

Determination No. 23 of 2007

GRADING COMMITTEES – SOCIAL WORKERS AND DIETITIANS

1. INTRODUCTION

In accordance with the provisions of section 116A(1) of the *Health Services Act 1997* and Delegation S117 of the Department of Health's Combined Administrative Financial Staff Delegations Manual, I, Trevor Craft, Acting Director, Employee Relations, of the Department of Health determine the following in relation to grading committees for Social Workers and Dietitians.

2. DEFINITIONS

Employer means any person authorised to exercise the functions of the employer of staff to which this Determination applies.

Health Institution means an institution (other than a hospital) by or at which health services or health support services are provided.

Hospital means a public hospital as defined at Section 15 of the *Health Services Act 1997*.

Union means the Health Services Union.

3. GRADING COMMITTEE – SOCIAL WORKERS

- (i) For the purpose of recommending changes to the grading of Social Workers covered by the NSW Health Service Health Professionals (State) Award, a Committee consisting of two representative of the employer and two representatives of the Union shall be constituted to consider and recommend to the employer:
 - (a) the grading of any new position or variation of grading of a position as a result of any substantial alteration of duties and/or responsibilities or in any case of anomaly; and
 - (b) the date of effect of the grading recommended.

Provided that:

- (a) an employee shall, whilst the grading of his/her position is under consideration by the Committee, be ineligible to be a member of the Committee;
 - (b) the Committee shall not, without sufficient reason, recommend the retrospective operation of any grading; and
 - (c) where a retrospective date of effect is recommended such date shall not be earlier than a date six months prior to the date on which the matter was referred to the Committee.
- (ii) The matters to be referred to the Committee shall be:
- (a) any application by an employee for review of the grading of the position he/she occupies if the General Manager or Senior Officer of the hospital or health institution certifies that in his/her opinion there has been a substantial alteration of duties and/or responsibilities since the last grading of the position and states the nature of such alteration or that the grading of the position is markedly out of keeping with that of other positions in the hospital or health institution;
 - (b) the grading of any new position;
 - (c) such cases as the Union may raise where the Union has stated the ground and indicated the basis on which it desires such cases to be considered by the Committee; and
 - (d) such other cases as the employer may approve.

4. GRADING COMMITTEE – DIETITIANS

- (i) For the purpose of recommending changes to the grading of Dietitians covered by the NSW Health Service Health Professionals (State) Award, a Committee consisting of two representatives of the employer and two representatives of the Union shall be constituted to consider and recommend to the employer upon application by the Union or the employer:
- (a) the grading of any new position or any variation of grading of a position as a result of any substantial change in duties and/or responsibilities; and
 - (b) the date of the effect of the grading recommended.

Provided that:

- (ii) an employee shall, whilst the grading of the position is under consideration, be ineligible to be a member of the Committee;
- (iii) the Committee shall not, without sufficient reason, recommend the retrospective operation of any grading or remuneration; and
- (iv) where a retrospective date of effect is recommended, such date shall not be earlier than a date six months prior to the date on which the matter was referred to the Committee.

5. PERSONAL REGRADING

The provisions at Clauses 3 and 4 of this Determination relate to the grading of positions and do not override the provisions of Clause 13, Personal Regrading of the NSW Health Service Health Professionals (State) Award.

6. DATE OF EFFECT

This Determination is effective on and from 30 November 2007 and remains in force until rescinded.

Signed at Sydney this 14th day of December 2007

Trevor Craft
Acting Director, Employee Relations
NSW Department of Health