

# *State Service Act 2000*



Ministerial Direction No. 25

Title: State Service Vacancy Control Process (SSVCP)

Date of issue: 5 August 2011

## Contents

- 1) Purpose
- 2) Application
- 3) Legislative Basis and Related Documents
- 4) Directive
- 5) Date of operation
- 6) Review

Attachment 1 (State Service Vacancy Control Process)

Attachment 1.1 (SSVCP and TVR Flowchart)

Attachment 1.2 (Recommendation to the State Service Commissioner)

Attachment 1.3 (Employee Performance Assessment Report)

Attachment 1.4 (Employee Suitability Assessment Report)

## 1. Purpose

- 1.1 The purpose of this Direction is to prescribe the administrative requirements for :-
- a) State Service vacancy control within and across agencies;
  - b) management of surplus employees performing duties that are no longer required; and
  - c) the assessment and transfer of surplus employees into vacant positions.

## 2. Application

- 2.1 This Direction applies to permanent employees in the State Service who have been:
- (a) identified as surplus employees performing duties that are no longer required; or
  - (b) who have been advised they occupy potentially targeted duties; or

(c) who have been accepted by the State Service Commissioner as surplus under s.47(4) of the *State Service Act 2000* (the Act).

2.2 This Ministerial Direction applies to all permanent and fixed term vacancies arising in agencies including any vacancy that has not been filled as at the date of issue including where action (advertising, interviews, etc.) has already commenced.

### 3. **Legislative Basis and Related Documents**

#### 3.1 *State Service Act 2000:*

- a) Sections 34(1)(a)&(f) provide that a Head of Agency is required to ensure that the Agency is operated as effectively, efficiently and economically as is practicable and to ensure that the services of employees in that Agency are used as effectively and efficiently as is practicable.
- b) Sections 34(1)(b)&(c) provides that Heads of Agency may allocate duties to positions and vary such duties and assign duties to employees within that Agency and vary those duties.
- c) Section 38 (2) provides that the salary of a permanent employee is not to be reduced without the employee's consent unless it occurs in accordance with s.10 (Breach of the Code), s.47 (Redeployment), or s.48 (Inability).
- d) Section 41(1) provides for the voluntary transfer of an employee from one Agency to another at a salary level not higher than the salary level before the transfer and sub section (2) provides for transfer from one Agency to another for a specified period.
- e) Section 42(1) provides for the compulsory transfer of an employee from one Agency to another to undertake duties at a similar salary level.
- f) Section 47 provides for a Head of Agency to recommend to the State Service Commissioner that an employee be accepted for redeployment.
- g) Workload Management: Consultation and Change: Grievance and Dispute Resolution provisions in Awards (e.g. *Tasmanian State Service Award Part X1*).

### 4. **Directive**

4.1 Pursuant to Section 14 of the Act I hereby direct that the administrative requirements outlined in Attachment 1, apply to the management of vacancies and the placement of permanent employees subject to this Direction.

### 5. **Date of Operation**

- 5.1 This Ministerial Direction will take effect from the date of issue and remain in force until a replacement Ministerial Direction is issued or this Direction is rescinded.
6. **Review**
- 6.1 The Ministerial Direction will be reviewed 18 months from the date of issue.
- 6.2 Issued by authority of the Minister administering the Act pursuant to Section 14(1).

Date: / / 2011

Lara Giddings  
Premier

**Attachment 1**

**State Service Vacancy Control Process (SSVCP)  
Administrative and Operational Requirements**

**Table of Contents**

1	Introduction	3
2	Definitions	4
3	Internal Agency Vacancy Management	5
4	Central Vacancy Control	8
5	Suitability Assessment	10
6	Voluntary Transfer Following Suitability Assessment	11
7	Compulsory Transfer Following Suitability Assessment	11
8	External Job Alternatives	12
9	Redundancy Process	12
10	Vacancy Exemptions from the State Service Vacancy Control Process	13
11	Clearance of Vacancies	13
12	Employee Assistance	13
13	Redeployment Alternatives Not Available	14
14	Reporting	14
15	Grievances and Disputes	15
Attachment 1.1	SSVCP and TVR Flowchart	16
Attachment 1.2	Recommendation to the State service Commissioner	17

Attachment 1.3	Employee Performance Assessment Report	19
Attachment 1.4	Employee Suitability Assessment Report	21

## 1. Introduction

- 1.1 Section 34 of the Act requires a Head of Agency to ensure that the Agency and the services of employees are used as effectively and efficiently and economically as is practicable. Accordingly, a Head of Agency may identify certain duties or Agency activities or programs or functions from time to time that are no longer required or which if maintained would adversely impact on the economy, efficiency or effectiveness of the organisation.
- 1.2 State Service vacancy control is a process to manage State Service vacancies and enable an examination of alternative employment options for employees identified as surplus to requirements, as the result of a decision to cease or change the way an Agency activity, program or function operates.
- 1.3 The State Service Vacancy Control Process (SSVCP) also supports State Service Reforms through employment strategies and processes to minimise the impact on affected State Service employees.
- 1.4 Heads of Agency are responsible for managing employees affected by a decision to defer, reduce or cease Agency programs or services. This may include circumstances where:
- a) positions, duties, programs or activities or functions are no longer needed; or
  - b) duties being performed by an employee to support a program or activity are no longer required; or
  - c) greater economy, efficiency and effectiveness in the delivery of government services can be obtained by changing the way services are provided.
- 1.5 Agencies will consult with employees and unions where major changes in work practices and arrangements are proposed as a result of the implementation of State Service Reforms and Budget strategies. Consultation shall provide employee(s), union(s) or other relevant persons, with a genuine opportunity to influence the decision or decision maker. It is not a joint decision making process or a barrier to the prerogative of management to make decisions, but enables consideration of alternative proposals. Implementation of changes to work practices and arrangements shall be consistent with award provisions on workload management.
- 1.6 Agencies will maintain a register of these changes, consultation processes and decisions taken.

