

*Your responses suggest that you do not have a valid guarantee of annual earning.*

### **330 Guarantee of annual earnings and annual rate of guarantee**

- (1) An undertaking given by an employer to an employee is a ***guarantee of annual earnings*** if:
  - (a) the employee is covered by a modern award that is in operation; and
  - (b) the undertaking is an undertaking in writing to pay the employee an amount of earnings in relation to the performance of work during a period of 12 months or more; and
  - (c) the employee agrees to accept the undertaking, and agrees with the amount of the earnings; and
  - (d) the undertaking and the employee's agreement are given before the start of the period, and within 14 days after:
    - (i) the day the employee is employed; or
    - (ii) a day on which the employer and employee agree to vary the terms and conditions of the employee's employment; and
  - (e) an enterprise agreement does not apply to the employee's employment at the start of the period.
- (2) However, if:
  - (a) an employee is employed for a period shorter than 12 months; or
  - (b) an employee will perform duties of a particular kind for a period shorter than 12 months;the undertaking may be given for that shorter period.
- (3) The ***annual rate*** of the guarantee of annual earnings is the annual rate of the earnings covered by the undertaking.

### **329 High income employee**

- (1) A full-time employee is a ***high income employee*** of an employer at a time if:
  - (a) the employee has a guarantee of annual earnings for the guaranteed period; and
  - (b) the time occurs during the period; and
  - (c) the annual rate of the guarantee of annual earnings exceeds the high income threshold at that time.