

## **1 IMPLEMENTATION OF THE CAREER STRUCTURE AND WORK ORGANISATION REVIEW**

### **1.1 Commencement**

This Order commences on 1 November 2003.

### **1.2 Application**

This Order applies to all Employees as defined in clause 3.6 of the *Victorian Public Service (Non-Executive Staff) Agreement 2001* (“**the Agreement**”) other than:

- (a) the Employees referred to in clause 3.6(d) of the Agreement; and
- (b) Employees covered by Schedule A of Section II of the Agreement.

### **1.3 Relationship with Awards and other Agreements**

This Order prevails to the extent of any inconsistency over all prior awards, agreements (including the Agreement) and Australian Workplace Agreements.

Subject to **clause 5** of this Order (Adaptive Classification Structures), the classification and progression arrangements in this Order replace all previous classification and performance pay arrangements for all Employees.

Except for clause 11.4 and where expressly provided in this Order, clause 11 of the Agreement will cease to operate when This Order commences.

### **1.4 Definitions**

Unless otherwise provided, terms defined in the Agreement have the same meaning in this Order.

## **2 VPS CLASSIFICATIONS AND SALARY**

### **2.1 Grades and Value Ranges**

Subject to **clause 5** of this Order (Adaptive Classification Structures), positions will be classified within Grades 1 to 6 or the Senior Technical Specialist Grade based on work value.

Grades are divided into Value Ranges. The salary range for each Grade and the size and number of Value Ranges are detailed in **Table 1**.

Employees will be employed within one of these Grades and Value Ranges based on work requirements in accordance with the Grade Standard Descriptors in **Schedule 1** to this Order and the Classification and Value Range Standard Descriptors in **Schedule 2** to this Order.

2.2 Table 1

	Grade/ Salary Range		Value Range	Progression Steps/ Salary Points
VPS Officer	Grade 1 \$27,021 to \$31,021	1.1	\$27,021 - \$31,021	\$27,021 (Base)
				\$27,421
				\$28,021
				\$28,621
				\$29,221
				\$29,821
				\$30,421
				\$31,021
	Grade 2 \$32,021 to \$41,121	2.1	\$32,021 - \$36,571	\$32,021 (Base)
				\$32,671
				\$33,321
				\$33,971
				\$34,621
				\$35,271
\$35,921				
\$36,571				

		2.2	\$37,221 - \$41,121	\$37,221
				\$37,871
				\$38,521
				\$39,171
				\$39,821
				\$40,471
				\$41,121
	Grade 3 \$42,021 to \$51,021	3.1	\$42,021 - \$46,521	\$42,021 (Base)
				\$42,921
				\$43,821
				\$44,721
				\$45,621
				\$46,521
		3.2	\$47,421 - \$51,021	\$47,421
				\$48,321
				\$49,221
				\$50,121
				\$51,021

	Grade 4 \$52,021 to \$59,023	4.1	\$52,021 - \$59,023	\$52,021 (Base)
				\$53,188
				\$54,355
				\$55,522
				\$56,689
				\$57,856
				\$59,023
Senior Officer	Grade 5 \$60,023 to \$72,623	5.1	\$60,023 - \$66,323	\$1,800
		5.2	\$66,324 - \$72,623	
	Grade 6 \$73,623 to \$98,523	6.1	\$73,623 - \$86,073	\$2,273
		6.2	\$86,074 - \$98,523	
Senior Technical Specialist \$100,000 to \$136,000	7.1	\$100,000 - \$112,000	\$3,731	
	7.2	\$112,001 - \$124,000		
	7.3	\$124,001 - \$136,000		

### **Movement Between Value Ranges**

Employees and/or positions can move between Value Ranges.

Movement between the Value Ranges can occur following a job resizing review. The review process includes an assessment of the work the Employer requires to be undertaken and the performance of that work by the Employee. These are assessed against the benchmarks specified in the Classification and Value Range Standard Descriptors in **Schedule 2**.

### **2.4 Classification and Salary on Appointment**

Employees will be appointed to a Grade and Value Range based on work requirements in accordance with the Grade Standard Descriptors in **Schedule 1** and the Classification and Value Range Standard Descriptors in **Schedule 2**.

In determining whether to recruit an employee above the base salary point of the relevant Value Range, the Employer will have regard to the following matters:

- (a) an assessment of whether the existing remuneration of the individual would require paying above the base;
- (b) for Grades 1 to 4, appointment will be to a progression step within the relevant Value Range; and
- (c) the gender equity effects of appointments.