- 1.7 Heads of Agency are to notify employees in writing as soon as a decision is made that they are affected by a decision to defer, reduce, cease or change the way an Agency program or service area operates and to inform them of the options available to them under the Act, including this Ministerial Direction.

## 2. Definitions

- “Employee” means a permanent employee;
- “Case Management” is the process by which Agencies ensure that surplus employees are kept regularly informed of their status in the redeployment process, informed about any alternate duties they have been considered for and the outcome of any suitability process, provided with notification of and access to potentially suitable Tasmanian State Service vacancies and provided with access to employee support mechanisms defined in clause 12 of this Direction.
- “Meaningful work” means the temporary assignment of duties to an employee who has been identified as surplus within the Agency or has been accepted for redeployment by the State Service Commissioner and which but for the requirements of s.47(9) would not have been assigned to anyone, to ensure the services of the employee are used as effectively and efficiently as possible.
- “Normal rate of pay” is the total rate of remuneration that an employee would have received if they had continued to perform the targeted duties including recurrent allowances (except expense related allowances). It includes higher duties and more responsible duties allowances where they have been in place for more than 12 months and which would otherwise have continued beyond the date of the acceptance of a lower classified position.
- “Surplus employee” means an employee who is performing targeted duties that are no longer to be performed and includes an employee who has been accepted for redeployment by the State Service Commissioner. Includes a potentially surplus employee when mentioned elsewhere in this Ministerial Direction.
- “Potentially surplus employee” means an employee who has been advised by the Head of Agency that they are performing duties that are likely to be, or will be targeted in the near future as being no longer required. The duties may continue to be performed in the interim whilst necessary administrative processes are finalised to enable the duties to cease e.g. legislative amendments.

“Similar salary level”	means a salary that is reasonably equivalent to the employee’s existing salary. Where an employee is transferred under the provisions of this Ministerial Direction to duties under a different award or agreement any incidental variation in the maximum salary rate will be regarded as being similar.
“Skills audit assessment”	means a skill audit conducted in consultation with the employee by an employee support provider as outlined in section 12.
“Suitability assessment”	means an assessment taking into consideration the aptitude, knowledge, skills, qualifications and experience of an employee to ascertain their suitability to undertake available alternative duties identified through the State Service Vacancy Control process.
“Targeted duties”	means duties performed by an employee which form part of an activity, program or function that has been determined by a Head of Agency to be no longer required and that they will cease to be performed either immediately, or in due course.

### 3 Internal Agency Vacancy Management

3.1 A Head of Agency is to establish and document the Agency’s Vacancy Management Process which will incorporate:

- a) the Agency’s vacancy management process for assessing whether duties related to an activity, program or function continue to be required, the internal advertising arrangements with priority consideration for employees identified as surplus the suitability assessment process and the matching and reassignment of duties to employees assessed as suitable to perform vacant duties and outline the process to comply with obligations to consult with employees and unions and to manage workload issues;
- b) a “case management” approach to the management of surplus employees that ensures they are treated fairly, sensitively and with respect, provided with regular formal and informal contact and are provided with appropriate information and support as outlined in clause 12 of this Direction to enable employees to make considered and timely decisions in relation to the options available to them;
- c) examine alternative employment options for employees identified as surplus to requirements as the result of a decision to cease or change the way an Agency activity or program or function operates;

3.2 Heads of Agency are to use the following Internal Vacancy Management strategies in managing employees and vacancies:

- a) natural attrition of vacant positions following normal separation (i.e. abolition of funded vacancies after reviewing their need);

