

Grading, Regrading and Reclassification of Positions

Policy Number 3.080

Policy Function Human Resources

Issue Date 23 November 2016

Summary This policy provides managers and staff with framework for grading, regrading and reclassifying positions and staff within the Justice Health & Forensic Mental Health Network in line with legislation and public sector policy.

Responsible Officer Executive Director Governance and Commercial Services

Applicable Sites

- Administration Centres
- Community Sites (e.g. Court Liaison Service, Community Integration Team, etc.)
- Health Centres (Adult Correctional Centres or Police Cells)
- Health Centres (Juvenile Justice Centres)
- Long Bay Hospital
- The Forensic Hospital

Previous Issue(s) Policy 3.080 (Dec 2012; Apr 2009)

Change Summary

- Updated Service Directors title
- Add new text to clause 3.2 subclause 3.2.3
- Update flow chart to reflect above clause
- Updated Policies

TRIM Reference POLJH/3080

Authorised by Chief Executive, Justice Health & Forensic Mental Health Network

1. Preface

The grading of new positions and the regrading or reclassification of existing positions within the NSW Health system is governed by state industrial awards, public sector and Ministry of Health (MoH) policies. The authority to grade positions and staff was devolved to health sector agencies in the early 1990s. Implicit in this devolution is the requirement for agencies to comply with the relevant legislation, industrial awards and policies. Additionally, agencies are required to consult with the MoH before taking any grading action that may have state-wide implications, or impact on current or future negotiations with health sector unions.

This policy provides managers and staff with a framework for grading, regrading and reclassifying positions and staff within the Justice Health & Forensic Mental Health Network (JH&FMHN) in line with legislation and public sector policy.

2. Policy Content

2.1 Mandatory Requirements

- JH&FMHN must consult with the MoH before taking any grading, regrading or reclassification action that may have state-wide implications, or impact on current or future negotiations with health sector unions.
- Grading, regrading or reclassification must only occur following approval by the Employment Review Committee (ERC).
- The grading, regrading or reclassification of positions and staff must be consistent with the provisions of any applicable industrial award, agreement or determination, public sector policy, MoH and JH&FMHN policy.
- When considering an application, the ERC will determine the need to advertise the regraded position. The MoH requires that all positions graded at or above Health Manager Level 4 or equivalent must be advertised externally.
- The granting of a “personal” grading should apply only in the rarest of cases. It must comply with the relevant award and must be clearly established that the level of responsibilities undertaken by the individual concerned are markedly above the original requirements of the position but are unlikely to be undertaken by any future occupant of the position.

2.2 Implementation – Roles and Responsibilities

Executive Directors and Service Directors

Executive and Service Directors (through their Executive Director) are responsible for processing grading, regrading and reclassification applications and appeals to the ERC in accordance with this policy.

Chief Executive

The Chief Executive (CE) is responsible for considering recommendations made by a grading committee. The CE has the authority to approve or reject recommendations.

Grading Committees

Within the existing industrial and public sector framework there are two different grading committees – a Health Service Grading Committee and Award Based Grading Committees. It will be noted that grading committees may only make recommendations to the CE. These committees have no authority to approve gradings.

The Employment Review Committee (ERC)

The ERC is responsible for:

- the implementation and regular review of this policy,
- the efficient conduct of the Health Service Grading Committee function, and
- meeting regularly to consider grading, regrading and reclassification applications.

Award Based Grading Committees

Certain industrial awards require health sector agencies to convene a committee consisting of both agency and union representatives to consider specific grading applications. These include Nursing Unit Manager (NUM) positions, most allied health positions and Medical Superintendent positions.

The Director of Nursing and Midwifery Services, for nursing applications, and the Director Workforce, for all other applications, are responsible for organising these committees which will be convened as required to consider a recommendation from the ERC.

The CE has the authority to approve or not approve the recommendations made by these committees once the grading application has been supported by the relevant union.

3. Procedure Content

3.1 Application Process

The minimum requirement for all grading applications is:

1. A covering brief supported by the relevant Executive Director that:
 - summarises the application;
 - highlights the key issues;
 - details what has changed;
 - details any flow-on effect to other positions;
 - includes the cost and how the increase will be funded;
 - provides a recommendation, and
 - attaches:
 - a proposed Position Description or an existing Position Description for regrades,
 - an organisational chart that clearly depicts the position, and
 - any additional documents necessary to support the application

2. Application considered by the ERC.
3. If supported by the ERC, application is considered by relevant Grading Committee.
4. Grading Committee recommendations considered by the ERC.
5. If supported, application is considered by the CE.
6. If approved by the CE, application is advertised as per ERC recommendations.

