

## 1 Title: **Employment arrangements following workplace change**

## 2 Purpose:

This directive outlines employment arrangements to support the changing business and workforce needs of the Queensland public service and the job security of tenured public service employees. (Actions to maximise tenured employment for temporary employees are contained in the *Public Service Act 2008* and the directive relating to temporary employment.)

## 3 Application:

This directive applies to tenured public service employees, including tenured senior executives and employees registered for service-wide deployment under the transitional arrangements of section 7.7 of this directive.

## 4 Legislative Provision: **legislation – sections**

*Public Service Act 2008* – sections 25, 26, 46, 53,55, 90, 98,138, 178

## 5 Effective date: **18 September 2009**

## 6 Definitions:

For the purpose of this directive the following definitions apply:

**“Agency”**

- means any government entity that is subject to this directive.

**“Receiving agency”**

- is an agency to which an employee requiring placement is to be placed on a permanent or temporary basis and may be the same as the releasing agency.

**“Redeployment”**

- is the employment of an employee, with their consent, in a permanent role at a lower classification level.

**“Releasing agency”**

- is the agency with which an employee has tenured employment.

**“Transfer”**

- is the employment of an employee in an alternative permanent role at level.

## 7 Directive:

### 7.1 Principles

- (a) The public service workforce must be flexible and mobile if agencies are to respond to the challenges of constant change within their business environments. Agency chief executives are to facilitate the ability of their workforce to respond to change through workforce planning and associated attraction, retention and performance development initiatives.
- (b) Agency chief executives have responsibility under section 98 of the *Public Service Act 2008* to determine the workforce arrangements required to support changing business needs. Workforce arrangements may range from strategies at the individual level, such as job redesign, job reclassification and employee transfer, to restructuring at the local or organisational level.
- (c) New workforce arrangements must be reasonable and achievable. For example, workload expectations should be fair and employees expected to assume new responsibilities should be appropriately remunerated.
- (d) Employees affected by new workforce arrangements remain tenured employees of their agency and agency chief executives are responsible for their ongoing employment security. The *Queensland Public Service Capability and Leadership Framework* (CLF) provides for the recognition of transferable employee skills.
- (e) In support of their ongoing tenure public service employees must work flexibly with their agency to implement new workforce arrangements. Employees must be prepared, for example, to implement changes to their existing role, transfer to a different role if required and to participate in necessary developmental activities.
- (f) Tenured public service employees must not be forced into unemployment other than in exceptional circumstances. Agencies must work actively with employees affected by new workforce arrangements to secure their ongoing tenure. Where appropriate, agencies may also seek the assistance of other agencies to secure the ongoing employment security of an employee. Agencies should work co-operatively with each other to meet the Government's commitment to employment security for public service employees.
- (g) The provisions of this directive also apply where a new workforce arrangement is initiated by a decision of the agency under section 178 of the *Public Service Act 2008* that it is reasonably practicable to deploy an employee who is medically incapable of performing their current substantive role.
- (h) If the Commission Chief Executive accepts that one or more agencies affected by major workplace change could not reasonably provide ongoing employment for the numbers of staff affected, the Commission Chief Executive will issue a directive formalising the role of other agencies in the placement of staff.

## 7.2 Action to support employment security

- (a) Agencies must maintain a register of employees who are not immediately allocated to a substantive role following new workforce arrangements and therefore require placement.
- (b) An employee requiring placement is to indicate whether they wish to be considered for placement at level only and/or also for placements at specified levels below their current substantive level.
- (c) An employee requiring placement must receive supervision from an appropriate line manager who will work with the employee's case manager to support the implementation of placement strategies. The supervisor is to ensure that the employee is allocated appropriate duties and provided with reasonable time to search and apply for advertised vacancies at level and, if the employee chooses, below level.
- (d) An employee requiring placement must be allocated a case manager who will work with the employee and the line manager to achieve the earliest possible placement of the employee in a substantive role. The case manager is responsible for developing and co-ordinating the implementation of strategies and activities tailored to achieve the placement of the individual employee.
- (e) In the case of employees covered under section 7.1(g) placement strategies will be developed in consultation with the employee's rehabilitation co-ordinator.
- (f) Temporary vacancies provide an opportunity for employees requiring placement to both demonstrate their range of knowledge and skills and acquire new knowledge and skills. The agency must consider employees requiring placement for both temporary and permanent vacancies before proceeding to fill a vacancy by any other means.
- (g) Where necessary to achieve employment security, and if feasible in operational terms, agencies are to create placement opportunities through, for example:
  - (i) Job design which increases, decreases or revises the qualifications and responsibilities of available vacancies to achieve a skills and classification match.
  - (ii) Rotation of staff across roles to create a vacancy.
  - (iii) Creation of suitable vacancies by the resolution of temporary arrangements such as relieving and temporary employment.
  - (iv) Limited applicant pool arrangements provided for under the directive relating to recruitment and selection.
- (h) Agencies may seek the assistance of other agencies to provide placement opportunities. Placement opportunities might be designed only for the developmental purpose of the employee or might be aimed at matching the employee with suitable temporary or permanent vacancies at or below level before they are filled through other means. Agencies seeking assistance must provide honest and balanced information about the employee's strengths, areas identified for improvement and any identified performance or conduct issues. An agency whose assistance is being sought is entitled to identify the terms under which placement will occur, for example salary arrangements and any requirement for a work trial.
- (i) Employees requiring placement should support their own employment security by proactively searching and applying for advertised permanent roles at level.