- b) reviewing the need to extend fixed term employment contracts prior to their end date and including at their end date;
  - c) assigning “meaningful work” (within the Agency) to employees who have been identified as surplus that is appropriate to their skills, classification level and experience, but taking into account the limitation of the availability of alternative duties.
  - d) Provide surplus employees with a statement specifying the “meaningful work” including the duties to be performed, classification level (where different from the employee’s substantive classification level), reporting lines, details of the period that the duties are expected to be performed, hours of work and any other matter relevant to their employment arrangement;
  - e) assigning different duties to permanent employees (within the Agency);
  - f) favourably consider the approval of leave without pay applications, approval of secondments to organisations outside the State Service (where available) and use of flexible working arrangements (e.g. part time employment); and/or
  - g) workforce re-profiling and utilisation of the Workforce Renewal Incentive Program.
- 3.3 Where a position becomes vacant and it is determined by the Agency that the duties continue to be required, Agencies must assess whether those duties can be assigned to a surplus employee, including on a shared basis.
- 3.4 In considering the assignment of duties for an approved, established and funded fixed term position of up to 12 months duration the following courses of action must be followed;
- a) The Head of Agency should first determine whether there are any suitable surplus Agency employees at the required classification level who could be assigned the duties either permanently or temporarily whilst the search for a permanent assignment of duties continues.
  - b) To ensure fairness and equity in the assessment of suitability agencies are required to invite expressions of interest for the vacancy and ensure that surplus employees are made aware of the vacancy to provide them with an opportunity to be considered for the vacancy.
  - c) If there are no suitable surplus Agency employees available at the same level then other surplus Agency employees classified at different levels may be considered e.g. a lower classified employee may be assigned the duties by reviewing the duties and reducing the classification to match their level, or in the case of a higher level employee they can be temporarily assigned the duties with their salary maintained.
  - d) Where there are no suitable surplus Agency employees and/ or a reclassification of the role to place a surplus employee is not appropriate a Head of Agency will extend the assessment to include

surplus employees in other Agencies who are at the same classification level through the Central Management Group in PSMO, the State Service Vacancy Control network, or directly with other Agency Contact Officers.

- e) Where none of the above strategies result in the identification of a suitable surplus employee agencies may pursue normal recruitment processes consistent with the provisions of Commissioner's Direction 1 by either advertising for expressions of interest for the vacancy within the Agency or any other Agency or by obtaining an exemption from the Director PSMO to advertise in the Tasmanian Government Gazette.
- f) The provisions of clause 6.3 of Commissioner's Direction 1 (providing for the selection of an Agency employee without advertising for fixed term duties for up to 6 months) can only be applied where:
  - i. the steps defined in clauses (a) to (c) above have been completed and no suitable surplus Agency employees have been identified; or
  - ii. it is part of an Internal Vacancy Management strategy approved by the Director PSMO to enable the Agency to reorganise their workforce to facilitate the assignment of alternative duties to an Agency employee including a surplus employee.
- g) Fixed term registers may be used to recruit for casual relief and short term vacancies. However Agencies are required in the first instance to examine the potential for surplus Agency employees to perform those duties as detailed above.
- h) Fixed term vacancies of greater than 12 months duration must be referred to the Central Management Group PSMO except where a Head of Agency intends to place a surplus Agency employee at level or where an exemption to advertise has been received.

3.5 All suitability assessments of surplus Agency employees against internal vacancies must be documented to demonstrate that genuine attempts have been made to identify and reassign them to alternative duties (refer Employee Suitability Assessment Report Attachment 1.4). Consistent with their case management obligations Agencies must ensure surplus employees are informed of the outcome of any suitability assessments undertaken in reference to them.

3.6 To satisfy the "similar salary level" requirement a Head of Agency may review, redesign and reclassify the duties of a vacant position (lower or higher level classification) that then matches the classification of a surplus employee.

3.7 Where a reclassification of duties is not practicable a Head of Agency may offer lower classified duties to a surplus employee on a without prejudice basis. Where an employee accepts a lower classified position than their substantive level that will result in a lower salary they must provide their consent in writing in accordance with s.38(2)(a) of the Act

and the salary must be maintained for a period of 12 months from the date of transfer at their "normal rate of pay." At the conclusion of the 12 month period the employee will receive remuneration at the top salary range of the lower classified position.

- 3.8 Where a surplus employee is reassigned duties at their substantive level and has been receiving an allowance for performing higher duties or more responsible duties for a period exceeding 12 months they shall continue to receive that allowance as part of their "normal salary" up to the defined end date for that allowance. Where the end date of the allowance is unclear it shall continue to form a part of their "normal salary" for a period of 12 months from the date of transfer to other duties at the end of which they will return to their substantive salary level.
- 3.9 Lower classified duties may also be offered on a fixed term basis for a period not exceeding 12 months provided the surplus employee's existing salary is maintained during that period. As such a placement is temporary action must continue to identify on-going duties classified at a similar level to which the employee can be transferred.
- 3.10 Except where specifically exempted in s.10, where a Head of Agency determines that vacant permanent or fixed term duties cannot be assigned to a surplus employee at the same or similar salary level, the Head of Agency is to refer the vacancy to the Public Sector Management Office (PSMO) in the Department of Premier and Cabinet for assessment under the Central Vacancy Management Process. This referral is to occur before any action is commenced to advertise the duties under Commissioner's Direction No. 1: Employment in the State Service.
- 3.11 Where an alternative employment opportunity is identified outside of the State Service, Agencies may provide appropriate financial support to the employee including salary maintenance payment for a period of up to 12 months to facilitate the permanent relocation of that employee.

