

No: 31/99

**Supersedes:
Directive 3/99**

DIRECTIVE

(refer Section 34 of the *Public Service Act 1996*)

1. TITLE: DEPLOYMENT AND REDEPLOYMENT

2. PURPOSE: To specify the action to be taken in relation to surplus tenured public service employees who reject the offer of Voluntary Early Retirement (VER) or to whom a VER scheme is not applied.

3. LEGISLATIVE PROVISION: *Public Service Act 1996* - Section 81

4. EFFECTIVE DATE: 29 October, 1999

5. DIRECTIVE:

5.1 Surplus tenured public service employees who reject the offer of a VER or to whom a VER scheme is not applied are to be provided with deployment (transfer at level or temporary secondment) and/or redeployment (appointment to a lower level)¹ and reasonable retraining opportunities for a period of not less than six calendar months for non SES and non senior officers, and a period of not less than ten calendar weeks for tenured senior executives and senior officers. Both periods commence from the date of notification to the Office of the Public Service Commissioner (OPSC) that the employee is surplus, or will become surplus. The employing Department shall register surplus employees with the OPSC for deployment and/or redeployment, except in the case of base grade employees,² whose registration requires the approval of the Public Service Commissioner.

5.2 The deployment period is provided to enable the Department³ and the surplus employee to engage in activities that will maximise the opportunities for the surplus employee to be placed in substantive employment. At the conclusion of this deployment period, where the Chief Executive is satisfied that no viable transfer and redeployment opportunities exist in any Department, the Chief Executive may seek approval from the Public Service Commissioner to apply the provisions of the Directive No. 26/99, *Retrenchment*.

5.3 The Chief Executive may continue the deployment period at his or her discretion.

5.4 The Chief Executive shall establish internal staff deployment procedures and retraining arrangements appropriate to the circumstances.

¹The meaning of transfer and redeploy includes application to tenured general employees.

² Base grade level means – Educational Assistants, AO1/2, TO1/2, PO1/2, OO1/2 and OO3 only if defined “base grade” by an industrial determination.

³ In this Directive, the word “Department” means any government entity which is subject to this Directive.

- 5.5 The Chief Executive shall ensure surplus employees have reasonable access to vacancy details, as advertised in relevant Gazette/s.
- 5.6 Surplus employees shall participate actively in the deployment process by making themselves available to be considered for vacancies, accepting reasonable deployment and retraining opportunities and maintaining a pro-active job search. The Chief Executive may apply to the Public Service Commissioner for approval to commence retrenchment action where it is determined that a surplus employee is not participating actively in the process.
- 5.7 All registered surplus employees seeking redeployment are to notify their Chief Executive and the OPSC of the classification level and stream for which they wish to be considered at any time during the deployment period.
- 5.8 Departments shall refer permanent senior executive and Senior Officer vacancies to OPSC prior to advertising or filling, for surplus employees to be considered.
- 5.9 A surplus public service employee may be deployed or redeployed / seconded to a permanent or temporary vacancy without advertising. If a surplus employee applies for an advertised vacancy at their substantive salary classification or below, the employee shall be considered before other applicants. Assessment shall be in terms of suitability for the job with regard to the selection criteria, as opposed to relative merit. If the employee is suitable for the vacancy, the Chief Executive shall appoint the employee to the vacancy. A Department must be able to demonstrate how the surplus employee's suitability was assessed. Where more than one surplus employee or medical deployee (as specified in Directive 4/99 *Medical Deployment*) could be suitable for appointment to a single vacancy, selection is to be on closed merit.
- 5.10 There shall be no requirement to consider surplus employees where the level of the duties being performed is reclassified to a higher level and there is a permanently appointed occupant performing the duties, or where an agreement exists between the relevant employee organisation and the Chief Executive, which agreement has been approved by the Public Service Commissioner. In these circumstances the vacancy advertisement shall be endorsed to the effect that surplus employees shall be considered on relative merit.
- 5.11 If a surplus employee is deployed to a temporary vacancy, the surplus deployee retains the status of a tenured public service employee. If the temporary vacancy is in another Department, the surplus employee shall be on secondment unless otherwise agreed by the relevant Chief Executives.
- 5.12 A surplus employee who commences in a temporary vacancy during the deployment period shall remain registered with the OPSC and apply for permanent vacancies and shall receive consideration as required in section 5.9. The deployment period shall continue during the temporary employment.
- 5.13. Surplus deployees who are redeployed to a lower classification may remain registered with the OPSC for a maximum of 12 months from the date redeployment commences. During this 12 month period, the redeployee may apply for advertised permanent vacancies at classification levels up to their original substantive classification and shall receive consideration as required in section 5.9.

- 5.14. Where a surplus employee is transferred or redeployed to another Department, salary costs including income maintenance, shall be provided by the department from which the employee was made surplus from the date of transfer for a maximum period of six months, unless other arrangements have been made between the relevant Chief Executives and/or the Public Service Commissioner.
This requirement does not apply where a surplus employee is seconded to a temporary vacancy in another Department. Where a surplus employee accepts a temporary secondment to another Department at a salary level lower than their substantive level, the Department from which the employee was made surplus may pay the difference between the two salary levels at its discretion.
- 5.15 Surplus employees who are transferred or redeployed to a new centre will be entitled to relocation expenses on the basis of arrangements specified under rulings issued by the Minister for Employment Training and Industrial Relations.
- 5.16 The Chief Executive may approve voluntary early retirement packages⁴ for surplus employees who elect to withdraw early from the deployment period.
- 5.17 The Chief Executive shall ensure that the requirements for consultation with employee organisations detailed in Sections 88 and 89 of the *Industrial Relations Act 1999* are met.
- 5.18 Grievances are to be dealt with by Departments in accordance with OPSC rulings. However, a fair treatment appeal may be lodged directly with the Public Service Commissioner in accordance with Directive 11/96 *Appeals Directive* where the ground for appeal is alleged non-compliance with section 5.9 and/or 5.12 and/or 5.13 of this Directive.

6. INCOME MAINTENANCE:

- 6.1 A surplus tenured employee redeployed to a lower classification level shall be entitled to income maintenance at the paypoint to which they would currently be entitled at their substantive level for a period of twelve months from the date of redeployment. No increments are to be paid during this period. An extension to the period of income maintenance shall only occur with the approval of the Public Service Commissioner. For tenured senior executives, income maintenance shall include current salary packaging arrangements.
- 6.2 Following expiry of income maintenance arrangements, an employee redeployed to a lower classification level in the same salary stream shall be placed at the maximum paypoint of the lower classification level.
- 6.3 If redeployed to a lower classification level in another salary stream, appointment shall be made to an equal or next highest paypoint in the lower level with normal incremental movement through the classification level, subject to award requirements.

7. NON APPLICATION:

Allegations or findings of unsatisfactory performance or conduct are not grounds for declaring an employee surplus. Excluded from the provisions of this Directive are all temporary employees, casual employees, contract employees, employees whose termination is in accordance with disciplinary action and employees whose termination is in accordance with retirement because of mental or physical incapacity.

⁴ Voluntary retirement package shall be the same value as that detailed in *Directive 27/99 Voluntary Early Retirement*.