another APS (or recognised) agency, and:
 - i. the employee's salary is above the top increment point of the relevant range as stated at Attachment A, the Chief Executive Officer may maintain that salary until it is absorbed by pay adjustments at that classification level, at which time the employee will move to the next increment point above their current salary, subject to a satisfactory rating, or
 - ii. the employee's salary is below the top increment point of the relevant range as stated at Attachment A, but not aligned with an increment point in the range, the employee's salary will be paid at the next highest increment point in that range.
 - c) has at the time of commencement had salary set at an incorrect increment point or salary, the Chief Executive Officer may determine in writing the correct salary point.

Classifications and local titles

- 12) Employees undertaking duties recognised by the Chief Executive Officer as requiring possession of mandatory qualifications, specialist skills and/or professional registration will have specific titles recognised under the *Public Service Classification Rules 2000*, or local

titles.

Specific Classifications include: Graduate Cadets Trainees Medical Officer	Local Titles include: Digital Health Entry Level
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Digital Health Entry Level Broadband

- 13) The following local titles are included in the Digital Health Entry Level Broadband:
- a) Trainees (T);
 - b) Indigenous Australian Government Development Program (IAGDP) participants (I);
 - c) Indigenous Apprenticeship Programme (A);
 - d) Graduates (G).

Entry to broadband

14) Entry pay points will be assessed having specific regard to the participant's qualifications, work experience, skills and abilities and the programme the employee is undertaking.

Advancement within the broadband

- 15) Digital Health Entry Level employees are required to undertake a programme/course of training determined by the Chief Executive Officer.
- 16) On satisfactory completion of the programme/course of training the employees will be advanced through the soft barriers within the Digital Health Entry Level broadband as set out in their Letter of Offer.
- 17) Advancement is not automatic and is subject to:
- a) sufficient work being available at the higher classification level; and
 - b) the employee having gained the necessary skill and proficiencies to perform the more complex work; and
 - c) satisfactory performance.

During the life of this Determination the Chief Executive Officer may include other entry level local titles to this broadband.

Superannuation

Employer Superannuation Contributions

18) An employee will receive compulsory employer superannuation contributions as required by the applicable legislation and fund requirements. If specified in a written agreement between the Agency and an employee who is a PSSap member, the salary for superannuation purposes for the employee will be calculated based on the employee's ordinary time earnings (OTE). Employer contributions will not be reduced by any other

contributions made through salary sacrifice arrangements or during a period of paid parental leave (however described).

19) Employer contributions for employees in other accumulation schemes will be the same as for employees in the PSSap - 15.4% of the OTE. This will not be reduced by any other contributions made through salary sacrifice arrangements or during period of paid parental leave (however described). This clause does not apply where a superannuation fund cannot accept employer superannuation contributions (e.g. unable to accept contributions for people aged over 75).

20) For the purposes of this clause, OTE is the salary paid for an employee's regular hours of work, not including overtime. It includes over-award payments, shift allowances, commissions and paid leave up to the maximum contributions base for the quarter. For the purpose of this Determination, where salary sacrifice arrangements are in place or the employee is on paid maternity, adoption or foster leave, employer contributions will be paid as if those arrangements had not been entered into.

21) Employer superannuation contributions will not be paid on behalf of employees during periods of unpaid leave not to count as service, unless otherwise required under legislation.

22) The Chief Executive Officer may choose to limit superannuation choice to complying superannuation funds that allow an employee and/or employer contributions to be paid through fortnightly electronic funds transfer using a file generated by the Agency's payroll system.

Treatment of allowances

23) A table indicating the treatment of allowances for superannuation purposes is at Attachment B.

Salary packaging

24) Employees may access salary packaging and may package up to one hundred per cent of salary. Where an employee takes up the option of salary packaging, the employee's salary for purposes of superannuation, severance and termination payments, and any other purposes, will be determined as if the salary packaging arrangement had not occurred.

25) Any fringe benefits tax incurred by individual employees as a result of salary packaging arrangements will be met by the individual employee on a salary sacrifice basis.

PART D – EMPLOYMENT CONDITIONS AND ALLOWANCES

General

26) Information on the recognition (for particular purposes) of allowances provided for in the Determination is at Attachment B.

Travel allowance

27) The Chief Executive Officer may adjust Travel Allowance (TA) annually up to the maximum non- acquittable amount required for taxation purposes.

28) The Agency will meet reasonable costs, as determined by the Chief Executive Officer, for employees on official overnight travel including accommodation, meals and any incidental expenses.

29) Where this period exceeds three continuous weeks, the Chief Executive Officer will determine a package of assistance to meet any additional costs incurred as a result of the employee being temporarily relocated.

30) The Chief Executive Officer will, subject to the presentation of receipts, authorise an additional payment in circumstances where an employee has incurred reasonable costs, as determined by the Chief Executive Officer, in excess of the allowance.

Part-day travel

31) An employee who is required to be absent from the employee's usual place of work on official business for a period of not less than 10 hours, but is not absent overnight, will be paid an allowance of \$48 for each absence.

Illness while travelling

32) Where an employee falls ill or is injured while travelling on official business and subsequently takes leave, the Chief Executive Officer will approve payment of return journey costs to the employee.

Recognition of travel time

33) Where an employee classified as an APS 1-6 (and their equivalents) is required to undertake official travel, the time spent travelling within the bandwidth, excluding the usual time taken for the employee to travel to and from the employee's regular place of work, will be recorded as work hours.

34) Travel outside the bandwidth undertaken by APS 1-6 (and their equivalents) will be claimed as travel time in lieu at single time rates.

Motor vehicle allowance

35) Motor vehicle allowance (MVA) is payable where the Chief Executive Officer approves an employee to use a private or personally hired vehicle for official purposes.

36) Where an employee seeks, and is approved to use, a private vehicle instead of the

most efficient means of travel as determined by the Chief Executive Officer, the amount of MVA paid to the employee will not exceed the cost of the most efficient means of travel.

Relocation assistance

Access for existing employees

- 37) Where the Agency initiates a permanent relocation (including movement or promotion) of an employee, or the relocation is in the interest of the Agency, the Chief Executive Officer will reimburse reasonable relocation costs for:
- a) transport and removal,
 - b) costs associated with the sale and purchase of the employee's normal place of residence,
 - c) costs incurred in avoiding serious disruption to the final two (2) years of the employee's child's secondary education (Years 11 and 12),
 - d) temporary accommodation in the new location.

Requested move

- 38) Relocation or non-ongoing movement at the request of the employee will only attract relocation assistance at the discretion of the Chief Executive Officer.

Access for new employees

- 39) Relocation assistance for reasonable costs may be negotiated on engagement, as agreed by the Chief Executive Officer, for:
- a) transport and removal costs;
 - b) temporary accommodation in the new location.

Overtime meal break allowance

40) Where an employee is directed to work overtime for a continuous period of at least one hour outside the bandwidth which extends over a meal period, they will be paid a meal allowance of \$32.50 (adjusted annually in line with the ATO rates), where a meal break is taken during a meal period. For the purposes of this clause a meal period in each 24-hour cycle is:

- a) 7.00 am to 9.00 am;
- b) 12 noon to 2.00 pm;
- c) 6.00 pm to 7.00 pm;
- d) midnight to 1.00 am.

41) Where overtime is worked for long periods and does not coincide with designated meal periods, the Chief Executive Officer has the discretion to authorise payment of a meal allowance.

Loss of, or damage to, clothing or personal effects

42) Where an employee incurs loss of, or damage to, clothing or personal effects, and the loss or damage can be reasonably associated with the employee's performance of the

employee's duties, the Chief Executive Officer may authorise reimbursement of costs for repairs or replacement of the personal effects.

Workplace responsibility allowance

43) The Workplace Responsibility Allowance will be paid to an employee undertaking the designated Workplace Responsibility Roles of First Aid Officer, Emergency Warden, Harassment Contact Officer (HCO) and Health and Safety Representative (HSR). An employee will not undertake more than one Workplace Responsibility at a time unless approved to do so by the Chief Executive Officer.

44) Payment of the Workplace Responsibility Allowance will be made to an employee who is elected or appointed to a Workplace Responsibility Role and has successfully undertaken relevant training or obtained any required qualification.

45) A weekly Workplace Responsibility Allowance will be paid to an employee appointed by the Chief Executive Officer to be an Emergency Warden or HCO, and to an employee elected as a HSR. The rate set out in column 2 of table 2 at Attachment A is adjusted at the same time and by the same percentage as the salary adjustment specified at clause 3.

