

DIRECTIVE No. 06/13*Supersedes:06/12***Commission Chief Executive Directive: Employees requiring placement****1. Purpose:**

To establish a framework for the management of employees who require placement as a result of workplace change, in a manner that supports government workforce management priorities.

2. Effective date: 1 July 2013**3. Legislative provisions:**

Sections 25, 42, 46, 53, 55, 133, 134, 138 and 178 of the *Public Service Act 2008* (PSA).

4. Application:

This directive applies to all chief executives and tenured public service employees as defined under the PSA.

In accordance with section 55 of the PSA, for the purposes of this directive, sections 133 and 134 of the PSA are applied to tenured general employees as though they were public service officers.

5. Previous references

Directives 12/09, 4/99, 4/02, 31/99, 3/99, 4/98, 20/97

Deployment and redeployment provisions PSM Standard No. 9

6. Related information:

Directive relating to early retirement, redundancy and retrenchment

Directive:**7. Principles**

- 7.1. A flexible and mobile public service workforce enables departments to respond to government priorities and changing service delivery requirements.
- 7.2. Chief executives are responsible for managing their departmental workforce to deliver government priorities.
- 7.3. Following workplace change, departments and employees are responsible for working co-operatively to give effect to new arrangements.
- 7.4. Where workplace change impacts on an employee's substantive role, placement of the employee into an alternative role is the joint responsibility of the department and the employee.

8. Procedures for employees requiring placement

- 8.1. In the first instance, the department and the employee must proactively consider options to facilitate the immediate placement of the employee into a suitable alternative permanent role.
- 8.2. Where an employee is unable to be placed into an alternative permanent role following workplace

change, the department must advise the employee in writing that the employee has been designated as an employee requiring placement **and** provide the employee with two calendar weeks to decide between two courses of action:

- (a) accept a voluntary redundancy (in accordance with the directive relating to early retirement, redundancy and retrenchment); or
- (b) pursue transfer (and/or re-deployment) opportunities.

- 8.3. Where an employee declines a voluntary redundancy under clause 8.2(a), no further voluntary redundancies will be offered.
- 8.4. Where the employee does not advise of their decision, in writing, within the two week period, the employee will be considered to have elected to pursue transfer (and/or re-deployment) opportunities.

9. Registration process

- 9.1. Departments must establish and maintain a register of employees who require placement and who have elected to pursue transfer (and/or re-deployment) opportunities.
 - (a) Employees requiring placement must advise whether they wish to be considered for placement in roles at level only and/or also for placements at levels below their current substantive classification level ('re-deployment'). Where an employee elects to be considered for re-deployment they must specify the lowest classification level to which they consent to being re-deployed.
- 9.2. A case manager must be assigned to an employee requiring placement to facilitate the placement process. The registration process must be jointly undertaken by the employee requiring placement and their case manager, as soon as practical after the employee declined the voluntary redundancy under clause 8.2.
- 9.3. When registering an employee must:
 - (a) nominate three role categories in which they have the most skill and experience;
 - (b) attach a copy of their current resume and a referee statement from a current or recent supervisor (along with the name and contact details of a second referee).
- 9.4. The referee statement must include information about the employee's work performance and conduct. Employees requiring placement must be provided with a copy of the referee statement and given an opportunity to respond to any adverse comments. The department must consider any response and determine whether a revised referee statement should be obtained. The referee checking provisions contained in the directive relating to recruitment and selection apply.
- 9.5. A declaration of satisfactory conduct and performance must be made by the department as part of the registration process.
 - (a) Where a referee statement for an employee requiring placement contains adverse information, the employee is not eligible for cross department placement under clause 11 (but may be placed into roles within their department).

10. Actions to support placement

- 10.1. Departments and employees requiring placement must work co-operatively to secure new placements.
 - (a) Employees must actively look for placements including applying for suitable advertised vacancies within and external to their department.
 - (b) Departments must consider employees requiring placement for temporary and permanent vacancies before proceeding to fill a vacancy by other means.
 - (c) Departments must provide employees requiring placement with meaningful duties whilst placement opportunities are being pursued.
 - (d) Departments should discuss opportunities for transfer (and/or redeployment) to all roles where the employee's skills and any necessary accreditations would require only reasonable re-training for them to be suitable.