#### **4 Central Vacancy Control:**

- 4.1 Where genuine attempts have been made through the Internal Agency Vacancy Management process to reassign a suitable surplus employee to an Agency vacancy but no suitable vacancies have been identified a Head of Agency may in accordance with s.47(2) of the Act advise the State Service Commissioner that the employee is surplus to the requirements of the Agency and recommend that they be made available for redeployment. It will be a matter for the State Service Commissioner to determine whether to accept the recommendation.
- 4.2 A Head of Agency in making a recommendation to the State Service Commissioner that an employee be made available for redeployment must demonstrate that all possible options to reassign the employee to alternative duties within the Agency have been explored and been unsuccessful. Details of all actions taken to reassign duties within the Agency to the employee are to be documented and provided to the

State Service Commissioner as part of the s.47 recommendation. To assist the State Service Commissioner the Head of Agency shall provide:

- a) certification by the Head of Agency that the internal Agency vacancy management process has been unsuccessful in identifying alternative duties, details of the actions taken to reassign duties within the Agency and an indication of the likelihood of reassignment within the Agency.
  - b) a declaration by the Head of Agency that the employee is not subject to a potential inability investigation, procedures in relation to a breach of the Code of Conduct, under performance, or a claim for Workers Compensation or invalidity for superannuation purposes;
  - c) the Head of Agency's notice to the employee of the intention to make a s.47 recommendation to the State Service Commissioner that they be made available for redeployment and the employee's response;
  - d) the Head of Agency's s.47 recommendation to the State Service Commissioner;
  - e) an *Employee Performance Assessment Report* providing a report on performance from the immediate supervisor and counter signed by the next level manager and employee in accordance with the attached Employee Performance Assessment Report (refer Attachment 1.3);
  - f) the employee's full name, contact details, award and classification, hours of work (FTE), current salary and range, commencement date, anniversary date of last appointment;
  - g) details of targeted duties performed by the employee i.e. the statement of duties,
  - h) details of any employee's skills audit assessment where conducted as part of the employee support process provided in clause 12;
  - i) an up to date Curricula Vitae prepared by the employee;
  - j) *Employee Suitability Assessment Report/s* (refer Attachment 1.4); and
- 4.3 A centrally managed process will be established within PSMO with the agreement of the State Service Commissioner to manage redeployment on behalf of the Commissioner to match employees accepted for redeployment by the Commissioner to vacancies occurring across the State Service.
- 4.4 An employee accepted by the State Service Commissioner for redeployment will continue to work and be managed within the Agency. The Head of Agency is required to find "meaningful work" for an employee following the Commissioner's acceptance until such time as PSMO identifies a suitable State Service vacancy or the Head of Agency is advised by the Commissioner that redeployment is not possible. Terms and conditions of employment will not alter during this period unless agreed by the parties.

- 4.5 Where a Head of Agency considers that an employee is surplus to the requirements of the Agency in accordance with s.47(2) and that employee is the subject of a potential inability investigation, procedures in relation to a breach of the Code of Conduct, under performance, or a claim for Workers Compensation or invalidity for superannuation purposes, the Head of Agency will discuss the matter with the State Service Commissioner prior to making a recommendation under s.47(3).
- 4.6 The Head of Agency is to nominate an Agency Contact Officer at a senior executive level to co-ordinate the referral of vacancies and surplus employees. The Agency Contact Officer will be directly responsible to the Head of Agency for the purposes of this Direction. A Head of Agency may delegate responsibilities under this Ministerial Direction to the Agency Contact Officer relating to the endorsement of employee suitability assessment reports and employee performance assessment reports only. The Agency Contact Officer will also be responsible to ensure the employee is advised of their status and likelihood of redeployment.
- 4.7 Agency Contact Officers are to provide PSMO with the details (provided in clause 4.2) of employees who have been accepted for redeployment by the State Service Commissioner.
- 4.8 Contact Officers are responsible for keeping the above details up to date and providing PSMO (via the Jobs Website) with full details of any permanent or fixed term vacancies that cannot be filled internally by permanent employees in targeted Agency positions. Details of the vacancy are to include the following:
- a) a current and complete Statement of Duties including vacancy number and the vacancy manager/contact person;
  - b) supplementary information concerning the duties and any relevant organisational context (where available); and
  - c) employee contact details including email and telephone number.
- 4.9 Priority in suitability assessment will remain with employees who have been accepted for redeployment by the State Service Commissioner under s. 47 and referred by PSMO for consideration for an Agency vacancy. Potentially surplus employees may also express an interest to be considered for a vacant state service position on a suitability basis by transfer at their classification level however they may only be considered for suitability after any employees who have been accepted for redeployment by the State Service Commissioner have been considered and following the Agency's determination of their suitability has been cleared by PSMO.
- 4.10 Vacancies that have been unable to be filled by surplus TSS employees or which have been exempted from the SSVCP in accordance with section 10 of this Direction will be advertised internally within the TSS before being cleared for advertising in the Tasmanian Government Gazette.

- 4.11 A position that is vacant will not be cleared for advertising without the approval of the PSMO.
- 4.12 Vacancies that have been approved for advertising by the Director PSMO remain available for the transfer of suitable surplus employee up until the recruitment process has been formally completed.
- 4.13 Where an employee who has been accepted for redeployment by the State Service Commissioner is unable to be redeployed through the Central Vacancy Control process within the prescribed period the Director PSMO will advise the State Service Commissioner accordingly.