46) A weekly Workplace Responsibility Allowance will be paid to an employee holding the minimum accreditation standard of the Senior First Aid Certificate (Level 2 or equivalent) and has continuing expertise commensurate with that training, who is appointed by the Chief Executive Officer to be a First Aid Officer. The rate set out in column 2 of table 2 at Attachment A is adjusted at the same time and by the same percentage as the salary adjustment specified at clause 3.

Eyesight testing

47) Eligible employees may request access to subsidised eyesight testing at two-yearly intervals, unless the employee provides medical evidence indicating that further testing is necessary. Eligible employees are those employees who, as an integral part of their duties, are required to:

- a) operate screen based equipment, and/or
- b) undertake specialised work tasks which require particular visual acuity not normally required for general tasks (e.g. microscopy).

48) The Chief Executive Officer will reimburse (where not otherwise reimbursed under Medicare or private health insurance arrangements) the following amounts for eyewear prescribed specifically for use with screen-based equipment.

- a) Up to \$103 for single vision spectacles; and
- b) Up to \$170 for bi-focal, multi-focal or tri-focal spectacles.

49) The Chief Executive Officer may approve different testing requirements, intervals and reimbursement levels for employees undertaking tasks requiring particular visual acuity (other than screen-based work) (e.g. for microscopy work).

PART E – HOURS OF WORK AND FLEXIBILITY

Hours of work

50) All employees have a mutual responsibility for managing their working hours and patterns, including leave planning, flextime arrangements, and minimising additional hours where possible. The provisions below are designed to be sufficiently flexible for employees to meet business requirements and balance their personal needs.

51) An employee and their Manager will work together to manage hours of work to ensure that an employee is not working excessive hours without the opportunity to take time off either as flextime (for APS1-6 and their equivalents) or in the case of Executive Level employees (and their equivalents), as Executive Level time off.

52) All employees have access to flexible working hours. For APS1-6 (and their equivalents), these flexible working hours will be accessed through the flextime scheme.

53) For the purposes of calculating pay, attendance and flextime, ordinary hours of work for full-time employees is 147 hours over the four week settlement period commencing on a payday Thursday. This equates to an average of 7 hours 21 minutes per day.

54) Ordinary hours are 36 hours 45 minutes per week. Employees are required to work an additional 45 minutes per week in exchange for the annual closedown. The additional 45 minutes per week is reflected in the salary rates in Attachment A.

Standard Day

55) The Standard Day, comprising ordinary hours and the additional 45 minutes per week referred to in the previous clause, is used for the purposes of determining a full-time employee's hourly rate of pay, overtime entitlements, the accrual and deduction of leave and calculation of hours over the flextime period.

56) The Standard Day for full-time employees is 7 hours and 30 minutes worked from 8.30 am to 12.30 pm and 1.30 pm to 5.00 pm Monday to Friday.

57) An employee's attendance pattern will be a Standard Day where:

- a) essential operational requirements and the availability of work require that hours worked are temporarily varied, including reversion to a standard day, or
- b) an employee's attendance is unsatisfactory or that the employee is misusing flextime.

Hours of work of part-time employees

58) The pattern of hours of work for a part-time work agreement will provide no less than three hours per day (or an alternative period agreed by the CEO and the employee) and will be continuous on any one day.

Working patterns

59) The pattern of hours by which an employee meets their ordinary hours of duty will be determined in consultation with the employee, and with regard to the operational needs of the Agency. An employee will not normally be required to:

- a) work more than 10 hours ordinary time on any day, or
- b) commence work on any day without having at least 10 hours minimum break from the previous day's work, without specific approval from their manager.

60) Where this does occur, the overtime and time in lieu provisions at clauses 83 to 94 and/or meal allowance provisions at clauses 40 and 41 may apply.

61) Regardless of the bandwidth, APS employees are required to break for at least 30 minutes after five hours of continuous work.

Insufficient work and flextime

62) Working extended hours is subject to work availability and manager approval. A manager may require an employee not to work hours in excess of their ordinary hours where there is insufficient available productive work to warrant working the extended hours.

Bandwidth

63) The bandwidth of hours in which an employee will work their ordinary hours is 8.00 am to 6.00 pm, Monday to Friday.

Work outside bandwidth

64) Where an employee requests to work their ordinary hours outside the bandwidth e.g. on Saturday or Sunday, the employee may do so, subject to operational requirements, with the agreement of their manager. Any hours worked on this basis will be considered ordinary hours and will not attract overtime.

After hours use of taxis

65) A Manager may approve the use of taxis by an employee for after hours work, as part of their overall WHS responsibility.

Recording attendance

66) All employees are required to record their working hours.

Flextime scheme

APS1-6 (and their equivalents)

67) APS1-6 employees (and their equivalents) accumulate flextime for duty performed in excess of their ordinary hours of work (over the settlement period), that does not attract overtime.

- 68) Subject to the agreement of their manager, an employee may:
- a) vary their pattern of attendance from time to time in order to meet personal needs,
 - b) take flextime as a part or whole day absence.

Excess flex credits

69) Where an employee's flex credit exceeds 20 hours at the end of a settlement period, the employee and their manager will put a plan in place to reduce the flex credits.

Cash out of credits exceeding 30 hours

70) At the end of a settlement period, an employee's manager may approve flex credits exceeding 30 hours to be cashed out at ordinary time rates where, due to organisational requirements, the manager cannot envisage an opportunity for the employee to use those credits in the next settlement period.

Cash out of credits exceeding 37.5 hours

71) At the request of the employee, flex credits exceeding 37.5 hours can be cashed out.

Flex debit balance

72) Employees may carry over a maximum of 10 hours flex debit accumulated in any settlement period into the next settlement period. If the maximum debit is exceeded at the end of a settlement period and is not reduced to the maximum allowable (or lower) over the next settlement period, the amount by which the maximum is exceeded shall be treated as leave without pay and an appropriate deduction made from the employee's salary in accordance with the Accountable Authority Instructions.

Flex balances at cessation

73) Prior to cessation of employment, the employee's manager should provide opportunities to enable the employee to balance any flex credits or debits. Employees should also take all reasonable steps to balance their flex debit or credit. Where flex credits are outstanding at the cessation of employment with the Agency, the flex credit will be paid to the employee at ordinary time rates. Where flex debits are outstanding at the cessation, these will be recovered as part of the termination payment, in accordance with the *FW Act*.

Additional hours

74) In accordance with the *FW Act*, an employee may refuse to work additional hours (extra hours or directed overtime) where such additional hours are unreasonable. Such refusal will not prejudice the employee's employment. For the purposes of this clause, additional hours are those in excess of:

- a) 36.75 hours per week for a full-time employee, or
- b) the agreed ordinary hours of work per week for a part-time employee.

Executive Level time off

75) The Agency recognises the focus on the achievement of outcomes by Executive Level employees (and their equivalents) as senior professionals of the Agency. The achievement of organisational outcomes may involve considerable work effort, variable work hours and on occasions a requirement to work over and above normal working hours. The Agency recognises these efforts and contributions.

76) Executive Level employees and their managers will work together to manage workloads and working hours, including making arrangements as to when any Executive Level time off will be taken.

77) Where operational needs require an Executive Level employee to work additional hours in excess of their ordinary hours for a sustained period, including a critical incident response, the employee and their manager will agree and document arrangements for time off to recognise the additional effort.

78) To minimise any negative impact on an employee's health and wellbeing, Executive Level time off should be taken as soon as practical, subject to operational requirements.

79) Time off for Executive Level employees is available on an hour for hour basis for official domestic travel only. All other Executive Level time off will not be on an hour for hour basis.

80) Regardless of the bandwidth, Executive Level employees are required to break for at least 30 minutes after five hours of continuous work.

Time off for official travel

81) Executive Level employees will only receive Executive Level time off on an hour-for-hour basis for time spent on official domestic travel outside of the Standard Day, excluding the usual time taken for the employee to travel to and from their regular place of work. Existing local travel arrangements for international travel will continue to apply.

82) To minimise any negative impact on an Executive Level employee's personal commitments, wherever possible the Agency encourages employees to travel within the bandwidth.

Overtime

APS1-6 (and their equivalents)

83) APS1-6 level employees (and their equivalents) are eligible for an overtime payment where they are required by the Chief Executive Officer to:

- a) perform work outside the bandwidth (inclusive of work on weekends and public holidays), or
- b) perform work within the bandwidth but beyond the length of time the

employee is ordinarily required to work on the day concerned.

