

1. **Title:** **Medical Deployment and Redeployment**
2. **Purpose:** To specify the action to be taken in relation to surplus tenured public service employees permanently and partially incapacitated from a medical condition and wish to remain in public sector employment.
3. **Legislative Provision:** *Public Service Act 2008 – Division 5, Part 7 (formerly Public Service Act 1996 – Section 85)*
4. **Effective date:** 7 May 1999
5. **Provisions:**
 - 5.1 This directive applies to an employee who is permanently and partially incapacitated from a medical condition, is a tenured public service employee to whom section 178 (1) of the *Public Service Act 2008 (formerly section 85 (3) of the Public Service Act 1996)* applies, and whose medical condition, despite reasonable adjustment¹, prevents the person from performing the substantive duties of their appointed role, but does not prevent them from performing duties required to be performed elsewhere in the public service.
 - 5.2 At the discretion of the chief executive, an employee who is permanently and partially incapacitated from a medical condition and wishes to continue working in the Queensland Public Service may be registered with the Public Service Commission (PSC) for deployment (transfer at level)² and redeployment (appointment to a lower level)¹. This registered person shall be referred to as a medical deployee.
 - 5.3 If suitable, a medical deployee may be transferred or redeployed to any permanent vacancy, or deployed to a temporary vacancy. A medical deployee who occupies a temporary vacancy retains their tenured status.
 - 5.4 The chief executive shall establish internal staff deployment procedures, retraining and rehabilitation arrangements appropriate to the circumstances.
 - 5.5 The chief executive shall ensure a medical deployee has reasonable access to vacancy details, as advertised in relevant Gazette/s.
 - 5.6 The chief executive may continue the deployment period at his or her discretion.
 - 5.7 A medical deployee 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 proactive job search.
 - 5.8 A medical deployee seeking redeployment are to notify their chief executive and the PSC of the classification level and stream for which they wish to be considered at any time during the deployment period.

¹ Reasonable adjustment is where an employer takes account of a person's incapacity and makes appropriate and reasonable adjustments to the workplace to lessen the impact of the incapacity.

² The meaning of transfer and redeploy includes application to tenured general employees.

- 5.9 Where the chief executive is satisfied that no viable transfer, deployment or redeployment opportunities can be found for the medical deployee, or the medical deployee is not maintaining a proactive job search, the chief executive may retire the employee from the public service in accordance with section 178 (1)(b) of the *Public Service Act 2008* (formerly section 85 of the *Public Service Act 1996*).
- 5.10 A medical deployee may be deployed to a permanent or temporary vacancy without advertising and if applying for a advertised vacancy shall be considered before other applicants, except for vacancies exempted by the current directive relating to deployment and redeployment. Assessment shall be in terms of suitability 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. The agency must be able to demonstrate how the medical employee's suitability was assessed. Where more than one medical deployee or deployee registered in accordance with the directive relating to deployment and redeployment is assessed as suitable for appointment to a single vacancy, selection is on closed merit.
- 5.11 A medical deployee shall not commence new employment duties or retraining until they have received medical certification that they are fit to do so.
- 5.12 Where a medical deployee is transferred or redeployed to another department³, such transfer or redeployment shall initially be a secondment for a maximum period of three months after which time the deployee's employment is confirmed, unless otherwise agreed between the relevant chief executives. The salary costs for the secondment shall be provided by the department from which the employee was transferred or redeployed, unless other arrangements have been made between the relevant chief executives and/or the Commission Chief Executive.
- 5.13 A medical deployee who is deployed to a temporary vacancy in another public sector unit shall be on secondment and have salary paid by the public sector unit which received the services, unless other arrangements have been made between the relevant chief executives and/or the Commission Chief Executive.
- 5.14 A medical deployee who is 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 and Industrial Relations.
- 5.15 Grievances are to be dealt with by departments in accordance with PSC rulings. However, a fair treatment appeal may be lodged directly with the Commission Chief Executive in accordance with the current directive relating to appeals where the ground for appeal is alleged non-compliance with section 5.10 of this directive.

6. Salary Level

- 6.1 A medical deployee redeployed to a lower classification level in the same salary stream shall be placed at the maximum paypoint of the lower classification level.
- 6.2 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 industrial requirements.
- 6.3 A medical employee transferred across streams of a classification system shall be paid in accordance with the current directive relating to (*Transfer within and between Classification Levels and systems*).

³ Substantially caused" means causation by a major contributing factor even if other contributing factors are present.

7. Non application

- 7.1 Excluded from the provisions of this directive are all temporary employees, casual employees, contract employees, and employees whose medical condition was substantially caused⁴ by reasonable management action⁵ by their employer, or by the employee's own misconduct.
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⁴ "Substantially caused" means causation by a major contributing factor even if other contributing factors are present.

⁵ "Reasonable management action" includes a reasonable action taken to transfer or discipline an employee, conduct and investigation into an allegation of misconduct or a grievance, management unsatisfactory work performance, and a decision not to promote an employee, change salary level, approve leave of absence or other benefit connected with employment.