### **7.3 Salary arrangements for transfer and redeployment**

- (a) An employee who is transferred at level to another agency is to be paid their salary and any applicable allowances by the receiving agency from the date of duty.
- (b) An employee who is redeployed is to be paid by the receiving agency at the top pay point of their new classification level plus any applicable allowances.
- (c) In addition to salary arrangements under section 7.3(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 agency is to fund the difference between salary and allowances to be paid by the receiving agency 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 industrial instrument.
- (d) For tenured senior executives who have been redeployed, the arrangements outlined in section 7.3 (c) are to include any applicable remuneration packaging arrangements specified in a current directive relating to senior executive employment conditions.
- (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 accepts transfer or redeployment to a role which is subject to different conditions established by award or certified agreement then, apart from arrangements outlined in section 7.3 (c), the employee is to assume the employment conditions of the role.

### **7.4 Salary arrangements for secondment and temporary engagement**

- (a) Payment of salary costs for an employee placed at level in a temporary vacancy in another agency will be negotiated between the relevant agencies.
- (b) Where an employee accepts a temporary placement in another agency at a salary level lower than their substantive level, the income difference will be paid by the releasing agency. This provision includes differences in salary due to conditions established by award and certified agreement.

### **7.5 Relocation expenses**

- (a) Employees who are transferred or redeployed to a new location are entitled to relocation expenses as specified in the current directive relating to transfer and appointment expenses. The releasing agency will meet the costs of relocation.

- (b) Where an employee is temporarily placed in another location, reasonable costs associated with the temporary relocation are to be negotiated with the employee according to arrangements specified under the current directive relating to domestic travelling and relieving expenses. Where the temporary placement is in another agency, responsibility for meeting the costs is to be negotiated between the releasing and receiving agencies.

## **7.6 Reporting requirements**

By 30 September each year, commencing in 2010, agencies must report numbers of employees registered as requiring placement and placement outcomes for the previous financial year (the 'reporting period') to the Commission Chief Executive.

## **7.7 Transition**

- (a) Employees of QSuper electing to revert to the Queensland public service are eligible to be registered for service-wide deployment up to and including 31 December 2010.
- (b) Except in the circumstance outlined in section 7.7(a) the registration of employees for service-wide deployment under Directive No. 4/99 – *Medical Deployment and Redeployment* and Directive No. 4/02 – *Deployment and Redeployment* will cease as at the effective date of this directive. Requests for registration or the extension of an existing registration received prior to the effective date of this directive will be processed. Requests for registration or the extension of an existing registration received on or after the effective date will not be processed.
- (c) Employees registered by the Public Service Commission under Directive No. 4/99 – *Medical Deployment and Redeployment* will continue to be registered for service-wide deployment for a maximum of 12 months from the effective date of this directive, provided that their agency continues to consider that deployment is reasonably practicable.
- (d) Employees of QSuper registered by the Public Service Commission under Directive No. 4/02: *Deployment and Redeployment* will continue to be registered for service-wide deployment until their initial or extended registered deployment period expires or is terminated.
- (e) Non-QSuper employees registered by the Public Service Commission under Directive No. 4/02 – *Deployment and Redeployment* will continue to be eligible for service-wide deployment until their current registration expires or is terminated.
- (f) A deployee who is registered with the Public Service Commission for service-wide deployment under sections 7.7 (c) to 7.7 (e) who applies for an advertised permanent role at or below their substantive classification level must be considered on the basis of suitability before other applicants.

The required elements of the suitability assessment process are:

- (i) Suitability assessment must be directed at determining whether the deployee has the minimum skills to undertake the requirements of the role to a satisfactory level if provided with reasonable retraining, induction and, if necessary, reasonable adjustment.

The ability of the deployee to participate in the various aspects of assessment (e.g. their written or communication skills) should be considered only to the extent that these skills are required to perform the role.

- (ii) The deployee's agency must nominate a representative to participate in the selection panel at the point of determining suitability. The role of the agency representative is not to act as an advocate for the deployee but to assist the selection panel to make an informed decision on the deployee's suitability. If more than one deployee is considered suitable, the agency which owns the vacancy may then determine which of the suitable deployees is most meritorious.
  - (iii) If a deployee is assessed as unsuitable, the panel must prepare a statement summarising the reasons for concluding that the deployee does not have the minimum skills to undertake the requirements of the role to a satisfactory level given retraining, induction and, if necessary, reasonable adjustment.
  - (iv) A deployee may lodge an appeal directly with the Commission Chief Executive in accordance with the directive relating to appeals where the ground for appeal is a decision that the deployee is unsuitable. Prior to lodging an appeal the deployee must seek feedback from the agency. Agencies must provide feedback, including the statement of unsuitability under 7.7 (f)(iii), within seven calendar days of request.
- (g) Salary funding arrangements relating to agencies under section 5.12 of Directive No. 4/99 – *Medical Deployment and Redeployment* and section 5.17 of Directive No. 4/02 – *Deployment and Redeployment* will continue to apply where a transfer or redeployment process has commenced prior to the effective date of this directive.
- (h) The provisions of section 7.3 (b) and (c) of this directive will apply to all deployees (i.e. both unregistered deployees and deployees who were registered with the Public Service Commission for service-wide deployment under sections 7.7 (c) to 7.7 (e)) who have accepted redeployment in the 12 calendar months prior to the effective date of this directive. The provisions will apply to the period between the effective date of this directive and the expiry of 12 calendar months from the date of redeployment.