Executive Level (and their equivalents)

84) Executive Level employees (and their equivalents) are not generally entitled to payment for overtime. However, the Chief Executive Officer may approve overtime for Executive Level employees in exceptional circumstances. Otherwise, the time off provisions in clauses 75 to 81 will apply.

Part-time employees

85) Part-time employees at the APS1-6 level (and their equivalents) are eligible for overtime for work performed at the direction of the Chief Executive Officer, which is:

- a) not continuous with the employee's agreed or specified hours of work, and/or
- b) beyond the total ordinary hours of work over the settlement period specified in the employee's part-time work agreement.

86) Subject to clause 85, a part-time employee will be eligible for overtime for work performed in excess of the agreed hours of duty over the settlement period, unless they elect to receive those additional hours as Time in Lieu under clause 88.

Travel not to count

87) Time spent travelling to or from work will not count as part of an overtime attendance.

Time in lieu

88) If an employee chooses, the Chief Executive Officer may allow the employee to take Time In Lieu (TIL) as a form of recompense for overtime as an alternative to overtime payment.

Calculation

89) Where overtime is worked, the rate of payment (or TIL, if the employee elects) is calculated at the following rates:

- a) Monday to Saturday (first three hours): time-and-a-half;
- b) Monday to Saturday (after three hours): double-time; and
- c) Sunday: double-time.

Public holidays

90) An employee who is directed to work overtime on a public holiday which falls on a weekday, will be paid overtime at 250 per cent for duty outside of a Standard Day (for full-time employees) or the agreed pattern of hours (for part-time employees). This rate also applies to Easter Saturday if it is not declared or prescribed as a public holiday. For duty within a Standard Day (or agreed pattern of hours for part-time employees), overtime will be paid at single-time as employees are already being paid for the public holiday.

91) Employees required to perform overtime during the annual closedown will be recompensed with overtime calculated at 250 per cent.

Non-continuous duty

92) Where a period of overtime is not continuous with ordinary duty, the minimum overtime payment is four hours at the relevant rate. Where the period of overtime is greater than four hours, payment will be made for the actual period worked at the relevant rate.

Continuous duty

93) Overtime is considered to be continuous with ordinary duty when an employee does not have a break, other than a meal break, between the periods of ordinary duty and overtime.

Multiple attendance

94) Where more than one attendance is required, the minimum overtime payment provision will not operate to increase an employee's overtime payment beyond that which they would have received had they remained on duty from the commencing time of duty on one attendance, to the ceasing time of duty on a subsequent attendance.

Family care assistance

95) Where an employee is required by the Agency to be away from home outside the employee's Standard Day, and the employee incurs reasonable additional costs for family care arrangements, the employee will be reimbursed those reasonable additional costs.

Public holidays

96) Public holidays will be observed in accordance with the National Employment Standards (NES) and the *FW Act*.

97) The following days are public holidays under the NES:

- a) 1 January (New Year's Day);
- b) 26 January (Australia Day);
- c) Good Friday;
- d) Easter Monday
- e) 25 April (Anzac Day);
- f) Queen's birthday holiday (the day on which it is celebrated in a State or Territory or a region of a State or Territory);
- g) 25 December (Christmas Day);
- h) 26 December (Boxing Day);
- i) any other day or part-day declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory (or a region of the State or Territory) as a public holiday.

98) The Chief Executive Officer and an employee may agree on the substitution of a day or part-day that would otherwise be a public holiday, having regard to operational requirements.

99) An employee, who is absent on a day or part-day that is a Public Holiday in the place where the employee is based for work purposes, is entitled to be paid for the part or full-day absence as if that day or part-day was not a Public Holiday, except where the Employee

would not normally have worked on that day.

100) Where a Public Holiday falls during a period when an employee is absent on leave (other than Annual or paid Personal/carer's Leave) there is no entitlement to receive payment as a Public Holiday. Payment for that day would be in accordance with the entitlement for that form of leave (e.g. if on Long Service Leave on half pay, payment is on half pay).

Annual closedown and early stand down

101) The Agency will be closed for normal business and employees will not be required to perform normal duty on the working days between Christmas Day and New Year's Day. Eligible employees will be paid for closedown. Pay eligibility for annual closedown will be treated in the same manner as public holidays in determining the appropriate rate of salary payment to apply on those days.

102) Where an employee is absent on leave, payment for the Christmas closedown provision will be in accordance with the entitlement for that form of leave (e.g. if on long service leave half-pay, payment is at half-pay).

103) There will be no deduction from annual or personal/carer's leave credits for the annual closedown days.

104) The Agency will be closed for normal business and employees will not be required to perform duty from 3.00 pm on the working day prior to Christmas and the working day prior to Good Friday. Eligible employees will be paid for early stand down. Payment eligibility will be treated in the same manner as a normal working day.

Part-time employees

105) Part-time employees normally not working on the days of the week on which annual closedown and early stand down occur, will not be entitled to alternative time off duty.

Working from home

106) The Chief Executive Officer may agree to a request by an employee to work from home on a regular, temporary or intermittent basis.

Part-time work

Hours of work

107) Remuneration and conditions (except long service leave which is provided and administered in accordance with the LSL Act) for part-time employees will be calculated on a pro-rata basis, apart from expense related allowances, where a part-time employee will receive the same amount as a full-time employee.

Variation in hours

108) A part-time employee may not vary their hours for a period of one week or less. Changes in hours for these periods should be accommodated using flextime or alternative arrangements as agreed with their manager. Details of the operation of the flextime provisions for part-time employees are provided at clauses 67 to 73.

Flexible work arrangements

109) Access to flexible work arrangements will be in accordance with the NES and the *FW Act*.

110) The Agency will make every reasonable effort to accommodate requests for part-time work from employees returning from maternity, adoption, fostering or parental leave for the period up until the child's second birthday, or in the case of adoption and eligible fostering, the second anniversary of the placement. Reasons for non-approval must be provided in writing to the employee, including reasons relating to operational requirements.

111) Flexible work arrangements will be subject to an annual review.

Review of workloads

112) Where an employee or group of employees believe their workload to be unmanageable, they may request that an independent workload review be undertaken by People and Capability.

PART F – LEAVE

General conditions

113) All accrued leave entitlements will be expressed and deducted in hours and minutes.

Substitution of eligible leave

114) An employee who is eligible for personal/carer's leave, compassionate/bereavement leave, community service leave, maternity leave, Defence Reserve leave or Defence-service sick leave while absent on annual leave, purchased leave or long service leave may apply for that leave supported by satisfactory evidence. The employee's annual leave, purchased leave or long service leave will be re-credited to the extent of the period of alternative leave granted.

Public holidays during leave

115) Payment for public holidays which fall during a period of leave will be paid in accordance with the NES and the *FW Act*.

Donating blood

116) The Agency recognises the importance of and supports employees in donating blood. Employees donating blood during working hours are not required to complete a leave application or to utilise flextime.

Recall to duty

117) Where an employee is recalled from approved leave or that approved leave is cancelled, the Chief Executive Officer will approve reasonable reimbursement toward travel expenses which have been incurred, incidental expenses or family care costs not otherwise recoverable under insurance or from another source, provided that the employee took reasonable precautions, as determined by the Chief Executive Officer, to avoid such expenses.

School holiday family care subsidy

118) Where an employee with school children has leave refused, has approved leave cancelled or is required to return from leave early because of Agency business requirements during school holidays, the Chief Executive Officer will reimburse up to \$23 per child per day of the amount paid by the employee for each school child attending approved or registered care.

119) In the circumstances described above, where the employee can demonstrate that they would otherwise have taken personal responsibility for caring for other family members during school holidays, the Chief Executive Officer may reimburse some, or all, of the amount paid by the employee for that family care.

120) The reimbursement will be net of any government subsidy available to the employee.

Portability of leave

121) Where an ongoing APS employee moves (including on promotion or for an agreed period) from another agency, the employee's unused accrued annual leave and personal/carer's leave (however described) will be transferred, provided there is no break in continuity of service.

122) Where an employee is engaged as either an ongoing or non-ongoing APS employee immediately following a period of employment under the *Parliamentary Service Act 1999* or the ACT Government Service, the employee's unused accrued annual leave and personal/carer's leave (however described) will be transferred or recognised, providing there is no break in continuity of services. This clause also applies to employees transferring to the Agency as a result of a Machinery of Government change.