The gender equity effects of appointments above the base salary point of the relevant Value Range will be monitored by the Office of Workforce Development (“**OWD**”) over time.

OWD will monitor recruitment patterns generated by this practice over the life of This Order. The CPSU will be briefed on recruitment at six monthly intervals over the life of this Order.

### **3 PROGRESSION WITHIN A VALUE RANGE**

#### **3.1 Progression Steps and Amounts**

Within each Value Range of Grades 1 to 4 there are progression steps (expressed as salary points) as detailed in **Table 1**.

Within Grades 5 to the Senior Technical Specialist Grade there are standard progression amounts as detailed in **Table 1**. The progression amounts are expressed in terms of dollars and are common to all Employees within a given Grade/Value Range.

Progression steps or amounts within Value Ranges are not points of defined work value. Progression within the new salary structure will not be automatic, consistent with wage fixing principles. Progression between progression steps or amounts will occur when an Employee is assessed at his or her annual performance review as “meeting the progression criteria”.

#### **3.2 Progression Cycle And Review**

Except for the provision under 3.3(a) the progression cycle is 12 months (1 July to 30 June).

The “progression criteria” are to be agreed with each Employee at the start of the progression cycle or upon commencement in a role and can be adjusted by agreement during the progression cycle.

The progression criteria for an individual are to be identified using a combination of the performance standards appropriate for the applicable Grade and Value Range as outlined in **clause 3.4** of This Order.

All Employees can expect continuous feedback about their performance throughout the progression cycle with their supervisor or manager.

A performance review is undertaken at the end of each progression cycle. Performance against the progression criteria is assessed at that time.

Access to progression will not be available if an Employee has been in his or her role for less than three months at the time the performance review is undertaken.

### **3.3 Progression Cycle And Review to September 2004**

To allow Over-grade reviews to be completed before progression criteria are established and the first progression cycle commences, the following arrangements will apply to the first two progression cycles after the new classification structure takes effect:

- (a) The first progression cycle will be to 30 September 2004. Salary increases resulting from progression at the end of this cycle will be given effect as from 1 July 2004. Any employee commencing after 30 July 2004 shall not be eligible for progression in this cycle.

### **3.4 Performance Standards**

The performance standards detailed below must be weighted and combined, appropriate to the role, to make up an individual's "progression criteria".

Where "skills acquired" is a performance standard, management should facilitate the individual's ability to undertake appropriate learning and development.

No disadvantage will accrue to Employees where learning and development opportunities are not available. Where appropriate, the framework for learning and development plans can be discussed with the Joint Training, Learning and Development Committee.

Performance standards for Grades 1 to 2:

- (a) skills acquired through learning and development, skills applied;
- (b) professionalism;
- (c) effectively carry out the requirements of the role;
- (d) recognised experience and efficiency acquired through the job.

Performance standards for Grade 3:

- (a) learning and development, skills applied;

- (b) professionalism;
- (c) display responsibility in the role;
- (d) recognised experience and efficiency acquired through the job.

Performance standards for Grades 4 to Senior Technical Specialist:

- (a) learning and development;
- (b) achieving the performance targets;
- (c) leadership and/or management professionalism.

(Leadership will reflect high professional standards for operational or technical staff who do not exercise discrete management functions).

The Parties acknowledge that within Grades 1 to 4 the progression criteria will not be as onerous as those which will be required for Grades 5 to Senior Technical Specialist. Whilst Grades 3 and 4 are clearly seen as a transition points to higher levels of management within the structure and carry additional responsibility, this does not mean work at all lower levels will not be important and demanding. However, it is expected that in setting agreed progression criteria the overwhelming majority of persons will achieve the objectives and should move through the salary points. This is contrasted with persons in Grades 5 to Senior Technical Specialist. In these Grades agreed objectives will include measures of excellence and skill acquisition commensurate with the high level of responsibility. It is expected that progression at these levels will be both more challenging and difficult to achieve.

Central to the progression will be the need for managers and staff to identify what should, and can, be delivered to warrant progression through a combination of capacity, productivity, performance and professionalism. This interaction between managers and staff gives authority and integrity to the structure and its sustainability in the long term.

## **4 TRANSLATION FROM EXISTING CLASSIFICATIONS**

### **4.1 Translation**

Existing Employees will translate to the new classification structure on the basis of their classification and salary as at the day immediately preceding the date This Order commences.

Subject to **clause 4.2** (Over-grade Reviews), Employees in Grades 1 to 4 who fall between salary points will be translated to the closest progression point that is immediately above their salary within the assessed Grade and Employees in Grades 5 and 6 will translate at their existing salaries.

