

Commission Chief Executive Directive No. 06/12: Employees Requiring Placement

1 Purpose:

- 1.1 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 Commencement date:

- 2.1 2 July 2012

3 Legislative provisions:

- 3.1 *Public Service Act 2008* – sections 25, 42, 46, 53, 55, 133, 134, 138 and 178.

4 Application:

- 4.1 This directive applies to all chief executives and tenured public service employees as defined under the *Public Service Act 2008*.
- 4.2 In accordance with section 55 of the *Public Service Act 2008*, for the purposes of this directive, sections 133 and 134 of the *Public Service Act 2008* are applied to tenured general employees as though they were public service officers.

5 Related information:

- 5.1 Sections 51 and 52 of the *Public Service Act 2008* and section 687 of the *Industrial Relations Act 1999* apply.
- 5.2 This directive must be read in conjunction with the directive relating to early retirement, redundancy and retrenchment.

6 Directive:

- 6.1 Principles
- (a) A flexible, mobile, right sized public service workforce enables departments to respond to government priorities and changing service delivery requirements.
 - (b) Chief executives are responsible for managing their departmental workforce to deliver Government priorities.
 - (c) Following workplace change, departments and employees are responsible for working co-operatively to give effect to new arrangements.
 - (d) 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.
- 6.2 Procedures for employees requiring placement
- (a) 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.
 - (b) 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 weeks to decide between two courses of action:

- (i) Accept a voluntary redundancy (in accordance with the directive relating to early retirement, redundancy and retrenchment); **or**
 - (ii) Pursue transfer (and/or re-deployment) opportunities.
- (c) Where an employee declines a voluntary redundancy under clause 6.2(b)(i), no further voluntary redundancies will be offered.
- (d) 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.

6.3 Department register

- (a) Departments must establish and maintain a register of employees who require placement and who have elected to pursue transfer (and/or re-deployment) opportunities.
 - (i) 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.
 - (ii) Departments should discuss opportunities for transfer to all roles where the employee's skills and any necessary accreditations, would require only reasonable re-training for them to be suitable.
- (b) A case manager must be assigned to a registered employee requiring placement to facilitate the placement process.
- (c) A referee statement from a current or recent supervisor must be obtained for all employees on the placement register.
 - (i) The referee statement must include information about the employee's work performance and conduct. The omission of relevant information or the provision of untruthful information by a referee is a breach of this directive and the code of conduct and constitutes grounds for discipline.
 - (ii) 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.

6.4 Actions to support placement

- (a) Departments and employees requiring placement must work co-operatively to secure new placements.
 - (i) Employees must actively look for placements including applying for suitable advertised vacancies within and external to their department.
 - (ii) Departments must consider employees requiring placement for temporary and permanent vacancies before proceeding to fill a vacancy by other means.
 - (iii) Departments must provide employees requiring placement with meaningful duties whilst placement opportunities are being pursued.
- (b) To support employment security and permanent placement of employees, the Commission Chief Executive may direct the referral of classes of vacancies to the Public Service Commission (PSC) for the central placement process.