123) Any recognised leave, including annual leave, excludes any accrued leave paid out on separation from the previous employer.

124) Use of these accrued leave credits and future entitlements are in accordance with this Determination.

Former non-ongoing employees

125) Where a person is engaged as an ongoing employee, and immediately prior to the engagement the person was employed as a non-ongoing APS employee, the Chief Executive Officer, at the employee's request, may recognise any accrued annual leave and personal/carer's leave (however described), provided there is no break in continuity of service. Any recognised annual leave excludes any accrued leave paid out on separation.

Annual leave

Entitlement

126) Full-time employees are entitled to the equivalent of four weeks' annual leave for each full year worked. Part-time employees accrue annual leave on a pro-rata basis for ordinary hours worked. Annual leave will accrue daily.

Effect of leave without pay

127) Where 'leave without pay not to count as service' has been granted in the accrual period, annual leave will be adjusted on the day of accrual as follows.

- a) Where aggregated absences for periods totalling 30 calendar days or less, the annual leave accrual is not affected.
- b) Where aggregated full day absences total more than 30 calendar days, the total period of leave without pay is deducted from the number of calendar days to count as service.
- c) Where leave without pay covers an entire calendar year, no annual leave credit accrues for that year.

128) An employee with an annual leave credit greater than two years on:
a) commencing duty in the Agency, or

- b) returning to work following a long term absence due to illness or injury, or
- c) resuming duty following a graduated return to work,

will have a period of 12 months to take sufficient leave to reduce the employee's credit down to the equivalent of two years or less

Annual leave at half-pay

129) Employees may take annual leave at half-pay. The minimum absence of leave on half-pay is two working days, with further absences in multiples of two days. Where annual leave is taken at half-pay, credits will be deducted from the employee's annual leave balance on the basis that two days of annual leave at half-pay is equivalent to one day of annual leave at full-pay.

Payment of annual leave on termination

130) Any unused accrued annual leave will be subject to payment to the employee when the employee's APS employment is terminated. Payment will be calculated using the employee's final rate of salary, including allowances that would have been included in the employee's pay during a period of annual leave.

Personal/carer's leave

131) On engagement, an ongoing employee will be credited with personal/carer's leave of 18 days (135 hours) or the part-time equivalent. A further 18 days (135 hours) or the part-time equivalent will accrue on completion of each 12 month period of service thereafter, without limit.

Accrual and credits - non-ongoing employees

132) Full-time non-ongoing employees, other than irregular/intermittent employees, are entitled to 18 days personal/carer's leave (135 hours) per year or the part-time equivalent, accruing daily.

Deferral of accrual

133) Where 'leave without pay not to count as service' has been granted in the accrual year, personal/carer's leave accrual will be deferred as follows.

- a) Where aggregated full day absences total 30 calendar days or less, the accrual is not affected.
- b) Where aggregated full day absences total more than 30 calendar days, the accrual date will be deferred by one calendar month for each 30 calendar day period.

Unpaid carer's leave – irregular/intermittent employees

134) Irregular/intermittent employees are entitled to two days unpaid personal leave for caring purposes for each permissible occasion, subject to notifying the employee's manager and providing satisfactory evidence.

Advice to manager

135) An employee, where practicable, must personally advise the employee's manager of the employee's absence or the employee's intention to be absent as soon as possible.

Where the employee's manager is not contactable, advising another employee in the employee's work team will suffice.

Use of personal/carer's leave

136) Personal/carer's leave gives employees access to paid leave, subject to available credits, when they are absent for the following reasons:

- a) where the employee is not fit for work because of a personal illness or injury affecting the employee,
- b) to provide care or support to a member of the employee's family or the employee's household, who requires care or support because of a personal illness or personal injury, affecting the member,
- c) where a member of the employee's family or the employee's household is affected by an unexpected emergency,
- d) for compelling personal reasons of an unexpected, urgent and unpredictable nature, or
- e) to attend preventative health consultations for the employee and/or those in the employee's care.

Personal Leave must not be used for the purposes of d) and/or e) above if it would be detrimental to an employee in any respect, when compared to the National Employment Standards under the *FW Act*.

Satisfactory evidence requirements

137) For periods of personal/carer's leave, employees should provide evidence to their manager that would satisfy a reasonable person that the leave was taken for a reason set out in clause 136.

138) An employee must provide satisfactory evidence to support applications for personal/carer's leave for more than three consecutive days.

139) If an employee takes 10 days personal/carer's leave without satisfactory evidence in a period of twelve months, then the employee must provide satisfactory evidence for any further applications for personal/carer's leave of any duration for the balance of the period of 12 months, unless otherwise determined by the Chief Executive Officer.

140) For the purpose of this clause, the 12-month period commences on the date determined to be the employee's anniversary for the purpose of accruing personal/carer's leave.

141) Satisfactory evidence must be provided within 24 hours of the employee's return to work or another period that is reasonable in the circumstances.

Conversion to half-pay

142) The Chief Executive Officer may approve the conversion of personal/carer's leave to half-pay for an employee for a specified absence of not less than two days. Where personal/carer's leave is taken at half-pay, credits will be deducted from the employee's personal/carer's leave balance on the basis that two days of personal/carer's leave at half-pay is equivalent to one day of personal/carer's leave at full-pay.

Unpaid personal/carer's leave

143) Where paid personal/carer's leave credits are exhausted, an employee may apply for personal/carer's leave without pay. Continuous unpaid personal leave to a total of 26 weeks will count as service for all purposes. Any further continuous periods of unpaid personal/carer's leave will not count as service, unless otherwise required by legislation.

Reappointment after invalidity retirement

144) If an employee's APS employment is terminated on the grounds of invalidity, and the employee is subsequently re-engaged as a result of action taken under the relevant superannuation legislation, the employee is entitled to be credited with personal/carer's leave equal to the balance of the employee's personal/carer's leave at the time of termination.

145) An employee is unable to access personal/carer's leave while on paid parental leave.

Payment on termination

146) Unused personal/carer's leave will not be paid out on termination of employment.

Miscellaneous leave

147) Miscellaneous Leave may be granted by the Chief Executive Officer, having regard to the operational needs of the Agency, including for purposes that the Chief Executive Officer considers to be in the interests of the Agency.

148) Leave may be granted:

- a) for the period requested or for another period,
- b) with or without pay, and
- c) subject to conditions.

149) Where exceptional circumstances affect an employee, the Chief Executive Officer will consider granting paid leave. These circumstances may include, but are not limited to, emergency situations such as bushfires, floods, cyclones and earthquakes.

Not to count as service

150) Miscellaneous leave without pay will not count for any purpose, except as required by legislation.

Leave for:

- a) Personal and development training in the interests of the Agency, and
- b) Non-APS employment in the interest of the Agency

will be approved to count as service for the purposes of conditions conferred by this Determination and the Agency Head may determine that it count for the purposes of long service leave in accordance with the requirements of the LSL.

Leave for Aboriginal and Torres Strait Islander employees

151) The Agency recognises the obligations placed on Aboriginal and Torres Strait Islander employees to participate in ceremonial activities and other cultural obligations. To

allow employees to meet obligations and participate in activities, the following leave provisions are provided:

- a) two days leave with pay each year to participate in NAIDOC Week activities or other cultural or ceremonial events and
- b) three months unpaid leave each year to fulfill cultural obligations. This leave will not count as service for any purpose.

Unauthorised absences

152) Periods of unauthorised absence do not count as service for any purpose. Where an employee is absent from duty without approval, all pay and other benefits provided under the Determination (e.g. flextime) will cease to be available until the employee resumes duty or is granted leave. Where flextime no longer applies, the employee will revert to the Standard Day.

Defence service sick leave

153) Eligible employees will be granted Defence service sick leave while unfit for duty because of an accepted Defence or war-caused condition. A war-caused condition means an injury or disease of an employee accepted by the Department of Veterans' Affairs under the relevant legislation to be war-caused or Defence-caused. Eligible employees will accrue a credit of nine weeks on commencement in the APS and an annual credit of three weeks for each year of APS service. Unused credits will accumulate to a maximum of nine weeks.

Compassionate leave

154) Employees, other than irregular/intermittent employees, will be granted three days paid compassionate leave on each occasion that a member of the employee's family, or the employee's household:

- a) contracts or develops a personal illness that poses a serious threat to life, or
- b) sustains a personal injury that poses a serious threat to life.

155) The employee may take the period of leave as a single period of three days or any separate period on which the employee's manager and employee agree.