## 5. Suitability Assessment

- 5.1 Suitability assessment, whether conducted as part of Internal Vacancy Management or Central Vacancy Control, should be applied in the same manner i.e. to determine whether an employee can satisfactorily carry out the duties either immediately, or within a reasonable time given appropriate training and experience. A suitability assessment is not focused on finding the 'best person' for the duties but on assessing if the referred person is suitable for the duties given that they have already demonstrated merit at that classification level.
- 5.2 For internal vacancy assessments Heads of Agency must establish an internal assessment panel capable of conducting an objective assessment of the suitability of a surplus employee/s. It is recommended that the panel should include the manager of the area in which the vacancy exists, a representative of the Human Resource branch and/ or the Agency Contact Officer. Agencies should ensure that surplus employees are afforded every opportunity to demonstrate their capacity to fulfill a vacant role and that the assessment is conducted objectively, fairly and in good faith.
- 5.3 Where the PSMO matches a potentially suitable employee/s for transfer to a State Service vacancy their details will be forwarded to the relevant Agency Contact Officer for consideration.
- 5.4 To assess employees who have been accepted for redeployment by the State Service Commissioner and referred by PSMO for an Agency vacancy, Heads of Agency are to establish an assessment panel including a PSMO representative or delegate and will ensure that suitability assessments are undertaken promptly, objectively, fairly and in good faith. Whilst the assessment will be managed expeditiously, the prime focus will be to ensure that all suitable employees who have been accepted for redeployment are properly considered before a vacancy is cleared for advertising. A report using the Suitability Assessment Report Attachment 1.4 as varied from time to time will be completed.
- 5.5 An employee's aptitude, knowledge, skills, qualifications and experience are to be taken into account in the suitability assessment against the selection criteria for the duties to be performed. An employee need not satisfy all of the above criteria to be considered suitable as it will be a

value judgement (taking into account the relevant criteria) as to whether the employee has the potential to undertake the duties or can develop into the role with appropriate training and support. Where pre-employment checks and/ or essential qualifications are prescribed for the duties and/or Award provisions prescribe entry and/or promotion requirements, the employee must satisfy those requirements. Issues or matters raised by the employee will also be taken into account. These may include but not be limited to location, travel requirements, access to transport and family and caring responsibilities.

- 5.6 Where more than one employee is referred for a suitability assessment for the duties, the candidates are to be ranked in order of suitability.
- 5.7 A suitability assessment is demonstrably different from normal selection procedures which are of their nature competitive. However, appropriate documentation should be maintained using the prescribed Suitability Assessment Report forms (refer attachment 1.4) and appropriate enquiries are to occur in order to fully capture materially relevant information to enable an assessment to be made.
- 5.8 A suitability assessment is to be documented in all cases and approved by the Head of Agency and or Agency Contact Officer. Agency Contact Officers are to provide copies of the suitability assessment document to PSMO, including where the referred employee/s have been deemed unsuitable. Employees may request and be provided access to suitability assessment documentation.
- 5.9 Where an employee is assessed as suitable but requires some additional development or training this should be provided to assist a successful transfer into the new duties. Funding up to a maximum of \$2,000 is to be negotiated between the Agencies and arrangements may also be negotiated to support transfers for a specified period.
- 5.10 Where a surplus employee is referred to an Agency by PSMO as part of the Central Vacancy Control process and has been deemed suitable following an assessment conducted under section 5 of this Direction, the Head of Agency will accept the transfer of that employee. The PSMO will notify the Head of Agency in writing of the transfer and the date on which it will take effect.
- 5.11 Where redeployment involves the relocation of an employee the provisions of MD 21 *Travel and Relocation Assistance with Respect to Appointment, Promotion or Assignment of Duties for Officers and Employees* will apply with costs met by the originating Agency.

## **6. Voluntary Transfer Following Suitability Assessment**

- 6.1 Where a permanent employee is assessed as suitable for duties in another Agency, the receiving Head of Agency may transfer that employee on a permanent basis to the receiving Agency at a similar salary level or at a lower classified level with their agreement in writing in accordance with s.41 of the Act. The Head of Agency is to notify in writing the Head of

Agency from which the employee is being transferred of the transfer and unless otherwise agreed the transfer will take effect twenty one days after the notification.

- 6.2 Where the duties are fixed term, the date of effect, duration and terms of the transfer will be agreed in writing between the Heads of Agency and the employee involved. At the conclusion of the specified period the employee will return to the originating Agency unless otherwise agreed by the Agencies. Where an employee returns to the originating Agency they will return to their former classification level unless the employee agrees otherwise.

## **7. Compulsory Transfer Following Suitability Assessment**

- 7.1 If a permanent employee does not agree to a voluntary transfer to another Agency, the Secretary of the Department of Premier and Cabinet under delegation from the Minister administering the Act may in accordance with Section 42 transfer the employee from one Agency to another on a permanent basis either at a similar salary level or at a lower classified level with the employee's consent in writing and where the Secretary is satisfied that the employee can reasonably be required to perform the duties having regard to the employee's aptitude, knowledge, skills, qualifications and experience.

## **8. External Job Alternatives**

- 8.1 PSMO will explore career/job opportunities external to the Tasmanian State Service for permanent and fixed term appointments. Agencies will discuss any of these available job options with surplus employees.
- 8.2 Before an outplacement or secondment proceeds the terms and conditions will be negotiated with the relevant parties and documented with the employee required to sign an acceptance indicating their agreement. The arrangements may provide for such matters as the parties to the arrangement, including the employee, consider appropriate.
- 8.3 In finalising external job alternatives the conditions to apply will be dealt with on a case by case basis and be agreed with the employee and relevant union if applicable including a recommendation and justification to be provided by the Head of Agency for approval by the Secretary Department of Premier and Cabinet (or delegate).
- 8.4 Where an outplacement or secondment will result in a lower salary the parties may negotiate an interim arrangement to offset the effect on salary.