3.2 ERC Considerations

The ERC will consider applications in accordance with advice from the relevant Grading Committee based on the following:

- Gradings are to be in accordance with industrial awards and public sector policy. Some industrial awards now include work level statements that are to be used as the basis for grading a position.
- Regrading applications must demonstrate a significant net increase in work value and enable a comparison of the present duties and responsibilities with those that existed when the existing grading was determined. It should also demonstrate, by way of comparison with other positions graded at the requested level, that the current duties warrant the grading sought.
- The flow-on effect of any grading decision should be considered.
- Applications for regrading should not be considered for at least 12 months after the initial grading or regrading of a position unless the employee wishes to appeal the initial decision.
- To avoid a possible industrial dispute, applications to reclassify a position from one industrial award to another are not to be approved without considering the need for consultation with the relevant unions.
- The committee should consider the responsibilities and tasks when considering a regrading application and these should be detailed in the proposed Position Description. The application must clearly demonstrate that the responsibilities and tasks have changed to such a degree that a regrading is warranted. An increase in the volume of work does not warrant a regrade, although it may require a redesign of the position and/or the employment of additional staff.
- Comments relating to the personal attributes of an employee (e.g. the employee is devoted, long-serving, industrious and resourceful) are not considered relevant. The grading of the position is being assessed rather than the person occupying the position (except as detailed under Personal Gradings).

3.2.1 Effective Date

The effective date of a new position grading is the date of commencement of the successful applicant. For regradings that are not advertised, the effective date is the date of the decision by the CE following a recommendation by the ERC. Where there has been an administrative delay in considering an application, the ERC may recommend that the approval be backdated to the month in which the Committee should have considered the application.

3.2.2 Notification to Staff

Staff should be notified in writing of the ERC decision within two weeks of the decision being made. Importantly, staff should be provided with the reasons why an application is not approved.

3.2.3 Notification to Workforce ERC process

The outcome of the ERC, revised/new Position Description (PD), along with all relevant supporting information should be sent to the Networks Workforce payroll team via email on: Payroll.Helpdesk@justicehealth.nsw.gov.au.

Once advised by Workforce that approved amendments have been applied to StaffLink, then a manager can commence the SVA process as outlined in Staff Support Toolkit, *Managers & Employees Guide to Payroll*.

Recruitment cannot commence until a position number has been created by Workforce and supplied to the requesting manager.

3.2.4 Readvertising the Position after Regrading

The ERC will determine the need to advertise a regraded position. The decision to advertise internally or externally will depend on the award, relevant MoH Policy Directives and whether there is a suitably qualified pool of potential applicants among existing staff. This requirement is necessary to ensure the most appropriate person is appointed to the position based on merit and that there is fair and open competition for positions after a grading change.

If, after advertising the regraded position the incumbent is not the preferred applicant, JH&FMHN will determine what action is taken to redeploy the staff member. The matter must be referred to Workforce, Human Resources before any offer of employment is made to the preferred applicant.

3.2.5 Setting the Salary Level for Health Managers

The Health Managers' classification has a number of levels and each level has a salary range. When recommending the regrading of a position, the ERC may consider it appropriate to establish an upper limit for progression within the level.

Refer to JH&FMHN policy [3.105 Health Manager Salary](#) for additional information.

3.3 Personal Gradings

There are a number of professional classifications that enable staff to apply for and be graded on, a personal basis on account of their personal skills and expertise. These are generally allied health positions and Clinical Nurse Specialists Grade 1.

There may also be occasions when there is a need to maintain the existing grading or regrade an individual on a personal basis. Examples include as a result of a restructure or award change.

Personal gradings must be approved by the CE.

3.4 Appeals

An employee who is dissatisfied with the regrading decision has the right to appeal the decision in writing to the ERC and/or to utilise the dispute resolution provisions of the relevant industrial award.

Appeals must be in writing outlining the basis of the appeal and include any additional supporting information or documentation. Appeals should be submitted through Executive Directors to the ERC.

3.5 Senior Medical Staff

Applications for progression of senior medical staff to Senior Staff Specialist or Senior Visiting Medical Officer, should be submitted to the Senior Medical Practitioners' Grading Committee. Approvals from this

committee are forwarded to the Medical and Dental Appointments Advisory Committee (MDAAC) for approval in line with Award requirements. MDAAC approval is sufficient authority to authorise regrading to Senior Staff Specialist or Senior Visiting Medical Officer. Such approvals will be forwarded for noting on the next ERC agenda.

4. Definitions

External Advertisement

Recruitment advertised across the NSW Health service.

Internal Advertisement

Recruitment advertised internally within Justice Health & Forensic Mental Health Network.

Must

Indicates a mandatory action required that must be complied with.