156) The employee's manager may require the employee to provide evidence of the illness, injury or death in support of the request for leave.

157) An irregular / intermittent employee is entitled to unpaid compassionate leave, including for bereavement purposes, of up to two days per occurrence in accordance with the NES and is not eligible for paid bereavement leave under clause 158.

Bereavement leave

158) The employee's manager will grant three days leave with pay to an employee other than an irregular / intermittent employee on the occasion of the death of a member of the employee's family or household, close friend, partner or a person who was clearly dependent on the employee for care, support and attention. Any further periods of leave for this purpose may be granted as miscellaneous leave with pay on a case by case basis.

Purchased leave

159) To assist employees in balancing work and life responsibilities, the Agency provides a scheme where additional leave may be purchased. Purchasing additional leave is not intended to be used to establish a different work pattern such as a regular reduction in weekly hours.

160) Where a manager agrees that an employee may participate in the purchased leave scheme, the employee may purchase from one to six weeks purchased leave per year. Leave, once purchased, shall generally be taken in multiple days.

To count for service

161) Purchased leave will count for service for all purposes. The employee's salary for superannuation purposes continues to be their salary as if they had not purchased leave.

Further information about purchased leave is available in the Purchased Leave policy.

Extended purchased leave

162) When an employee has accrued a period of three years of continuous employment with the Agency, they may apply for access to extended purchased leave. A period of up to twelve months absence on extended purchased leave will be available following a further two years of continuous employment with the Agency (during which time the employee will accrue the leave).

Not to count for service

163) Extended purchased leave will not count as service for any purpose.

Leave for ADF Reserve and Continuous Full Time Service or Cadet Force obligations

164) An employee will be granted leave (with or without pay) to enable the employee to fulfill Australian Defence Force (ADF) Reserve and Continuous Full Time Service (CFTS) or Cadet Force obligations.

165) An employee is entitled to leave with pay, of up to four weeks during each financial year, and an additional two weeks paid leave in the first year of ADF Reserve Service, for the purpose of fulfilling service in the ADF Reserve.

166) With the exception of the additional two weeks in the first year of service, leave can be accumulated and taken over a period of two years.

167) An employee who is an officer or instructor of cadets in a Cadet Force may be granted paid leave of up to three weeks each financial year to perform duties as an officer or instructor of Cadets. For these purposes 'Cadet Force' means the Australian Navy Cadets, Australian Army Cadets, or the Australian Air Force Cadets.

168) Defence Reserve leave counts as service for all purposes, except for unpaid leave to undertake Continuous Full Time Service (CFTS). Unpaid leave for the purpose of CFTS counts as service for all purposes except Annual leave accrual.

Community service leave

169) An eligible community service activity includes:

- a) jury service (including attendance for the purpose of jury selection) that is required by or under a law of the Commonwealth or a State or Territory, or
- b) carrying out a volunteer emergency management activity (within the meaning of section 109 (2) of the *FW Act*).

170) In relation to jury service, the Chief Executive Officer will approve paid community service volunteer leave to enable an employee other than an irregular / intermittent employee to attend court appearances as a juror. In this event, the employee will continue to receive their normal salary subject to any payments of a salary nature made to the employee by the court for jury service being signed over to the Agency.

171) An employee other than an irregular / intermittent employee who engages in an eligible community service activity is entitled to paid leave if:

- a) the period consists of one or more of the following:
 - i. time when the employee engages in the activity,
 - ii. reasonable travelling time associated with the activity,
 - iii. reasonable rest time immediately following the activity,
- b) where the activity is emergency management, the absence is due to:
 - i. regular training,
 - ii. all emergency service responses,
 - iii. reasonable rest time immediately following the activity, and
 - iv. attendance at ceremonial duties.
- c) unless the activity is jury service – the employee's absence is reasonable in all the circumstances.

172) Intermittent/irregular employees are entitled to unpaid community service leave accordance with the NES.

173) The Chief Executive Officer may provide leave to an employee who is participating in a major international sporting event.

Long service leave

174) Long service leave (LSL) will accrue and be available to eligible employees in accordance with the *LSL Act*. Absences must be taken for a minimum of seven consecutive calendar days at full-pay or 14 consecutive calendar days at half-pay. The granting of such leave is subject to operational requirements.

175) LSL cannot be broken with any other leave, including absences on flex leave, Christmas close down or public holidays. If an employee becomes eligible for certain

other types of leave during a period of LSL, LSL may be reccredited in accordance with clause 114.

Parental leave

Maternity leave

176) Maternity leave is available to an employee for her absence from the workplace on the birth of her child/children. Employees covered by this Determination will be entitled to maternity leave under the terms of the ML Act including up to 12 weeks paid maternity leave for eligible employees.

177) At the employee's request, the Chief Executive Officer will approve spreading the payment for the period of absence over a maximum period of 24 continuous weeks at a rate no less than half normal pay. The additional period of paid leave beyond the first 12 weeks as specified in the ML Act, will not count as service for any purpose.

Additional leave

178) An eligible employee will also receive an additional two weeks paid leave which can be taken within 12 months of the birth. At the request of the employee, the Chief Executive Officer will approve spreading the payment for the additional period over four weeks at a rate no less than half normal salary, however, leave that extends beyond two weeks does not count for service for any purpose.

Additional unpaid parental leave

179) An employee who has completed at least 12 months of continuous service with the Commonwealth immediately before making an application for twelve months unpaid parental leave (the first period) to care for a new born or newly adopted or foster child may request, at the completion of the first period, an additional period of unpaid parental leave of up to 12 months in accordance with the *FW Act*.

180) Taking unpaid parental leave does not prevent an eligible employee from accessing other types of paid leave (other than paid personal/carer's leave, compassionate/bereavement leave and community service leave) in accordance with the *FW Act*. If the employee does so, the taking of the other paid leave does not break the continuity of the period of unpaid parental leave.

181) Unpaid parental leave does not count as service for any purpose.

Special maternity leave

182) Where an employee who has at least 12 months continuous service with the Commonwealth experiences a pregnancy-related illness, or if her pregnancy ends within 28 weeks of the expected birth, she will, if she requests, be granted paid personal leave for any period of leave supported by a medical certificate. If personal leave credits are exhausted, or she chooses, the leave will be unpaid in accordance with section 80 of the *FW Act*. Unpaid special maternity leave will count as service for all purposes.

Special maternity leave will operate in conjunction with entitlements under the *ML Act*.

Parental (partner) leave

183) Within 12 months of the birth, fostering or adoption of a child, an employee who is the child's non-primary care giver and stands in a domestic or household relationship with the child is entitled to be granted four weeks paid parental leave, and unpaid miscellaneous leave up to a total absence of 52 weeks.

184) The Chief Executive Officer may approve leave for a non-primary care giver not residing with the child.

185) The Chief Executive Officer may approve spreading the period of paid leave over a maximum period of eight continuous weeks at a rate no less than half normal pay. Leave that extends beyond four weeks does not count as service for any purpose.

Return to work after parental leave

186) On ending parental, maternity, adoption or foster leave, an employee is entitled to recommence the employee's previous duties in accordance with the relevant provisions of the *FW Act*.

Adoption or foster leave

187) Within 12 months of the adoption or fostering of a child by an employee with 12 months or more continuous service described in clause 193 who will be the primary care giver, is entitled to up to 14 weeks at full-pay for the purpose of adopting or a long-term and full-time foster care of a child up to the age of 16, and unpaid leave up to a total period of 52 weeks. The paid leave may commence up to two weeks prior to assuming responsibility for the child.

188) The adopted or foster child must not be a child or step-child of the employee or the employee's partner unless that child had not been in the custody and care of the employee or the employee's partner for a significant period.

189) An employee is not entitled to both adoption and fostering leave for the same child.

190) The Chief Executive Officer may approve spreading the period of paid leave over a maximum period of 28 continuous weeks at a rate no less than half normal pay.

191) Where an employee elects to take paid adoption or fostering leave at half-pay, a maximum of 14 weeks counts as service for all purposes.

192) The provisions of clauses 183 to 191 also apply to a child who is subject to a permanent care order made by an Australian court or under Australian legislation.

193) For the purposes of clause 183, 'continuous service' has the same meaning as eligible service recognised under the *ML Act*.

Pre-adoption leave

194) Employees in the process of adopting or fostering of a child may take up to two days

paid leave to attend any interviews or examinations required to obtain adoption or foster care approval.