6.5 Central placement process

- (a) Subject to section 6.5(c)(i), a department is to register their employees requiring placement on the central placement register, as soon as practical after the employee has been deemed an employee requiring placement and has declined a voluntary redundancy.
- (b) Registration will occur in the form prescribed by the Commission Chief Executive. The registration process must be jointly undertaken by the employee requiring placement and their case manager.
- (c) A declaration of satisfactory conduct and performance must be made by the department as part of the registration process.
 - (i) Where a referee statement for an employee requiring placement contains adverse information, the employee may not be registered on the central placement register process until the matters identified in the statement have been resolved.
- (d) When registering in the central pool, an employee must:
 - (i) nominate three role categories in which they have the most skill and experience;
 - (ii) attach a copy of their current resume, including the name and contact details of two referees, in the form prescribed by the Commission Chief Executive. The referee checking provisions contained in the directive relating to recruitment and selection apply.
- (e) PSC will review all employees requiring placement in the central pool for possible matches with referred vacancies. The review should take no more than seven (7) days.
- (f) Where the PSC identifies a possible match between the employee's skills and a vacancy, a suitability assessment must be undertaken by the receiving department.
 - (i) For transfers, where the employee is assessed as suitable, a transfer direction is made in accordance with section 133 of the *Public Service Act 2008*. 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 *Public Service Act 2008*, 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.
 - (ii) 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 in the central placement pool.
 - (iii) 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. PSC must be consulted where a trial period is being considered. The receiving department is responsible for the employee's salary (excluding salary maintenance) during any trial period.
 - (iv) Where the employee is assessed as unsuitable (either following an initial suitability assessment or trial placement), a suitability report must be completed and provided to PSC. PSC will review the report, and if necessary, return it to the department with a recommendation to undertake further assessment activities. Employees must be notified of the outcome of the suitability assessment and reasons in writing.
 - (v) Where more than one employee requiring placement is assessed as suitable, transfer directions shall be on the basis of relative merit between the employees.
 - (vi) The suitability assessment process should take no more than seven (7) working days from identification of the possible match to advice of outcome, including advice of trial placement.
- (g) A refusal or failure by the employee requiring placement to participate in suitability assessment processes may give rise to discipline action.

- (h) Departments must notify PSC where a person ceases to be an employee requiring placement, either as a result of securing a permanent role or separating from the department.

6.6 Review

- (a) Where an employee has been an employee requiring placement for four (4) months, their department, together with PSC, will conduct a review to determine whether continuing efforts to secure a permanent placement for the employee remains appropriate. 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 will apply.
- (b) A department, in conjunction with PSC, may initiate a review at an earlier time if it considers reasonable placement efforts have been undertaken and/or a transfer opportunity for the employee is unlikely to occur as a result of the employee's specialised skill set or location.
- (c) If a review under section 6.6(a) or 6.6(b) 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.

6.7 Salary maintenance for transfer and redeployment

- (a) 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.
- (b) 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.
- (c) In addition to salary arrangements under section 6.7(b) 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.
- (d) For tenured senior executives and for senior officers who have been redeployed, the arrangements outlined in section 6.7(c) 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.
- (e) 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.
- (f) 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 section 6.7(c), the employee is to assume the employment conditions of the role.

6.8 Salary arrangements for secondment and temporary engagements

- (a) Subject to section 6.8(b) salary costs for an employee placed at level in a temporary vacancy in another department are to be met by the receiving department.
- (b) 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.
- (c) Salary maintenance paid during secondments or temporary engagements will count towards the salary maintenance period referenced in section 6.7, unless otherwise determined by the chief executive(s).

7 Records

- 7.1 Departments must maintain appropriate records of activities undertaken to support the placement of employees under this directive.

8 Appeals

- 8.1 The provisions of the directive relating to appeals applies.

9 Evaluation and reporting:

- 9.1 Chief executives must report on the implementation of this directive as required by the Commission Chief Executive.

10 Definitions

Categories means the jobs 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 *Public Service Act 2008* or following a transfer request.

Department has the meaning prescribed under the *Public Service Act 2008* 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 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 to the PSC to identify suitable ERPs from the central register.

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

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.

11 Transitional Provisions

- 11.1 An employee who had been registered as an employee requiring placement (irrespective of reason) under *Directive 12/09: Employment arrangements following workplace change*, will be deemed to be an employee requiring placement under this directive from the date of commencement and all conditions of this directive apply.
- 11.2 Within one (1) month of the commencement of this directive, agencies must provide notice in accordance with section 6.2, to all employees to whom section 11.1 applies.
- 11.3 Where a transitioning employee was offered a voluntary redundancy prior to the commencement of this directive, a further voluntary redundancy is to be offered in accordance with section 6.2(b).

Authority:

This directive is made pursuant to section 53, *Public Service Act 2008*.

Commission Chief Executive

Gazetted: 29 June 2012

Superseded