## **9. Redundancy Process**

- 9.1 Details of the redundancy process and available separation packages are contained in the *Targeted Voluntary and Involuntary Redundancy*

*Arrangements* Standards, Practices and Procedures issued separately under Section 18(1)(d) of the Act.

- 9.2 Where as part of the Agency Vacancy Management process a Head of Agency determines that the duties being undertaken will no longer be required to be performed and there is little prospect for redeployment of that employee they may seek the approval of the Secretary Department of Premier and Cabinet (or delegate) to make a Targeted Voluntary Redundancy offer plus an incentive payment. An incentive payment is applicable as it will be offset by avoided salary costs and is subject to the employee agreeing to separate on a date determined by the Agency.

All proposed offers of a Redundancy made under this subsection (excluding 9.3) must be approved by the Secretary Department of Premier and Cabinet prior to making an offer and must satisfy the following criteria;

- a) the employee is surplus as a result of their duties being no longer required;
  - b) The circumstances of the employee's employment situation is outlined and a cost benefit analysis has been conducted demonstrating that the offer is justified;
  - c) The Agency must certify and PSMO confirm that there is little likelihood of redeployment within the prescribed period provided in s.47; and
  - d) The position will be abolished, not replaced and recurrent savings are to be identified in the cost benefit analysis.
- 9.3 Where a period of 3 months expires from the date an employee was accepted for redeployment by the State Service Commissioner a Redundancy must be offered to the employee plus an incentive payment. The offer will specify the proposed separation date and the period the employee has to consider the offer. This period should ensure a reasonable opportunity to obtain appropriate advice.
- 9.4 Where an employee who is a member of the RBF is to be made redundant and is within 12 months of the preservation age the situation is to be managed in consultation with the parties to minimise any potential disadvantage to the employee in terms of their RBF entitlement.

## **10. Vacancy Exemptions from the State Service Vacancy Control Process**

- 10.1 The intention of this Direction is to maximise the opportunities for placing and/or transferring surplus employees that are in positions that are no longer required by an agency into vacant duties arising within the State Service. Therefore there is an obligation on Heads of Agency to ensure that all available vacancies are submitted to the Central Group within PSMO.
- 10.2 Exemptions from the SSVCP may be sought in special circumstances such as where a vacancy requires specialist qualifications or skills that cannot be readily sourced within the State Service. Where an Agency requires an

exemption, approval must be sought from the Director, PSMO supported by a submission detailing:

- a) the specialised nature of the duties including qualifications/Award requirements;
- b) confirmation that there are no suitable surplus TSS employees available for transfer;
- c) the assessed likelihood of employees in targeted positions being available to fill vacancies;
- d) impact of delayed recruitment on service delivery or legislative requirements or regulatory obligations;
- e) relevant attraction, retention and/ or reprofiling issues; and/or
- f) the special circumstances applying to the request.

## **11. Clearance of Vacancies**

11.1 Where a vacancy has been referred to PSMO in accordance with clause 3.4 (viii) and/or 4.1 of this Direction and the Director PSMO has determined that there are no suitable surplus employees accepted for redeployment by the State Service Commissioner the Director will clear the vacancy for advertising in accordance with Commissioner's Direction No. 1.

## **12. Employee Assistance**

12.1 The PSMO will establish a schedule of outplacement services that may be available to assist employees. These will include but not be limited to:

- a) Career Planning;
- b) Job search;
- c) Counselling (Employee Assistance Program);
- d) Family support initiatives e.g. child care arrangements;
- e) Financial planning;
- f) Superannuation; and
- g) Taxation.

12.2 Agencies will authorise employees who have been accepted for redeployment by the State Service Commissioner to engage the assistance of appropriate support service providers (as detailed above) to assist them according to their needs with the costs to be met by the employee's agency.

Employees may utilise the service providers identified by the Agency or PSMO or may choose a provider/s of their own choice having regard to;

- a) the reasonableness of the costs;
- b) the likelihood of transfer or alternative career;

- c) whether the employee is eligible for retirement (preservation age);
  - d) the stage in the SSVCP process.
- 12.3 Flowchart (attachment 1.5) illustrates several key points in the process where Agencies are required to make contact with the employee concerned to ensure they are aware of their right to access necessary and independent advice and support and to enable the exploration of options and alternatives.
- 12.4 Whilst job search and other assistance is available and encouraged at all steps in the process, after 3 months from being accepted for redeployment by the State Service Commissioner the employee will have access to a maximum of 3 paid days to undertake job search, training, preparation of applications and/or other agreed assistance.