Family care rooms

195) The Chief Executive Officer will provide ad hoc access to family care facilities to provide a resource for employees to carry out aspects of their normal duties while caring for dependants, as an alternative to taking leave.

Facilities for breastfeeding

196) The Chief Executive Officer will provide appropriate facilities for mothers to undertake breastfeeding, lactation and associated activities in the workplace.

PART G – WORKFORCE PLANNING AND MANAGEMENT

Reassignment of duties

Salary on reduction

197) Where an employee is temporarily reassigned duties at a lower work classification level, the employee will be paid at a level nominated by the Chief Executive Officer, having regard to the experience, qualifications and skills of the employee. Where applicable, such a determination will specify the period for which the adjusted level will apply. This clause does not apply to decisions made by the Chief Executive Officer in relation to breaches of the Code of Conduct or underperformance.

Higher duties allowance recommendation

198) To be recommended for payment of HDA, an employee must have at least achieved a satisfactory performance standard in the employee's substantive position, under the most recent P&D assessment (i.e. the mid- or end-of-cycle review), or where the manager otherwise certifies that the employee should fill the position, including for developmental purposes.

Period of HDA attracting payment

199) An employee is entitled to payment of HDA if they are directed to perform higher duties:

- a. for a period of at least half a day if the higher duties being performed is for a position classified as level APS 1-6; or
- b. for a period of at least five working days (payable from the first day of the period of acting) if the higher duties being performed is for a position classified as level EL1 or above.

Level of payment

200) Where an employee is to be paid HDA, the employee will be paid at the increment point determined by the Chief Executive Officer, recognising that there is an opportunity for the employee to be paid above the minimum increment point within the salary range of the higher position. The increment point attained through salary advancement in previous periods of HDA at that classification level will be at least maintained.

Payment for partial performance

201) Where the full duties of the position are not being undertaken, the employee and the Chief Executive Officer may agree to payment at a point in a classification below that of the higher duties position.

Public holidays or leave

202) An employee on HDA who is granted paid leave or who observes a public holiday will continue to receive HDA payment, having regard to the provisions of this section, during the employee's absence. HDA will not be paid beyond the date on which the employee would have ceased the period of acting had the employee not been absent. Where the period of leave is paid at less than full-pay, payment of HDA will be made on a pro-rata basis.

Right of review

203) The sole and exhaustive rights and remedies of an employee in relation to termination of employment are those that the employee has under:

- a) Parts 3-1 and 3-2 of the *FW Act*,
- b) other Commonwealth laws, and
- c) common law.

204) Termination of, or a decision to terminate, employment cannot be reviewed under the review of actions framework or dispute resolution procedure outlined in this Determination.

205) Nothing in the Determination prevents the Chief Executive Officer from terminating the employment of an employee for serious misconduct, without further notice or payment in lieu, in accordance with the *FW Act* subject to compliance with the procedures established by the Chief Executive Officer for determining whether an employee has breached the Code of Conduct under section 13 of the *PS Act*.

Separation from the Australian Public Service

206) Where an employee resigns on a public holiday, they will be deemed to have resigned on the last working day prior to the public holiday.

Death of an employee

207) Where an employee dies whilst in employment, or the Chief Executive Officer has directed that an employee is presumed to have died on a particular date whilst in employment, the Chief Executive Officer will, subject to legal requirements, authorise the payment of the amount to which the former employee would have been entitled had he or she ceased employment by resignation or retirement. Long service leave credits will be paid out in accordance with the *Long Service Leave Act (Commonwealth Employees) 1976*.

PART H - REDEPLOYMENT, REDUCTION AND RETRENCHMENT (RRR)

Excess employees

Definition

- 208) An employee is 'excess' when:
- a) they are included in a group of employees in the Agency, comprising a greater number than is necessary for the efficient and economical working of the Agency,
 - b) due to technological or other changes in the work methods of the Agency, or structural or other changes in the nature, extent or organisation of the functions of the Agency, the services of the employee cannot be effectively used, or
 - c) the duties usually performed by the employee are to be performed at a different locality and the employee is not willing to perform those duties at the new locality, and the Chief Executive Officer has determined that the provisions of this clause may apply to that employee.

Eligible employee

- 209) The provisions of this Part do not apply to non-ongoing employees, employees who are on probation or employees who are still within the minimum employment period as defined in the *FW Act*.

Chief Executive Officer's powers

- 210) The powers of the Chief Executive Officer with regard to excess employees allow the Chief Executive Officer to:
- a) reassign duties to an employee within the Agency and determine the place at which the duties are performed,
 - b) consider options for redeployment of the employee to another APS agency,
 - c) reduce the classification level of an employee on the grounds that the employee is excess to the requirements of the Agency at the higher classification level,
 - d) terminate the employment of an ongoing employee on the grounds that the employee is excess to the requirements of the Agency.

Timely advice

- 211) When the Chief Executive Officer is aware that an employee is likely to become excess, the Chief Executive Officer will advise the employee at the earliest practicable time.
- 212) The Chief Executive Officer will hold discussions with the potentially excess employee to consider:
- a) redeployment opportunities for the employee concerned, and
 - b) whether voluntary retrenchment might be appropriate.

Referral to employee - initial consultation

- 213) Where an employee is identified as potentially excess, the Chief Executive Officer will hold an initial consultation with the employee and/or the employee's representative.

214) During this initial consultation period of one month, unless the employee agrees to a lesser period, the Chief Executive Officer will not:

- a) invite the employee to accept an offer of voluntary retrenchment, or
- b) advise that employee in writing that they are excess.

215) The Chief Executive Officer may, prior to the conclusion of these discussions, invite employees who are not potentially excess to express an interest in voluntary retrenchment, where those retrenchments would permit the redeployment of employees who are potentially excess. The Chief Executive Officer will not advise an employee they are excess until the discussions referred to in clause 211 have occurred.

Voluntary retrenchment

216) Where the Chief Executive Officer invites an excess employee to elect to accept voluntary retrenchment, the employee will have one month to accept or reject the invitation. The Chief Executive Officer will not give notice of termination under section 29 of the *PS Act* on the grounds that the employee is excess to requirements, before the end of that period or until such election is received (where the election is received before the end of that period).

Information to employee

217) At the time of inviting the employee to make an election, the Chief Executive Officer will provide the employee the following information:

- a) the amounts of severance pay, payment in lieu of notice, and likely payment in lieu of leave credits,
- b) the amount of accumulated superannuation contributions,
- c) the options open to the employee concerning superannuation, and
- d) the taxation rules applying to the various payments.

Financial assistance

218) Employees considering voluntary retrenchment also have access to financial assistance up to a total maximum of \$464 (inclusive of GST) for financial counselling, and a further \$464 (inclusive of GST) for career counselling where such career counselling is not otherwise provided through the Agency's external Employee Assistance Program.

Period of notice

219) Where an employee accepts an offer of voluntary retrenchment and the Chief Executive Officer approves the employee's termination under section 29 of the *PS Act*, the Chief Executive Officer will give the employee a period of notice of four weeks, or five weeks for an employee over 45 years of age with at least five years of continuous service.

Payment in lieu of notice

220) Where an employee retires or is retrenched at the beginning of, or within, the notice period, he or she will receive payment in lieu of notice for the unexpired portion of the notice period.

Severance benefit

221) Where an employee accepts an offer of voluntary retrenchment and the Chief Executive Officer terminates the employee's employment under section 29 of the *PS Act*, the employee is entitled to be paid a severance benefit of a sum equal to two weeks' salary for each completed year of service, plus a pro-rata payment for completed months of service since the last completed year of service, subject to any minimum amount the employee is entitled to under the *FW Act* and NES.

222) The minimum sum payable will be four weeks' salary and the maximum will be 48 weeks' salary.

223) The redundancy benefit will be calculated on a pro-rata basis for any period where an employee has worked part-time hours during the employee's period of service and the employee has less than 24 years full-time service, subject to any minimum amount the employee is entitled to under the NES.

Earlier periods of service

224) For earlier periods of service to count, there must be no breaks between the periods of service, except where:

- a) the break in service is less than one month and occurs where an offer of employment with the new employer was made and accepted by the employee before ceasing employment with the preceding employer.