11. Service wide placement process

- 11.1. To support employment security and permanent placement of employees, the Commission Chief Executive (CCE) may direct the referral of classes of vacancies for service wide placement.
- 11.2. Vacancies referred under clause 11.1 will be distributed to all departments for identification of possible matches with their employees requiring placement prior to filing by any other means.
- 11.3. Where a department identifies a possible match, they may refer an employee requiring placement by submitting a short statement outlining the reason for possible suitability to the receiving department. Departments have seven (7) calendar days to submit referral statements.
- (a) Where no referral statements have been received within seven (7) calendar days, the receiving department may proceed to fill the vacancy by other means.
- 11.4. Where a referral is made under clause 11.3 a suitability assessment must be undertaken by the receiving department.
- (a) For transfers, where the employee is assessed as suitable, a transfer direction is made in accordance with section 133 of the PSA. If the employee accepts the direction, a start date (usually no longer than two weeks) is to be agreed. Refusal of a transfer direction shall be managed in accordance with s134 of the PSA, provided an employee requiring placement shall be afforded one opportunity to decline a transfer without having to demonstrate grounds. An employee is to be provided with a minimum of five (5) working days in which to advise of their acceptance or refusal of the transfer direction.
 - (b) For re-deployments, where the employee is assessed as suitable, a re-deployment offer is made. If the employee accepts the offer, a start date (usually no longer than two (2) weeks) is to be agreed. If an employee declines the offer, they will remain registered for placement opportunities.
 - (c) A trial placement of up to three (3) months may be agreed where the employee's suitability cannot be reasonably determined through the initial suitability assessment process. The receiving department should consult the releasing department where a trial period is being considered. The receiving department is responsible for the employee's salary (excluding salary maintenance) during any trial period.
 - (d) Where the employee is assessed as unsuitable (either following an initial suitability assessment or trial placement), a suitability report must be completed and discussed between the heads of Human Resources (or suitably experienced delegate) of the releasing and receiving agencies. The purpose of this review is to ensure the minimum requirements of a suitability assessment and report have been met. Employees must be notified of the outcome of the suitability assessment and reasons in writing.
 - (e) Where more than one employee requiring placement is assessed as suitable, transfer directions shall be on the basis of relative merit between the employees.
 - (f) The suitability assessment process should take no more than seven (7) working days from referral of the possible match to advice of outcome, including advice of trial placement.
- 11.5. A refusal or failure by the employee requiring placement to participate in suitability assessment processes may give rise to discipline action.

12. Review

- 12.1. Where an employee has been an employee requiring placement for four (4) months¹, their department will conduct a review to determine whether continuing efforts to secure a permanent placement for the employee remains appropriate (including taking into account the employee's participation in the placement process). Where the review determines that reasonable placement efforts have been undertaken and it is not appropriate to continue these efforts, the department must provide the PSC with a copy of the review assessment. The PSC will consider the review and return it to the department with any relevant comments.

¹ Starting when the employee declines a voluntary redundancy offer under clause 8

- 12.2. Where the review determines that reasonable placement efforts have been undertaken and it is not appropriate to continue these efforts, the retrenchment provisions of the directive relating to early retirement, retrenchment and redundancy apply.
- 12.3. A department may initiate a review at an earlier time if it considers reasonable placement efforts have been undertaken² and/or a transfer opportunity for the employee is unlikely to occur as a result of the employee's specialised skill set or location.
- 12.4. If a review under clause 12.1 or 12.3 results in a decision to continue to pursue placement opportunities, a further review date must be nominated; unless exceptional circumstances apply, the next review date must be no more than three (3) months later than the date on which the review was completed.