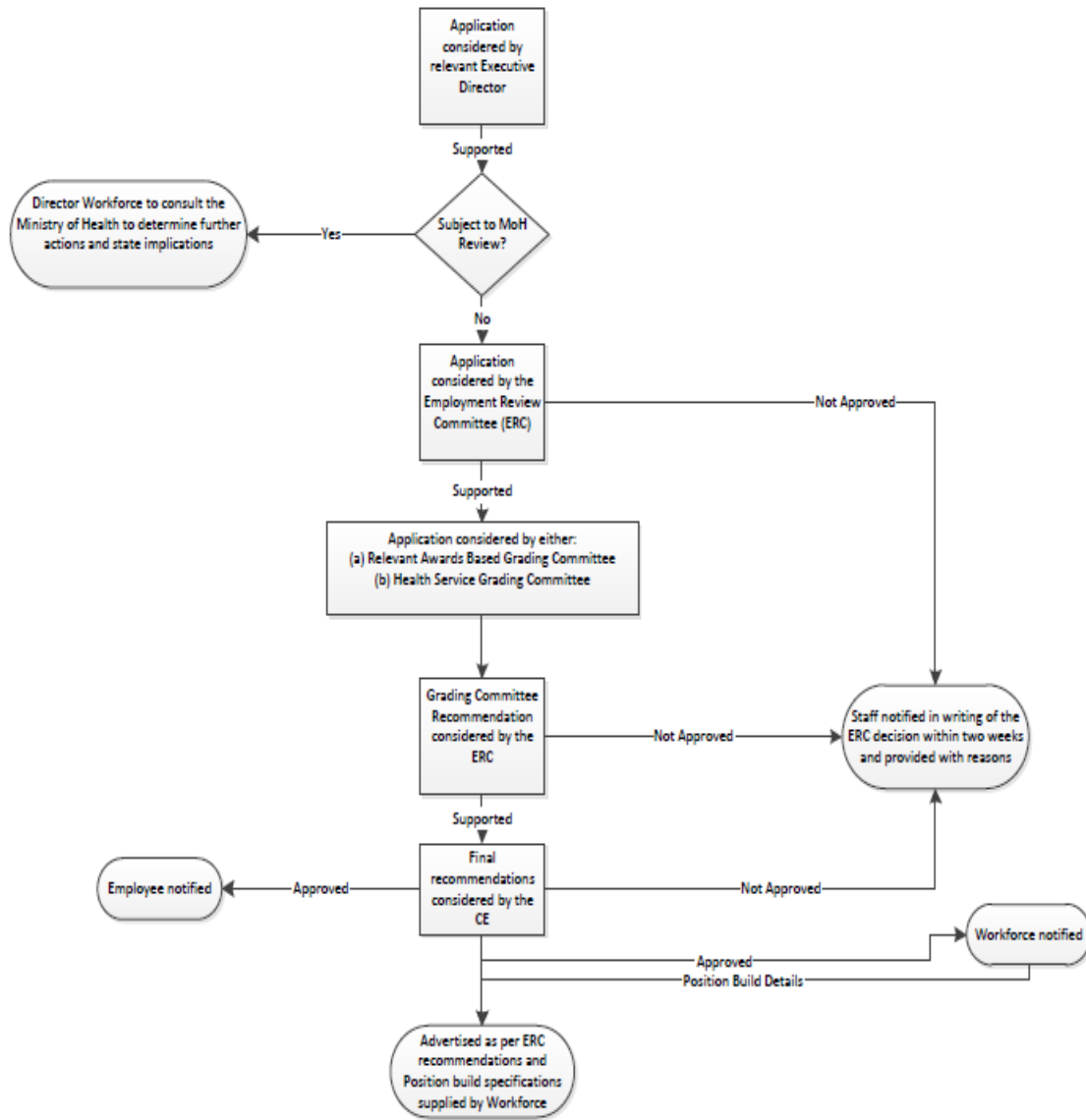
Should

Indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

5. Legislation and Related Documents

Legislation	Health Services Act 1997
Ministry of Health Policy Directives and Guidelines	GL2008 005 <i>Senior Career Medical Officers: Guidelines for Personal Regrading & New positions</i> PD2012 021 <i>Managing Excess Staff of the NSW Health Service</i> PD2012 059 <i>Delegations of Authority -Local Health Districts and Specialty Health Networks</i>
JH&FMHN Policies	2.022 <i>Delegations Authority</i> 3.105 <i>Health Manager Salary</i> 3.150 <i>Recruitment, Employment and Separation</i>
Other	Health Sector Industrial Awards JH&FMHN Brief Template

Appendix 1 – Flowchart: Grading, Regrading and Reclassification of Positions



¹ JH&FMHN must consult the Ministry of Health (MoH) before taking any grading, regrading or reclassification action that may have statewide implications or impact on current or future negotiations with health sector unions.