

POLICY

PPMF | TAFESA | 126

Title

Change and Placement Services Redeployment Policy

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TAFE SA Procedures are issued under the TAFE SA Policy Management Framework. They are binding on all TAFE SA employees.

1 Policy

TAFE SA is a vibrant leader in the development of South Australia's workforce and community.

TAFE SA values the contribution made by employees.

There are times when restructure of TAFE SA operations is required. Such restructures may lead to a reduction in the number of employees needed by TAFE SA.

This policy explains the processes to be followed if such needed changes result in staff becoming unplaced, unassigned or being declared excess as a result.

2 Scope

This policy applies to all non-executive TAFE SA employees.

3 Definitions

Excess	A person who previously held a role or position that is no longer required in TAFE SA.
Income Maintenance	Income maintenance is paid to an employee who is transferred or assigned to duties at a lower remuneration/classification level.
Redeployee	An employee formally declared excess.
Restructure	A significant change in the way a business unit in TAFE SA is structured, affecting the types and number of services offered, changing the number of employees required and/or the location that services will be delivered.
TAFE SA	Technical and Further Education South Australia.
Unassigned	A Salaried or Weekly Paid employee without a funded role.
Unplaced	An educational employee without a funded placement.
Work injured	Is defined in the <i>Workers Rehabilitation and Compensation Act 1986</i> page 5.

4 Related Policies

PPMF TAFESA 127	Human Resource Change Management
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5 References

Determination 1	The Commissioner for Public Sector Employment - Determination 1: Merit, Engagement, Assignment Of Duties And Transfer Of Non-Executive Employees; Merit Based Selection Processes
Determination 2	The Commissioner for Public Sector Employment - Determination 2: Excess Employees – Income Maintenance
Guideline	The Commissioner for Public Sector Employment Guideline: Redeployment Of Excess Employees In The Public Sector
Redeployment Information	The Commissioner for Public Sector Employment Redeployment Information and templates see:
Workers Rehabilitation and Compensation Act 1986	Workers Rehabilitation and Compensation Act 1986 (SA)

6 Procedure

This procedure below explains the processes to be followed if staff become unplaced, unassigned or declared excess.

6.1 Factors that can Adversely Affect Ongoing Employment

TAFE SA operations can be impacted by external and internal financial and market pressures, changes in government and organisational policy, changes in industry focus and an increase in competition. These factors can trigger a restructure.

Additionally, the services of an employee may become under-utilised or may no longer perform their duties because of:

- changes in technology or work methods;
- changes in the organisation or nature or extent of operations of the agency;
- changed level of required qualification for the proper performance of the necessary duties; or
- the impracticality of assigning an under-utilised employee to another role within the business unit or TAFE SA.

6.2 Key Considerations

TAFE SA is committed to strong relationships with staff and to fairness, equity and respect in their treatment of all employees.

TAFE SA will act in accord with:

- Current government policy of **no forced** redundancies;
- Seeking alternative funded work for an employee before a declaration of redeployment;
- Providing support through the allocation of a dedicated case manager;
- Advising employees of their rights and responsibilities;
- Assisting employees to develop and maintain the skills needed to apply for and win other roles;
- Directing employees to a free confidential counselling service provided for them and their families - the Employee Assistance Program;
- Safeguarding the interests of the individual employee;
- Providing suitable training to improve the employee's job opportunities; and
- Ensuring priority is given to placing affected employees in funded work.

6.3 Redeployment Process

At the conclusion of the process outlined in the Human Resource Change Policy, a Director or line manager will invite a case manager from Change & Placement Services and a representative from Human Resources to meet with the relevant employee/s and advise them that a recommendation has been made to declare their role or position excess to requirements.

The line manager will advise the employee:

- the reasons the role or position is being excess to requirements; and
- the implications of being identified for redeployment.

The Change & Placement Services case manager will provide the employee and the line manager with:

- options available in the redeployment process; and
- rights and obligations of all parties.

The Human Resources representative will offer support to the employee and the line manager and assist in the transition.

Employees will be advised they and their family members have the opportunity to access the Employee Assistance Program.

If the Chief Executive, or their delegate, accepts the recommendation, the employee will be formally advised in writing and will become an excess, unassigned or unplaced employee. Excess employees will be entitled to intensive case management and appropriate employee assistance.

Ongoing and permanent employees who are declared excess are to be given priority for available vacancies. Such employees must be transferred or assigned (including where possible, appointment on an ongoing basis) to available duties if they can perform the duties to a reasonable standard, within a reasonable period of time and with a reasonable level of training and support.

Pending placement into suitable duties, an excess employee will be provided with, and will undertake, temporary duties. During this period TAFE SA will, in consultation with the employee, seek to identify opportunities for training and development.

Excess employees will be considered for suitable vacancies before the extension or reappointment of temporary and term employees. The engagement of contractors, consultants and labour hire staff will be minimised and instead suitable excess employees will be assigned or transferred.

6.4 Suitable Placements

Assignment or transfer of excess employees to suitable duties will not necessarily require agreement of the employee. Excess employees are not entitled to refuse an assignment or transfer, except in exceptional circumstances.