As the new structure involves non-overlapping Grades, a number of translation matters emerge. These are addressed in **clauses 4.2** (Over-grade Reviews), **4.3** (Translation close to the top of a Value Range) **and 4.4** (Work Value Disputes) below.

## 4.2 Over-grade Reviews

As a result of introducing the non-overlapping grade structure, new maximum salary levels have been set for Grades and Value Ranges.

Staff translating from the current structure into the new structure will be individually affected by the changes, depending on their current salary level.

On translation to the new non-overlapping grade structure, all positions classified in a Grade that have been identified by the relevant manager as having a pre-translation salary level that falls within a higher Grade may be subject of review (“**Over-grade Review**’)\*\*.

It will be the responsibility of the relevant manager to notify an Employee in such a position of the review. Notice should be given within eight weeks of the person occupying the position, and any Over-grade Review completed by 31 March 2004. The sequencing of Over-grade Reviews will not prejudice Employee access to the new progression system.

Union advice and representation on Over-grade Reviews will be available to Employees.

It is not intended that the Over-grade Reviews prejudice the rights of those not subject to review. Staff not subject to Over-grade Review retain full access to grievance mechanisms under This Order. In relation to this matter, it may be that issues come to the Commission earlier than the monitoring and review timetable.

An Over-grade Review will determine whether the job attracting the “over-grade salary” should be reclassified at the higher Grade or remain classified at the current Grade.

Where an Over-grade Review has been completed and the role does not meet the requirement of the higher Grade, the following will occur:

- (a) The position will be examined to determine if the Employee’s role can be expanded to meet the work value criteria in the Descriptors applying to the higher level.
- (b) Where it is determined that it is not possible to expand the Employee’s role:
  - (i) the Employee will be given the reasons in writing with a right to appeal within six months of receiving these written reasons;
  - (ii) the Employee’s salary will not be reduced; and

- (iii) the Employee will remain at the Grade for his or her position and will be able to access progression criteria applying to that Grade, but will receive any progression payment as an ex gratia payment, until his or her salary falls within the salary range for that Grade.
- (c) Employees who are identified as being in a role that can be expanded to meet the requirements of the higher Grade, will have access to progression under the criteria applying to the higher Grade.
- (d) An Employee can refuse to participate in the process of expanding the Employee's role, in which case the Employee's salary will be governed by the arrangements in **paragraphs (b)(ii) and (b)(iii)** above.
- (e) It is recognised that in some cases, for operational reasons, scope will not exist to expand roles to meet the higher classification criteria. Employees in such positions will also have access to the arrangements in **paragraphs (b)(ii) and (b)(iii)** above.

#### **4.3 Translation close to the top of a Grade or Value Range**

On translation, a number of Employees will be being paid salaries that are close to the maximum salary of the applicable Grade or Value Range for their positions.

The following one-off transition arrangement will apply to Employees translating into the new structure with a salary that is less than one progression payment below the maximum salary of the applicable Grade or Value Range:

- (a) If such Employees are assessed in the first progression cycle of the new system as "meeting the progression criteria", they will be entitled to receive the full progression payment for that Grade or Value Range.
- (b) This progression payment will be made in two components:
  - (i) as salary, to the extent that this brings the Employee's salary up to the maximum salary for the Value Range or Grade; and
  - (ii) as an ex gratia payment for the balance of the progression payment.

The above transition arrangement operates only for the first progression cycle of the new system, in recognition of effectively managing the translation of staff to the new system.

Where an Employee receives an ex gratia payment increase in accordance with **paragraph (b)(ii)** in relation to a Value Range alone, the Employee should not, in ordinary circumstances, remain in that position for longer than 12 months. Managers should actively seek to ensure that any such person has his or her work requirements enhanced so that progression to the higher Value Range may result.

#### **4.4 Work Value Disputes**

Where an Employee is of the view that the translation point for his or her position is inappropriate having regard to the applicable Grade Standard Descriptors or Classification and Value Range Standard Descriptors, the Employee will have access to a review mechanism that is to be agreed between the Parties.

Such reviews will only occur after completion of the Over-grade Reviews and can occur over the life of this Order.

### **5 ADAPTIVE CLASSIFICATION STRUCTURES**

#### **5.1 Review of Occupational Classifications**

The Parties agree that the rationale underpinning the new career structure is that wherever possible, the main VPS classifications are to apply to all Employees unless the Parties are satisfied that the nature and characteristics of the work of a group of Employees requires a specific occupational classification.