Service for severance benefits purposes

225) Having regard to clause 223, and subject to clauses 220 to 222 and clause 227, service for severance benefit purposes means:

- a) service in the Agency,
- b) government service as defined in section 10 of the *Long Service Leave (Commonwealth Employees) Act 1976*,
- c) service with the Commonwealth (other than service with a Joint Commonwealth/State body or a body corporate in which the Commonwealth does not have a controlling interest) which is recognised for long service leave purposes,
- d) service with the Australian Defence Forces, and
- e) service in another organisation where an employee was transferred from the APS to that organisation with a transfer of function or an employee engaged by that organisation on work within a function is appointed as a result of the transfer of that function to the APS and such service is recognised for long service leave purposes.

Service not to count

226) Having regard to clause 224, any period of service which ceased:

- a) through termination on the following grounds, or on a ground equivalent to any of the following grounds:
 - i. the employee lacks, or has lost, an essential qualification for performing the employee's duties, or
 - ii. non-performance, or unsatisfactory performance, of duties, or
 - iii. inability to perform duties because of physical or mental incapacity, or

- iv. failure to satisfactorily complete an entry level training course, or
 - v. failure to meet a condition imposed under subsection 22(6) of the *PS Act* or
 - vi. a breach of the Code of Conduct, or
- b) through voluntary retrenchment at or above the minimum retiring age applicable to the employee, or
- c) with the payment of a redundancy benefit or similar payment or an employer-financed retirement benefit,
- will not count as service for severance benefit purposes.

227) Absences from work which do not count as service for any purpose will not count as service for severance benefit purposes.

Part-time service

228) The severance benefit will be calculated on a pro-rata basis for any period where an employee has worked part-time hours during the employee's period of service and the employee has less than 24 years full-time service.

Severance benefit - rate of payment

- 229) For the purpose of calculating any payment under this clause, salary will include:
- a) the employee's salary, or
 - b) the salary of the higher position, where the employee has performed duties at the higher level for a continuous period of at least 12 months immediately preceding the date on which the employee is given notice of retrenchment, and
 - c) other allowances in the nature of salary which are paid during periods of annual leave and on a regular basis, excluding allowances which are a reimbursement for expenses incurred, or a payment for disabilities associated with the performance of duty.

Involuntary retrenchment

Retention periods

230) Where an excess employee has not accepted an offer of voluntary retrenchment, unless he/she agrees otherwise, the excess employee will not be involuntarily terminated by the Chief Executive Officer under section 29 of the *PS Act* until the following retention periods have elapsed:

- a) 56 weeks where an employee has 20 or more years of service or is over 45 years of age, or
- b) 30 weeks for other employees.

231) If an employee is entitled to a redundancy payment under the NES, the retention period at clauses 230 a) and b) above, is reduced by a period equivalent to the employee's entitlement under the NES.

Retention period commencement

- 232) The retention period will commence on the earlier of the following:
- a) the day the employee is advised in writing by the Chief Executive Officer that the employee is an excess employee or
 - b) one month after the day on which the Chief Executive Officer invites the

employee to elect to be voluntarily retrenched.

Redeployment attempts

233) During a retention period the Chief Executive Officer will continue to provide appropriate training and take all reasonable steps to find alternative employment for the excess employee, including consideration of options such as redeployment and reduction of classification.

Extension of retention period due to illness

234) The retention period as provided for in this Determination will be extended by periods of leave for personal illness or injury, where supported by satisfactory medical evidence.

Travel expenses incurred

235) The excess employee may request assistance in meeting reasonable travel and incidental expenses incurred in seeking alternative employment where these expenses are not met by a prospective employer.

Retirement during retention period

236) Where the Chief Executive Officer believes there is insufficient productive work available for an excess employee during the retention period, the Chief Executive Officer may terminate the employee's employment under section 29 of the *PS Act*, and pay a lump sum comprising:

- a) the balance of the retention period (as shortened for the NES) under clauses 229 and 230 and this payment will be taken to include the payment in lieu of notice of termination of employment, plus
- b) the employee's NES entitlement to redundancy pay.

Must receive offer of voluntary retrenchment

237) An excess employee will not be retrenched involuntarily where the employee:
a) has not been invited to elect to be voluntarily retrenched or
b) has elected to be voluntarily retrenched but the Chief Executive Officer has refused to approve it.

Notice period

238) An excess employee will be given four weeks' notice (or five weeks' notice for an employee over 45 years of age with at least five years of continuous service) where it is proposed that the employee will be involuntarily terminated under section 29 of the *PS Act*.

Reduction in classification

239) During a retention period, the Chief Executive Officer:
a) will continue to take reasonable steps to find alternative employment for the excess employee and/or
b) may, with four weeks' notice, reduce the excess employee's classification as a means of securing alternative employment for the excess employee.

Income maintenance as a result of reduction in classification

240) Where an excess employee is reduced in classification before the end of the appropriate retention period, the employee will continue to be paid at the employee's previous level for the balance of the retention period with the exception of reductions in line with section 15 of the *PS Act*.

PART I – PEOPLE MANAGEMENT

Performance management

241) All employees are to participate in the Agency's Planning and Development process and have a formal annual P&D agreement in place. The agreement will outline specific key performance requirements, related performance indicators and required workplace behaviours.

242) The P&D provides the basis for individual salary advancement through salary ranges for the employee's current classification.

243) The principles of the P&D include:

- a) employees and managers have a joint responsibility to actively participate in, and contribute to, the P&D development and assessment process,
- b) all stages of the P&D process should be discussed and agreed by the employee and their manager,
- c) the P&D will operate in accordance with the Agency's workplace diversity programmes, and
- d) there should be no surprises for employees in regard to a manager's performance expectations or appraisal of their performance, with feedback regarding an employee's performance part of ongoing activities, including the opportunity for informal upwards feedback.

Four-week improvement period

244) An employee will be provided a minimum of four weeks, prior to the end of cycle assessment, to improve the employee's performance where it is below the performance standards.

Formal assessment points

- 245) The P&D has two formal assessment points:
- a) one at the mid-cycle in February, and
 - b) one at the end of the cycle in July.

Managing underperformance

Performance standards

246) Employees are expected to maintain a satisfactory performance standard under the Planning and Development guidelines.

Principles

- 247) In addressing underperformance the framework is designed to:
- a) be timely and effective;
 - b) restore performance of the employee to the required standard;
 - c) have regard to the individual circumstances of the employee, including any health issues;
 - d) have regard to natural justice and procedural fairness;
 - e) include learning and development as the focus for improving performance;
 - f) have active performance management as an integral part of the workplace culture;
 - g) require performance measures and standards to be clearly defined.

Application of the framework

- 248) The framework does not apply to:
- a) an employee during a period of probation, or
 - b) a non-ongoing employee.

Continuing professional development

Professional appointments with mandatory qualifications

- 249) The Agency will provide to an employee who the Agency requires to hold mandatory qualifications:
- a) access to relevant training, or
 - b) on application, meet the reasonable costs of continuing professional development.

250) Where an employee has received a Professional Development Allowance (PDA), that PDA must be used entirely before an application under clause 249 b) is made.

Medical Officers – professional development

251) Medical Officers are eligible to receive a PDA of \$4,750 each financial year on a reimbursement basis, to assist in attaining and maintaining work-relevant agreed skills and knowledge.

252) Part-time Medical Officers will have access to the full amount of PDA. The allowance will be available pro-rata for Medical Officers commencing service part way through a financial year.

253) The allowance rate may be increased by the Chief Executive Officer in circumstances where it is agreed that the standard amount is insufficient to meet relevant and approved professional development.

254) As part of the P&D process, Medical Officers will identify their learning and development needs as agreed with their manager. Where Medical Officers attend training or courses identified on their Individual Development Plan, they will be considered to be on duty and no leave application is required.

255) In addition, attendance at conferences and seminars may be granted by the Chief Executive Officer where it is directly relevant to the Medical Officer's current role, and having regard to any necessary medical registration or medical college requirements and operational requirements. In these circumstances, the absence will be treated the same as for attendance at approved training or courses.

Right to medical practice through outside employment

256) Where approved, Medical Officers may engage in outside medical practice to a maximum of half-a-day per week (averaged over a 12 month period) during normal working hours, with no adjustment to salary.

257) Medical Officers may access up to an additional four half-days per month during normal working hours for outside medical practice subject to operational requirements and the agreement of the manager and the Chief Medical Officer or Principal Medical Advisor of the Therapeutic Goods Authority (TGA) (as appropriate). This additional time will be taken as leave without pay or 'made up' at another time.

258) Access to outside medical practice will be pro-rata for part-time Medical Officers.

Studybank

259) The Chief Executive Officer may provide leave to an employee to undertake formal courses of study at tertiary and higher education institutions and other vocational education courses, where the study is agreed as part of an employee's P&D.

