

1. Title: Deployment and Redeployment

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

3. **Legislative Provision:** *Public Service Act 2008 - section 138 (formerly section 81 of the Public Service Act 1996)*

4. **Effective date:** 12 July 2002

5. Provisions:

5.1 An employee becomes surplus to requirements because a department employs more employees than it needs for the performance of its functions or the duties performed by the employee are no longer required. 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 level¹) and reasonable retraining opportunities.

Registration of surplus employees

5.2 Departments may apply to register surplus employees for service-wide deployment, including base grade employees², with the Public Service Commission (PSC). The deployment period commences from the date of notification by the Commission Chief Executive (CCE) that registration has been accepted.

5.3 The PSC will register employees who become surplus following organisational change within agencies. To be eligible for service-wide registration, the CCE must be satisfied that the department has made reasonable attempts to internally place the surplus employee. In seeking registration of surplus employees, departments must provide the CCE with a Deployment Registration Form containing the following information:

- the nature of organisational change that has resulted in the employee becoming surplus which, in the majority of cases will have been noted by the Premier (the *Policy – Proposals for Organisational Restructure* outlines the circumstances where organisational change must be noted by the Premier);
- the department's efforts to absorb the surplus officer within its organisational structure; and
- a performance assessment component signed by the deployee's supervisor and deployee detailing the current performance of the deployee over the past 12 months.

¹ 'Transfer' and 'redeploy' apply 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.

Period of deployment

- 5.4 The initial deployment period will be six months for non-SES and non-senior officers and three months for SES and senior officers.
- 5.5 Departments may apply to register surplus employees for service-wide deployment, including base grade employees, with the PSC. The deployment period commences from the date of notification by the CCE that registration has been accepted.
- 5.6 During the deployment period the department and the surplus employee must engage in activities that will maximise the opportunities for the surplus employee to be placed in substantive employment:
- the department must maintain internal staff deployment strategies and processes, provide appropriate and reasonable retraining opportunities, provide each deployee with a case manager and ensure surplus employees have reasonable access to vacancy details, as advertised in the relevant Gazette/s and **Govnet (Jobs Online)**. The department must consider the suitability of its own deployees for vacancies at their substantive level prior to advertising all positions.
 - surplus employees must participate actively in the deployment process by making themselves available to be considered for vacancies, accepting reasonable deployment and retraining opportunities and being proactive in searching and applying for jobs.
- 5.7 At the end of the deployment period, the chief executive must take the following action:
- absorb the surplus employee, either into the department's organisational structure, or with the agreement of the chief executive where the surplus employee is temporarily seconded, into the other department's organisational structure; or
 - seek approval from the CCE for an extension to the deployment registration period (refer to section 5.5); or
 - seek approval from the PSC to apply the provisions of the current directive relating to retrenchment, if satisfied that no viable transfer and redeployment opportunities exist in any department.

Consideration of surplus employees

- 5.8 Departments must refer all Senior Executive Service and senior officer vacancies to the PSC prior to advertising to allow for surplus employees at this level to be considered.
- 5.9 During the deployment period surplus employees may be transferred (in accordance with sections 133 and 120 of the *Public Service Act 2008 – formerly section 79 of the Public Service Act 1996*), redeployed or seconded to a vacancy without the position being advertised. If a surplus employee applies for an advertised vacancy at their substantive salary classification or below, the department must:
- consider the surplus employee before other applicants;
 - invite a member of the surplus employee's department, and/or work unit to be a member of the selection panel when determining the suitability of the employee for the role;
 - assess the employee's suitability for the position solely in relation to their capacity to meet the selection criteria and not on the basis of relative merit. The selection panel must consider reasonable retraining opportunities, induction and reasonable adjustment in determining a deployee's ability to meet the selection criteria;

- use a combination of selection techniques to assess the suitability of a deployee for a vacancy, unless it is apparent that the deployee is suitable after using one technique;
- if the employee is deemed suitable, appoint the employee to the position; and
- provide feedback to the employee upon request.

5.10 Where a selection panel determines that an employee is 'unsuitable' for appointment to a vacant position the selection panel must complete an 'assessment of suitability' report containing the following information:

- an assessment of the deployee's ability in relation to each of the selection criteria;
- the process and assessment of suitability techniques used to determine the deployee's suitability in meeting the selection criteria;
- consideration of reasonable retraining, induction and reasonable adjustment; and
- an overall statement detailing the reasons why the deployee is unsuitable for the vacancy.

5.11 If deemed 'unsuitable', and after being notified in writing by the selection panel, a surplus employee may lodge a Fair Treatment Appeal with the PSC in accordance with the current directive relating to appeals. It is expected that deployees would seek, and be provided with, feedback from the department.

5.12 Where more than one surplus employee or medical deployee (as specified in the current directive relating to medical deployment) submit an application for appointment to a single vacancy, a selection panel with a representative from the employee's department, must first determine whether the surplus employees are suitable for appointment. Where both employees are suitable, selection is to be made on the basis of closed merit.

5.13 The provisions of section 5.9 do not apply where a job evaluation results in a role being classified at a higher level. Surplus employees who apply for such vacancies are to be considered on relative merit.

5.14 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.

5.15 A surplus employee who is seconded to a temporary vacancy during the deployment period will continue to be registered with the PSC and be eligible to apply for permanent vacancies and receive consideration as required in section 5.9. When seconded to a temporary role with different award conditions to those of the surplus employee's substantive position, the employee is to assume the award conditions of the temporary role.

5.16 Surplus deployees who are redeployed to a lower classification will remain registered with the PSC for a maximum of twelve months from the date redeployment commences. During this twelve 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.

5.17 Where a surplus employee is transferred or redeployed to another department, salary costs including income maintenance, must 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 CCE. 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.

- 5.18 Surplus employees who are transferred or redeployed to a new location will be entitled to relocation expenses on the basis of arrangements specified under rulings issued by the Minister for Industrial Relations.
- 5.19 The chief executive must comply with the requirements of consultation with employee organisations pursuant to sections 88 and 89 of the *Industrial Relations Act 1999*.
- 5.20 Grievances are to be dealt with by departments in accordance with PSC directives. However, a Fair Treatment appeal may be lodged directly with the CCE in accordance with the current directive relating to appeals where the ground for appeal is alleged non-compliance with section 5.9, 5.16 or 5.17 of this directive.

Income maintenance

- 5.21 Upon registration, surplus employees seeking redeployment (appointment to a lower classification level) must notify their chief executive and the PSC of the classification level and stream for which they wish to be considered for redeployment.
- 5.22 A surplus tenured employee redeployed to a lower classification level is entitled to income maintenance for 12 months at the paypoint at which they would have been paid had they remained in their substantive position, however they are not entitled to increments.
- 5.23 An extension to the period of income maintenance must be approved by the CCE. For tenured senior executives, income maintenance is to include applicable salary packaging arrangements.
- 5.24 Following the 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.
- 5.25 If redeployed to a lower classification level in another salary stream, appointment shall be made to the nearest paypoint in the lower level, provided that it may be higher than the person's current paypoint. Normal incremental movement through the classification level, subject to award requirements, is then available.

Non application

- 5.26 The following employees are not covered by the provisions of this directive:
- Tenured employees who are subject to allegations or findings of non performance;
 - Temporary, casual or contract employees;
 - Employees being terminated in accordance with disciplinary action;
 - Employees who voluntarily relinquish their role or are deemed unattached to a role in accordance with a departmental policy; or
 - Employees being retired on the grounds of mental or physical incapacity.