### **13. Redeployment Alternatives Not Available**

- 13.1 At 6 months after acceptance for redeployment by the State Service Commissioner where it is evident that an inter agency transfer is not available and other alternatives are not available, the surplus employee will be advised accordingly.
- 13.2 The Director PSMO will inform the surplus employee through the Agency Contact Officer of the Director's intention to advise the SSC that an inter agency transfer is not available. The Agency Contact Officer will detail the process and the assistance available to the employee and give the employee 14 days to respond to this intention. PSMO will consider the employee's response before advising the SSC and include a copy of the employee's response in the documentation to go to the SSC. At this point offers of employee assistance will be outlined. This will be documented as part of the advice from PSMO to the State Service Commissioner that an inter agency transfer is not available.
- 13.3 Upon advice from PSMO the State Service Commissioner may exercise his powers under s.47(10) of the Act which provides that if the Commissioner is unable to assign duties to the employee within the prescribed period the Commissioner must notify the Head of Agency in writing of his inability to do so.
- 13.4 In cases where the Head of Agency recommends termination under s.44(3)(b) and this is approved by the Minister administering the Act a redundancy payment will be made. Details of the package will be provided separately under Section 18(1)(d) of the Act.

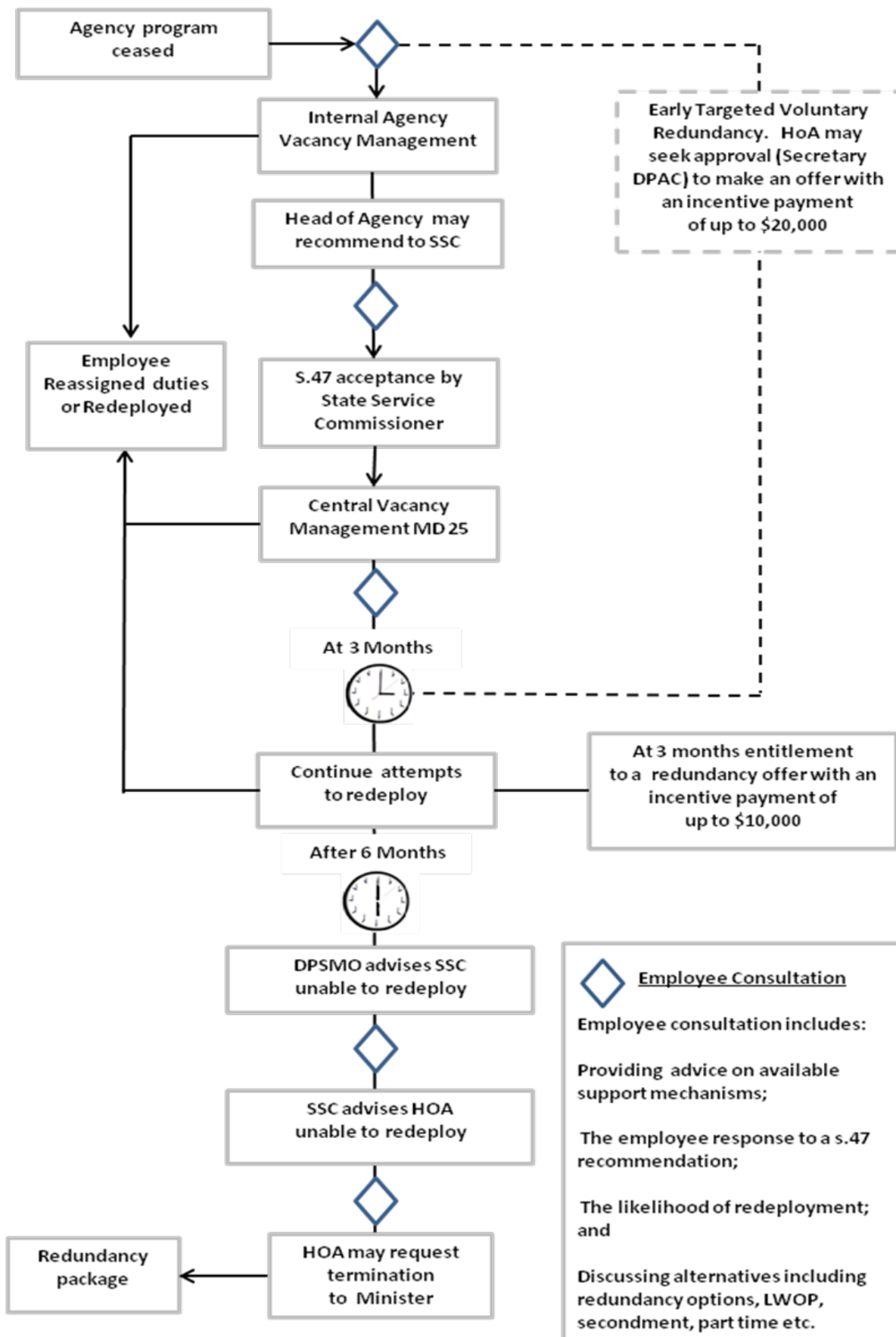
### **14. Reporting**

- 14.1 Agencies will maintain relevant details as prescribed by PSMO for the purpose of reporting progress, actions and outcomes under the reporting requirement determined for State Service Reform strategies.
- 14.2 PSMO will report monthly to Budget Committee.

