

Appointment to Senior Executive Service (SES) positions

Guideline

1. **Application** Departments and Public Service Offices (referred to as departments).
2. **Effective date** 3 October 2012.
3. **Guideline**

This guideline provides for arrangements for the appointment of senior executives to approved Senior Executive Service (SES) vacancies including non-advertised vacancies agreed to between the Commission Chief Executive and the department's Chief Executive Officer.

3.1 SES Positions

The Governor in Council fixes the maximum number of senior executives to be employed in each department and the classification levels at which they are to be employed - "approved SES position" (refer to the *Senior Executive Service Profile Management Procedures Policy*).

An "approved SES position" may be redesignated in job title or used for a new replacement SES position at the same level but with a different function by approval of the Commission Chief Executive (refer to the *Senior Executive Service Profile Management Procedures Policy*). A job evaluation is required for a new replacement SES position to confirm the appropriate classification level.

3.2 Appointments to advertised SES Positions

To be carried out in accordance with the –

- a) directive relating to recruitment and selection; and
- b) *Appointment, Secondment and Interchange Arrangements Senior Executive Service Guideline*.

3.3 Appointments to "non-advertised" SES Positions

Appointments may be made to an "approved SES position" without an open recruitment and merit selection exercise under exceptional circumstances approved by the Commission Chief Executive.

3.4 Conditions for appointment of officers employed on fixed term contracts under Section 122 of the *Public Service Act 2008* to equivalent non-advertised SES positions

- a) A former SES officer currently employed on a fixed term contract under Section 122 of the *Public Service Act 2008* may be considered, upon the recommendation of the relevant CEO, for approval by the Commission Chief Executive for 'direct appointment' to that executive's former SES level to an "approved SES position" on the basis that merit appointment had previously been demonstrated in the executive's former SES appointment.
- b) Officers appointed on a fixed term contract under Section 122 of the *Public Service Act 2008* at an equivalent SES remuneration level with a similar range of

capabilities may be considered by the Commission Chief Executive for approval as a 'direct appointment' to an "approved SES position" at the equivalent SES classification level provided that –

- i. The officer has demonstrated through satisfactory performance over a period of at least 12 months at the equivalent level role/s to satisfy merit for an SES appointment; and
- ii. the chief executive submits a recommendation with supporting information sufficient to satisfy the Commission Chief Executive that direct appointment is justified.

3.5 Terms and Conditions of a SES Contract of Employment for successful appointees moving from a Section 122 contract of employment

- a) The completion date of the SES contract of employment must not exceed the completion date of the officer's previous Section 122 contract of employment except that if the remaining term of the Section 122 contract of employment is less than six (6) months, a new standard SES contract of employment may be offered.
- b) The remuneration package point for the SES contract of employment must either be –
 - i. at the minimum package point of the appointed SES classification work value range for the position; or
 - ii. equal to the equivalent remuneration package point applicable to the officer under the Section 122 contract but not greater than the maximum package point for the work value range of the SES position.

3.6 Successful appointee moving from Section 122 contract of employment rejecting offer of appointment to SES position

- a) Should an officer employed under a Section 122 contract of employment be offered a SES contract of employment and reject that offer, the department's Chief Executive Officer may terminate the Section 122 contract of employment in accordance with that contract's termination provisions.
- b) In the situation of termination of a Section 122 contract of employment and the officer has reversionary rights under the *Public Service Act 2008*, the officer would revert to his/her former classification level as a tenured officer.
- c) Depending on the circumstances upon reversion, the officer may require placement and be managed in accordance with the directive relating to supporting employees affected by workplace change and the associated directive relating to early retirement, redundancy and retrenchment.

3.7 Closed Merit Process for SES Appointments

- a) There is no obligation to transfer an SES officer whose role is no longer required.
- b) If a determination is made that it is necessary or desirable to consider placement in another role at the same level, displaced SES officers should be considered in the first instance for transfer at level to an "approved SES position".
- c) Subject to (b) above, and where more than one officer employed under a Section 122 contract of employment is identified by the department's Chief Executive Officer as having demonstrated potential merit for appointment to an "approved SES position", the CEO should undertake a suitable decision-making process to determine a preferred appointee to the "approved SES position".
- d) A recommendation by the department's Chief Executive Officer on a preferred appointee to the "approved SES position" should be made to the Commission Chief Executive (together with a signed Form B) for approval including a statement of the process indicated in (c) above.