The occupational groups dealt with in Groups 1 to 4 below represent an exhaustive and final list of occupational groups that are to be considered for a classification arrangement that is different to the main VPS classification system.

The occupational reviews should take place against the background of the Grade Standard Descriptors and Classification and Value Range Standard Descriptors, but the focus of the reviews should be on the work performed and the skill and responsibility attached to that work. This must mean that the Descriptors would not, in themselves, be conclusive of the review. The application of the Standard Descriptors to the occupational reviews will be that they provide a base upon which to consider the realignment of certain classifications. In this connection it is not intended that the descriptors will reduce work value assessments of current duties.

The Parties have been unable to reach agreement about the role that qualifications should play in the descriptors to accompany the new structure. The CPSU has indicated that it intends to pursue this issue in the occupational reviews associated with the adaptive structure process.

#### **5.2 Group 1 - Occupations used by more than one Agency**

Group 1 comprises:

- (a) Speech Pathologists, Social Workers, Psychologists/Guidance Officers (including Student Support Services Officers);
- (b) Legal Officers; and
- (c) Scientific Officers.

Employees in Group 1 will translate to the new classification structure in accordance with **clause 4.1**. The occupational review process detailed below will then be implemented.

OWD will convene a meeting between CPSU representatives and the relevant Agencies to develop, where necessary, classification structures inclusive of classification titles, salary points, grade and value descriptors and progression criteria for each of the occupations in Group 1. In the case of Legal Officers, this will include consideration of a possible relationship to VGSO solicitors.

It is agreed that the purpose of this undertaking will be to provide occupational specific measures that align with the Grade Standard Descriptors and Classification Value Range Standard Descriptors in the main VPS classification structure. The application of occupational specific grade and value range descriptors will ensure that, within value ranges, Employees in Group 1 occupations are treated in a like manner.

Once grade and value range descriptors for the Group 1 occupations are agreed, Employees will translate to the appropriate level.

If specific grade and value range descriptors cannot be agreed, this matter may be referred by either Party for conciliation and arbitration by the Commission pursuant to clauses 11.4 and 11.5 of the Agreement. In the exercise of these powers the Commission will have regard to the intention of clause 11.2 of the Agreement.

### **5.3 Group 2 - Existing Agency-specific Classifications**

Group 2 comprises:

- (a) Custodial Officers Group (“COG”) in Department of Justice;
- (b) Child, Adolescent, Family Welfare Officer (“CAFW”) in Department of Human Services (“DHS”);
- (c) Housing Services Officer in DHS;
- (d) Health and Community Services in DHS; and
- (e) Solicitors in the Victorian Government Solicitors Office.

Employees in each of the classifications in Group 2 will remain in their existing classification until the occupational review process detailed below for their existing classification is completed.

Where the occupational review process is completed by 1 March 2004 the operative date shall be 1 November 2003.

Classifications in Group 2 will not be included in the main VPS classification structure unless otherwise agreed between the CPSU and the relevant Agency having regard to gender equity issues.

The relevant Agency and the CPSU will agree upon a process to discuss each of these agency-specific classifications. Where this has not occurred within a reasonable time period the OWD will convene such a discussion.

The relevant Agency and the CPSU will seek to reach an agreement as to how the principles of progression in the main VPS classification system ought be incorporated into the existing agency-specific classification. It is agreed that the agency-specific classification should, as far as possible, reflect the principles and structural features of the main VPS classification structure.

Any agreements made before This Order commences between the relevant Agency and the CPSU as to outcomes or process will remain in place.

If the Parties cannot agree on how the principles of progression in the main VPS classification are to be applied to the existing agency-specific classification, this specific matter may be referred by either Party for conciliation and arbitration by the Commission pursuant to clauses 11.4 and 11.5 of the Agreement.

#### 5.4 Group 3

Group 3 comprises the occupational groups listed in column one of the table below.

Employees in each of the occupational groups in Group 3 will remain in their existing classification until the occupational review process detailed below for their existing classification is completed.

It is agreed that the occupational groups in Group 3 are to be dealt with in accordance with the action listed in column two of the table below.