## 15. Grievance and Disputes

- 15.1 If at any stage of the process an employee is aggrieved at an action or the failure to act the Agency grievance and dispute settling procedure is to be used. Agency grievance procedures are to incorporate the minimum following principles;
- a) Employee to be treated with courtesy and respect with due regard to privacy and confidentiality;
  - b) Application of natural justice and prompt action to resolve the grievance;
  - c) Reasonable notice of meetings;
  - d) Enable self management of the grievance with the employee able to have a support person or representative;
  - e) Employee able to access information and pertinent documents that are relevant to the grievance;
  - f) Maintain records of the grievance.
- 15.2 In addressing any grievance the aim is to address the issue at the time and at the level it is raised. This means initially at the local level with the ability to proceed to a higher level if required.
- 15.3 Where a dispute between Agencies is not resolved the matter may be referred to the Secretary Department of Premier and Cabinet for determination.

### State Service Vacancy Control and Redundancy Process



## TASMANIAN STATE SERVICE VACANCY CONTROL PROCESS

### (S.47) RECOMMENDATION TO THE STATE SERVICE COMMISSIONER

Name of Employee:	Employee contact details:
Award/ Classification:	Work Pattern:
Hours of work (FTE):	
Current Salary and Range:	
Date employment commenced with Agency:	
Anniversary date of last appointment:	
Term of contract of employment:	

**Head of Agency Recommendation to the Commissioner:**

Detail the Agency's efforts to identify alternative duties for the employee within the Agency, including alternative employment options considered or undertaken, suitability assessments conducted etc. and the circumstances leading to the Head of Agency's decision to recommend to the State Service Commissioner that the employee be accepted for redeployment.

---



---



---



---

---

---

**Attachments:**

1. Head of Agency's notice of intention to employee to recommend that the State Service Commissioner accept the employee for redeployment.
2. Employee's response to the Head of Agency's notice of intention to recommend to the State Service Commissioner that the employee be accepted for redeployment.
3. Details of targeted duties performed by the employee (attach the current statement of duties).
4. Employee Performance Assessment report.
5. Employee Suitability Assessment Report/s.
6. Details of employee's skills audit assessment (where completed).
7. Updated Curricula Vitae prepared by the employee.

***Head of Agency Declaration:***

I declare that internal Agency vacancy management process has not been successful in identifying alternative duties for the above employee and that the likelihood of reassignment within the Agency is [

], and that there are no unresolved issues relating to the employee concerning under performance, inability, breach of the Code of Conduct, or a claim for Workers Compensation, or invalidity for superannuation purposes.

Head of Agency signature: ..... Date.....

## TASMANIAN STATE SERVICE VACANCY CONTROL PROCESS

### EMPLOYEE PERFORMANCE ASSESSMENT REPORT

Employee Name:	
Title:	
Classification:	
Commenced with Agency:	

#### RECENT PERFORMANCE ASSESSMENT

Date of meeting/s	Development identified/ Performance outcomes / Issues identified.

#### SUPERVISOR'S REPORT

Provide examples to support comments on performance e.g.

(James does an excellent job of completing monthly and quarterly reports delivering them on time and with a high level of accuracy. Also demonstrates initiative in preparing the reports e.g. the improvements he made to the leave report, which helped us to accurately monitor trends and liabilities).

---



---



---



---



---



---

**EMPLOYEE COMMENTS**

---



---



---



---

**TRAINING AND DEVELOPMENT UNDERTAKEN**

---



---

SUPERVISOR	EMPLOYEE
<b>Name:</b>	<b>Name:</b>
<b>(Signature)</b>	<b>(Signature)</b>
<b>Title:</b>	<b>Title:</b>
<b>Phone:</b>	<b>Phone:</b>
<b>Date:</b>	<b>Date:</b>

MANAGER	
Name:	
(Signature)	
Title:	
Phone:	
Date:	1 August 2011

**Head of Agency Declaration:**

I declare there are no unresolved performance issues relating to the above employee.

**Head of Agency signature:** (or delegate)      **Date**      /      /

# TASMANIAN STATE SERVICE VACANCY CONTROL PROCESS

## EMPLOYEE SUITABILITY ASSESSMENT REPORT

<b>VACANCY DETAILS</b>			
Vacancy Title:		Vacancy Number:	
Vacancy - Agency, Division & Branch:		Appointment status:	
Part-time work pattern (if applicable)		Hours per fortnight:	
<b>RECOMMENDATION:</b>			
<b>EMPLOYEE DETAILS</b>			
Name of employee:		Employee's current Agency:	
Employee current title:		Proposed Start Date:	
Classification & Salary Point:		Development / Relocation assistance	

(Where more than one employee has been referred for assessment please complete a separate suitability assessment report for each employee).

Contact Officer	HR/ PSMO Representative
<b>Name</b>	<b>Name</b>
<b>Title:</b>	<b>Title:</b>
<b>Phone</b>	<b>Phone</b>
<b>(Signature)</b>	<b>(Signature)</b>
<b>Date</b>	<b>Date</b>

(Insert name) on (insert phone number) will be available to provide post suitability assessment feedback.

**Head of Agency Endorsement**

Name
(Signature)
Phone
Date



employee can satisfactorily carry out the duties either immediately, or within a reasonable time given appropriate training and experience. Suitability assessment is not focused on finding the 'best person' for the duties but on assessing if the referred person is suitable for the duties given that they have already demonstrated merit at the same salary level