Duties will be deemed suitable even if the assignment or transfer involves variation to any, or all of, an employee's existing starting and finishing times; distance from home (providing every effort is made so as not to involve relocation of the employee's household and due consideration is given to the employee's personal circumstances); or remuneration/classification level.

Suitability will be determined through an assessment of the employee's skills and competencies against the requirements of the role and duties. Employees must be assigned or transferred if they can perform the duties to a reasonable standard, within a reasonable period of time and with a reasonable level of training and support.

6.5 Suitable Placements to or from External Agencies

The Commissioner of Public Sector Employment has directed that agencies will accept the transfer of apparently suitable excess employees into roles that are otherwise ongoing roles for a trial period of 6 months. Excess employees who are found to be suitable after the 6 month trial period will be appointed to the role on an ongoing basis.

This does not prevent an employee being placed into an ongoing role without a trial period.

In the case of temporary or term vacancies, agencies will accept the transfer of apparently suitable excess employees for the period of the vacancy. Trial periods may be negotiated for longer term roles.

Thus agencies will be required to accept the transfer of an apparently suitable employee where there is a reasonable skills match between the employee and the role and duties, unless there is a bona fide reason as to why the employee is unsuitable.

If an agency determines that an excess employee is not suitable, a written explanation clearly explaining the reasons must be provided to the agency in which the employee is substantively employed and (where appropriate) a copy provided to the employee. This documentation will assist the case manager and employee to better identify placement opportunities and training and development needs.

Where it is not possible to adequately assess the suitability of an employee within 6 months, a further transfer or assignment for another 6 month trial period may be negotiated.

Where an employee is deemed as unsuitable following the trial period(s) in another agency (host agency), they will return to their home agency. In these circumstances, the host agency will inform the home agency **prior** to the return of the employee.

An existing excess employee who has been performing duties on a temporary basis for 6 months or more in an ongoing role will be assigned or transferred **immediately** to those duties on an ongoing basis.

6.6 Remuneration

A suitable role may be at a lower classification or remuneration level than an employee's current substantive classification level, providing the classification does not provide a salary of less than 75% of the employee's substantive salary.

Placing an employee in duties with a significantly lower classification or remuneration should only be considered when other options have been exhausted. Where an employee is placed at a classification level lower than their substantive level the income maintenance provisions of Commissioner's Determination No. 2 are to apply.

6.7 Work Injured

TAFE SA is committed to achieving the highest practical standard of workplace health and safety.

Safety management is a core public sector value and the "Safety and Wellbeing in the Public Sector 2010-2015" Strategy is based on four fundamental principles:

- A 'Zero Harm Vision' that all injuries are preventable;
- 100% Return to Work, where injuries do occur;
- Shared responsibility for integration of safety into our management and work; and
- Wellbeing, which is integral to a holistic approach to workplace health safety.

Where an employee is injured we are all responsible for ensuring that they are treated with dignity and respect and ensuring every effort is directed towards a speedy and safe return to work.

Note: Work injured employees who are not able to carry out their normal duties as a result of compensable injury and therefore require alternative duties as part of a Rehabilitation and Return to Work Plan are to be given priority consideration ahead of excess employees.

6.8 Exception

This policy does not apply to employees who have not been formally declared excess to requirements, but require alternative duties for other reasons (e.g. following disciplinary action, unsatisfactory performance, mental or physical incapacity, organisational or personal reasons).

7 Responsibilities

7.1 TAFE SA Employees

TAFE SA employees will:

- prepare and maintain an up-to-date resume and provide it as required to the agency's case manager or other management representative;
- attend interviews or other selection processes as requested and participate in a positive and constructive manner;
- actively cooperate in an agency's efforts to effect transfer or assignment to suitable duties;
- actively identify and seek employment opportunities of their own accord;
- cooperatively and actively participate in training and other relevant development opportunities;
- comply with any lawful and reasonable direction from the agency's case manager or other persons with authority to issue such directions;
- comply with all attendance requirements;
- conduct themselves in accordance with the public sector principles set out in the Code of Ethics for Public Sector Employees.

7.2 TAFE SA Change & Placement Services

TAFE SA Change & Placement Services will:

- ensure excess employees are provided with the appropriate level of assistance and intensive case management;
- make reasonable efforts to identify suitable duties that don't require relocation of an employee's household;
- identify, in consultation with the employee, opportunities for training and development in order to expand the employee's options for assignment or transfer;
- actively manage the performance of the excess employee;
- Ensure excess employees who have open Worker's Compensation claims are managed in accordance with the requirements of the *Workers Rehabilitation and Compensation Act 1986*;
- give priority placement consideration to an excess employee from another agency in accordance with the Commissioner For Public Sector Employment Guideline: Redeployment of Excess Employees In The Public Sector

7.3 TAFE SA Line Managers

Line managers will:

- not recommend employees be declared excess as a measure to avoid management of unsatisfactory performance; and
- not require the employee to perform the same duties in the same business unit after being declared excess; and
- continue to be responsible for all line management activity, including performance coaching, approval of leave and allocation of duties, until either a project or funded vacancy is identified.

7.4 Review of TAFE SA Policy

TAFE SA Policy must be reviewed at least every two years, but may be actioned earlier according to strategic priorities, reforms or feedback received.