<b>Column one</b>	<b>Column two</b>
Victorian Institute of Forensic Medicine – DOJ	
Children’s Court Clinicians – DOJ	Main classification to apply
VPS staff requiring teaching qualifications - - DE&T	Main classification to apply
Emergency Management Officers – DE&T	Main classification to apply

Valuers – DSE	Main classification to apply
Surveyors – DSE	Main classification to apply
Police Administrative Officer (“PAO”)	Main classification to apply

### 5.5 Group 4 – Other Agency-specific Classifications.

Group 4 comprises:

- (a) Clerks of Court in DOJ;
- (b) Sheriffs in DOJ;
- (c) State Emergency Services in DOJ;
- (d) Community Corrections Officers in DOJ; and
- (e) Fisheries and Wildlife Officers.

Employees in Group 4 will translate to the new classification structure in accordance with **clause 4.1**. The occupational review process detailed below will then be implemented.

Where the occupational review process is completed by 1 March 2004 the operative date shall be 1 November 2003.

#### *Stage 1 of Review of Group 4 – Consideration of Anomalies*

The relevant Agency and the CPSU will agree upon a process to discuss the classifications in Group 4.

Noting that clause 11.2(a) of the Agreement, states in part that “...the Parties will determine Agency-specific occupational categories to be reviewed and, if necessary, restructured to address anomalies...”, matters that the Parties will consider include:

- (a) Whether there is a way of addressing the concerns raised in relation to applying the main VPS classification structure to the agency-specific classification. For example, by use of local titles and adaptive grade descriptors.
- (b) The viability of having a separate classification, including having regard to cost.
- (c) Equity with groups remaining in the main VPS structure.
- (d) Organisational need.

- (e) Professional needs and identity of the group.

OWD will work closely with Agencies to ensure the consideration of the above matters.

Any agreements made before This Order commences between the relevant Agency and the CPSU as to outcomes or process will remain in place (including the arrangements in the letter of agreement in relation to Clerks of Court).

If the need for a separate classification is not agreed, this specific matter may be referred by either Party to the Commission for conciliation and arbitration pursuant to clauses 11.4 and 11.5 of the Agreement. In the exercise of these powers the Commission will have regard to the intention of clause 11.2 of the Agreement.

#### *Stage 2 of Review of Group 4 – Structure of Agency-specific Classifications*

If it is agreed or determined through arbitration that a different structure is to apply to any of the classifications in Group 4, consideration will be given to the following in the determination of the different structure:

- (a) the alignment points at the base and top of value ranges and grades;
- (b) organisational requirements;
- (c) historically proven distinctions in the value of defined jobs traditionally paid within the salary spread encompassed by a value range;
- (d) specialist training needs and requirements;
- (e) progression structures and rules applying for the grade;
- (f) relevant, unique issues concerning the utilisation, recruitment and retention of staff;
- (g) custom and practice within the VPS for the specific category of staff; and
- (h) the professional needs and identity of the group.

It is intended that any new classification should reflect as many of the principles and structural features of the main VPS classification as can be accommodated.

If a classification structure in relation to a classification in Group 4 cannot be agreed, this matter may be referred by either Party for conciliation and arbitration by the Commission pursuant to clauses 11.4 and 11.5 of the Agreement. In the exercise of these powers the Commission will have regard to the intention of clause 11.2 of the Agreement.

## **6 MONITORING AND REVIEW**

In accordance with the Recommendation of Commissioner Smith dated **[insert date]** 2003 (“**the Recommendation**”), the Commission will monitor the introduction of the new system in an effort to resolve any systemic problems as they arise rather than allow the implementation process to generate a large number of individual disputes. In the Recommendation the Commission stated that it would expect the Parties to recognise the complexities involved in introducing the new classification system. The Parties will report-back to the Commission on the introduction of the new system in the first week of June 2004 and a more formal review considered in November 2004.

To ensure that the processes outlined in clauses 5.2 and 5.5 are pursued expeditiously and in good faith the Commission will actively monitor progress.

## **7 2002/2003 PERFORMANCE PAY AND FUNDING**

In accordance with the Recommendation, in light of the start-up costs of the new structure and merit associated with its introduction, the 2002/2003 “exceed expectations performance pay” as provided for in clause 20.6 of the Agreement will be abandoned and the funds allocated for those monies will be allocated to the implementation of the new structure.

Recommendations in relation to funding matters are made in the Recommendation.

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The Recommendation associated with the making of this Order noted:

“It follows that a person translated to a higher Grade should be presumed to have achieved that Grade on merit having regard to the work performed. However, in a workforce the size of the Victorian Public Service there may be circumstances where the work requirements of an individual do not match the workvalue requirements contained in the descriptors of the new translated Grade and the manager believes that it is inappropriate to confirm such a person in that position. In these circumstances it will be the responsibility of the relevant manager to put such a person on notice that she/he proposes to review the position.”