13. Salary maintenance for transfer and redeployment

- 13.1. An employee who is transferred at level to another department is to be paid their salary and any applicable allowances by the receiving department from the date of duty.
- 13.2. An employee who is re-deployed is to be paid by the receiving department at the top pay point of their new classification level plus any applicable allowances.
- 13.3. In addition to salary arrangements under clause 13.2 the employee is entitled, for a period of 12 months following redeployment, to be paid the salary and allowances applicable to the substantive role which they held prior to redeployment. The releasing department is to fund the difference between salary and allowances to be paid by the receiving department and the salary and allowances the employee would have been entitled to if they had remained in their substantive position. The employee will not receive any pay point increments during this period but will receive salary increases determined by the applicable industrial instrument in the receiving department.
- 13.4. For tenured senior executives and for senior officers who have been redeployed, the arrangements outlined in clause 13.3 are to include any applicable remuneration packaging arrangements specified in a current directive relating to senior executive employment conditions or senior officer employment conditions, as applicable.
- 13.5. Employees transferred into a permanent role across streams of a classification system will be paid in accordance with the current directive relating to transfer within and between classification levels and systems.
- 13.6. If an employee is transferred or accepts redeployment to a role which is subject to different conditions established by award or certified agreement then, apart from arrangements outlined in clause 13.3, the employee is to assume the employment conditions of the role.

14. Salary arrangements for secondments and temporary arrangements

- 14.1. Subject to clause 14.2 salary costs for an employee placed at level in a temporary vacancy in another department are to be met by the receiving department.
- 14.2. Where an employee accepts a temporary placement in another department at a salary level lower than their substantive level, the income difference will be paid by the releasing department. This provision includes differences in salary due to conditions established by award and certified agreement.
- 14.3. Salary maintenance paid during secondments or temporary engagements will count towards the salary maintenance period referenced in clause 13, unless otherwise determined by the chief executive(s).

15. Records and reporting

- 15.1. Departments must maintain appropriate records of activities undertaken to support the placement of employees under this directive, which the PSC may audit.
- 15.2. Chief executives must report on the implementation of this directive as required by the CCE.

² Including taking into account the employee's participation in placement efforts

16. Transitional Provisions

16.1. Where, on or prior to 30 June 2013, a (un)suitability report has been referred to the PSC for review under clause 6.5(f)(iv) **or** a review has been commenced under clause 6.6 of Directive 6/12: *Employees requiring placement*, the reviews will be conducted in accordance with the superseded directive.

17. Definitions

Unless otherwise provided, the terms in this directive have the meaning prescribed in the PSA.

Categories means the job category groups used on Smart Jobs and Careers for advertising

Employee requiring placement means an employee who has been unable to be substantively allocated to a role following workplace change (a surplus employee) and includes a person who is surplus as a result of being unattached from their role (relinquishment). It does not include persons who need or are seeking alternative placements as a result of decisions under sections 178 (mental or physical incapacity) or 188 (discipline action) of the PSA or following a transfer request.

Department has the meaning prescribed under the PSA and includes public service offices and relevant declared public services offices.

Receiving department means a department which has referred a vacancy and/or to which an employee requiring placement is placed on a permanent or temporary basis and may be the same as the releasing department.

Re-deploy means the transfer of an employee to a lower classification level, with their consent.

Referred vacancy means a vacancy that is unable to be filled by a department's own employees requiring placement (ERP) and has been referred for whole of service placement.

Releasing department is the department in which an employee requiring placement holds tenure.

Suitability assessment must include a review of the employee's resume and referee report and a conversation with the employee. The receiving department is responsible for determining whether additional assessment strategies need to occur to enable a determination of the employee's suitability for the role.

Suitable/suitability – an employee is considered suitable for a role if they have the skills and abilities necessary to meet the requirements of the role to a satisfactory level, given a reasonable period of training and on-the-job experience, and are fit to undertake the role with reasonable adjustment, if required.

Suitability report is a statement outlining the department's assessment of the employee's suitability against the key attributes for the role. Where an employee is assessed as unsuitable, the suitability report must address why reasonable training, induction and on-the-job experience would not enable the employee to satisfactorily undertake the role.

Workplace change includes decisions that affect the services and programs a department delivers, its workforce structures or establishment.