Mature-aged employees financial assistance

260) To assist with retirement planning, employees aged 54 years and over who are approaching or genuinely considering retirement, and who have not previously received this assistance from the Agency, may access financial assistance in the form of a one off reimbursement payment up to a total maximum of \$515 (inclusive of GST) to obtain financial advice from a registered financial advisor.

Employee Assistance Program (EAP)

261) The Chief Executive Officer will provide employees and their families with access to confidential, professional counselling to assist with work or personal issues through provision of an external EAP.

PART J –DISPUTE RESOLUTION

Dispute Resolution Procedures

262) If there is a dispute between an Employee and the Agency that relates to:

- a) a matter arising under this Determination, or
- b) the NES,

this term sets out procedures to settle the dispute.

263) An employee who is a party to the dispute may appoint a representative for the purposes of the procedures in this term.

264) In the first instance, the parties to the dispute must try to resolve the dispute at the workplace level, by discussions between the employee or employees and relevant supervisors and/or management.

265) If discussions at the workplace level do not resolve the dispute, a party to the dispute may refer the matter to Fair Work Commission.

266) The Fair Work Commission may deal with the dispute in two stages:

- a) the Fair Work Commission will first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation, and
- b) if the Fair Work Commission is unable to resolve the dispute at the first stage, the Fair Work Commission may then:
 - i. arbitrate the dispute, and
 - ii. make a determination that is binding on the parties.

Note: If Fair Work Commission arbitrates the dispute, it may also use the powers that are available to it under the *FW Act*.

A decision that Fair Work Commission makes when arbitrating a dispute is a decision for the purpose of Div 3 of Part 5.1 of the *FW Act*. Therefore, an appeal may be made against the decision.

267) While the parties are trying to resolve the dispute using the procedures in this term:

- a) an employee must continue to perform his or her work as he or she would normally unless he or she has a reasonable concern about an imminent risk to his or her health or safety, and
- b) an employee must comply with a direction given by the employer to perform other available work at the same workplace, or at another workplace, unless:
 - i. the work is not safe, or
 - ii. applicable work health and safety legislation would not permit the work to be performed, or
 - iii. the work is not appropriate for the employee to perform, or
 - iv. there are other reasonable grounds for the employee to refuse to comply with the direction.

268) The parties to the dispute agree to be bound by a decision made by Fair Work Commission in accordance with this term.

ATTACHMENT A – SALARY TABLES

Table 1

APS levels salary structure

Column 1 Classification	Column 2 Salary amount applicable before commencement of this determination	Column 3 Salary amount applicable from 7 February 2022
Executive Level 2 (EL2)	\$150,211	\$153,065
	\$143,000	\$145,717
	\$138,380	\$141,009
	\$126,873	\$129,284
Executive Level 1 (EL1)	\$121,282	\$123,586
	\$116,483	\$118,696
	\$110,968	\$113,076
	\$106,340	\$108,360
APS6	\$97,625	\$99,480
	\$95,486	\$97,300
	\$90,732	\$92,456
	\$86,534	\$88,178
APS5	\$83,597	\$85,185
	\$79,403	\$80,912
	\$77,301	\$78,770
APS4	\$76,203	\$77,651
	\$74,103	\$75,511
	\$72,120	\$73,490
APS3	\$70,556	\$71,897
	\$67,357	\$68,637
	\$65,457	\$66,701
	\$63,656	\$64,865
APS2	\$60,110	\$61,252
	\$58,439	\$59,549
	\$56,735	\$57,813
	\$55,083	\$56,130
APS1 (adult)	\$52,931	\$53,937
	\$50,469	\$51,428
	\$48,797	\$49,724
	\$47,131	\$48,026
(at 20 years)	\$42,890	\$43,705
(at 19 years)	\$38,177	\$38,902
(at 18 years)	\$32,991	\$33,618
(under 18 years)	\$28,280	\$28,817

Digital Health Entry Level Broadband

Column 1 APS Level	Local Title	Column 2 Salary amount applicable before commencement of this determination	Column 3 Salary amount applicable from 7 February 2022
APS4	Digital Health Entry Level (T, I, A, or G)	\$76,203	\$77,651
	Digital Health Entry Level (T, I, A, or G)	\$74,103	\$75,511
	Digital Health Entry Level (T, I, A, or G)	\$72,120	\$73,490
	<i>Soft barrier</i>		
APS3	Digital Health Entry Level (T, I, A, or G)	\$70,556	\$71,897
	Digital Health Entry Level (T, I, A, or G)	\$67,357	\$68,637
	Digital Health Entry Level (T, I, A, or G)	\$65,457	\$66,701
	Digital Health Entry Level (T, I, A, or G)	\$63,656	\$64,865
	<i>Soft barrier</i>		
APS2	Digital Health Entry Level (T, I, A, or G)	\$60,110	\$61,252
	Digital Health Entry Level (T, I, A, or G)	\$58,439	\$59,549
	Digital Health Entry Level (T, I, A, or G)	\$56,735	\$57,813
	Digital Health Entry Level (T, I, A, or G)	\$55,083	\$56,130
	<i>Soft barrier</i>		
APS1 (adult)	Digital Health Entry Level (T, I, A, or G)	\$52,931	\$53,937
	Digital Health Entry Level (T, I, A, or G)	\$50,469	\$51,428
	Digital Health Entry Level (T, I, A, or G)	\$48,797	\$49,724
	Digital Health Entry Level (T, I, A, or G)	\$47,131	\$48,026
(at 20 years)	Digital Health Entry Level (T, I, A, or G)	\$42,890	\$43,705
(at 19 years)	Digital Health Entry Level (T, I, A, or G)	\$38,177	\$38,902
(at 18 years)	Digital Health Entry Level (T, I, A, or G)	\$32,991	\$33,618
(under 18)	Digital Health Entry Level (T, I, A, or G)	\$28,280	\$28,817

- Trainees = T
- Indigenous Australian Government Development Program (IAGDP) participants = (I)
- Indigenous Apprenticeship Programme = (A)
- Graduates = (G)

Medical Officer salary structure

Column 1 Classification	Column 2 Salary amount applicable before commencement of this determination	Column 3 Salary amount applicable from 7 February 2022
Medical Officer Class 4	\$180,432	\$183,860
	\$170,310	\$173,546
	\$163,924	\$167,039
Medical Officer Class 3	\$157,384	\$160,374
	\$150,317	\$153,173
Medical Officer Class 2	\$141,647	\$144,338
	\$134,435	\$136,989
Medical Officer Class 1	\$122,852	\$125,186
	\$111,290	\$113,405
	\$103,407	\$105,372
	\$95,456	\$97,270

Table 2

Workplace Responsibility Allowances

Column 1 Allowance	Column 2 Rate of allowance applicable before commencement of this determination	Column 3 Rate of allowance applicable from 7 February 2022
Emergency Warden (refer clause 45)	\$10.40	\$10.60
Harassment Contact Officer (refer clause 45)	\$10.40	\$10.60
Health and Safety Representative (refer clause 45)	\$10.40	\$10.60
Senior First Aid Certificate (refer clause 46)	\$15.60	\$15.90

ATTACHMENT B – RECOGNITION OF ALLOWANCES FOR PARTICULAR PURPOSES

	Counts as salary for superannuation purposes (CSS and PSSdb only. Members of other superannuation funds refer to clauses 19 to 21)	Counts towards salary for calculation of overtime salary	Payable during long service leave	Payable during annual leave	Reduced pro-rata during period of half-pay leave (if payable during leave)	Included in income maintenance for excess employees	Included in salary for calculation of retrenchment severance payments	Included in salary for payment in lieu of notice of termination of employment	Payment in lieu of long service leave	Payment in lieu of recreation leave
Higher duties allowance	@	✓	*	*	✓	*	*	*	#	^
Medical Officer Professional Development Allowance	X	X	X	X	X	X	X	X	X	X
Workplace Responsibility Allowance	✓	X	✓	X	X	X	X	✓	π	X

#	Yes, if in receipt of allowance for a continuous period of greater than 12 months
✓	Yes
^	Yes, if in receipt of allowance on last day of service
X	No
@	Yes, subject to a qualifying period in accordance with the Superannuation (CSS/PSS) Salary Regulations 1978, unless indicated otherwise in this Determination
*	Yes, subject to certain conditions
π	Yes, so long as not in receipt of allowance on a temporary basis