

- (d) the loss or damage is caused by fire, flood, theft or some other usually insurable risk, but not arising in circumstances specified in clause (1);
- (e) the loss or damage is due to or substantially due to the negligence or carelessness of the employee, provided that reimbursement of the amount of the loss or damage can be reduced, depending upon the degree of contribution of the negligence;
- (f) the loss is a loss or theft of cash belonging to the employee or to any association of employees such as tea clubs or collections for employees;
- (g) the employee is entitled to recover or has recovered the amount of the loss or damage sustained from a person liable for such loss or damage or under a contract of insurance.

#### APPLICATION PROCEDURE

22. (3) An application for reimbursement under this By-law shall be made in the manner approved by the Chief Executive Officer who in assessing the application shall consider -
- (a) the costs of replacing the clothing or personal effects in question, less any amounts considered relevant in respect of depreciation, residual value and the negligence of the employee;
  - (b) whether or not the costs of replacement can be avoided by the repair of the clothing or personal effects in question, up to the equivalent replacement costs under paragraph (a).

#### *By-law 23 - Higher Duties*

#### INTERPRETATION

23. (1) For the purpose of this By-law -
- “higher duties” is defined as temporary performance of the duties of a designation which has a higher attainable maximum: salary than the substantive designation occupied;
- “higher duties allowance” means the difference in salary between the incremental point of the salary range applicable to the substantive designation and the minimum incremental point of the salary range applicable to the higher duty designation or the applicable incremental point determined in accordance with clauses (2) to (5);

“substantive designation” means the designation to which an employee has been appointed, permanently transferred or permanently promoted.

#### HIGHER DUTIES ALLOWANCE

23. (2) The Chief Executive Officer may direct an employee to perform higher duties.
23. (3) An employee who is paid salary in respect of age and who performs the duties of a higher designation shall -
- (a) be paid higher duties allowance of an amount equal to the difference between the salary rate for age at the substantive designation and the salary rate for age in the higher designation where age rates are prescribed for that higher designation; or
  - (b) be paid a higher duties allowance in accordance with the provisions of this By-law where an age rate is not prescribed for the higher designation.

#### INCREMENTS

23. (4) The amount of allowance payable to an employee temporarily performing higher duties shall be adjusted to equal the difference between the appropriate increment points of the higher and lower ranges where higher duties have been performed -
- (a) for a continuous period of 12 months; or
  - (b) non continuously for a period which aggregates in total a period of 12 months within 24 months, and
- a second or subsequent increment shall not be payable unless a previous increment as provided at paragraph (a) or (b) has been received for a period of 12 months.
23. (5) The period of employment at a higher duty designation shall count for incremental purposes at a substantive designation; and service towards increments applicable to a higher duty designation will be recognised if the employee is subsequently permanently promoted to the relevant higher designation or to a designation which is higher than the employee’s substantive designation but equal to or lower than a higher duty designation to which the increment has been applied.

#### OTHER CONDITIONS

23. (6) An employee temporarily performing the duties of a designation, the conditions of service of which differ from those of the designation normally held by the employee, shall be subject to the conditions of service of that designation as though the permanent holder of that designation.

23. (7) An employee who temporarily performs the duties of a designation, the salary range for which includes a barrier point determined by the Commissioner or in the relevant Award, must meet the criteria for advancement beyond the point before an allowance may be paid to raise salary beyond the barrier.

#### ALLOWANCE NOT PAYABLE IN CERTAIN CIRCUMSTANCES

23. (8) An employee is not entitled to receive a higher duties allowance unless -
- (a) other than an employee referred to at paragraph (b), the employee performs the duties of a higher designation for a period in excess of 4 hours on one day ;
  - (b) in the case of an employee employed in a teaching capacity, the employee performs the duties of a higher designation for a period of 5 days or more.
23. (9) Without affecting clause (1), where the maximum salary payable in relation to a designation exceeds the maximum salary payable in relation to the designation of Administrative Officer 6 (AO6), an employee who performs in that designation is not entitled to be paid a higher duties allowance where the period is less than one week unless the Commissioner determines otherwise.

#### PARTIAL PAYMENT OF ALLOWANCE

23. (10) Where an employee performing higher duties does not perform all the duties applicable to that designation the Chief Executive Officer shall determine the higher duties allowance payable, calculated as a percentage of the duties performed, and subject to such conditions as the Chief Executive Officer approves.

#### PAYMENT ON LEAVE

23. (11) An employee who, immediately before proceeding on paid leave was receiving higher duties allowance, shall continue to be paid such a higher duties allowance at the same rate which would have applied if not on leave and to the extent that the Chief Executive Officer certifies that the higher duties allowance would have been payable but for the grant of leave.

#### ALLOWANCE AS SALARY

23. (12) An allowance payable under this By-law shall be regarded as salary for the purposes of calculating payment for overtime and excess travelling time.