



## FILLING OF ROLES DURING RESTRUCTURE POLICY

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The Department of Treasury and Finance (DTF) is committed to providing employees affected by restructuring initiatives with the opportunity to secure a role at their substantive classification level (or equivalent level) which is commensurate with their existing skills. The intention is to retain as many employees as possible and thereby minimise any negative impact on employees and business operations. The process for filling vacancies, as part of organisational restructuring, has been established in accordance with the Public Sector (PS) Act 2009 and relevant Commissioner for Public Sector Employment Standards and Guidelines.

This policy has been developed to ensure that all decisions and processes embody the principles of natural justice, are free from bias, patronage and nepotism, and are appropriately documented and capable of review.

### BACKGROUND

The PS Act 2009 provides key principles, which define best practice in human resource management for the South Australian Public Sector. Effective recruitment and selection practices are key to the effective operation of public sector agencies and therefore, must be conducted within the provisions and intent of the PS Act as outlined in Part 3 Public sector principles and practices and Division 3 General employment processes and conditions and associated Regulations, Guidelines and Determinations. Within this legislative framework the processes for filling roles need to provide an appropriate balance between government public sector workforce policies, community expectations of equitable access to available roles and agency business imperatives.

The principles and procedures for quarantining non-executive roles during restructuring processes are documented in this policy, and reflect established good practice and existing guidelines for filling vacancies. In these circumstances, the quarantining of roles only applies to work units and employees affected by the restructure.

### SCOPE

This Policy provides priority to ongoing non-executive PS Act employees for assignment to vacancies during periods of organisational transition, at their substantive classification level (or equivalent level).

Temporary, fixed term and casual PS Act employees are not eligible for ongoing engagement into ongoing roles during periods of organisational transition.

**Management Responsibilities**

Managers and Supervisors are responsible for:

- Ensuring the principles and processes of this policy are adhered to when filling roles as part of a restructure;
- Informing employees of this policy and the provisions covered; and
- Consulting with employee organisations.

**Employee Responsibilities**

Employees have the responsibility to:

- Be aware of this policy and the provisions covered;
- During the period of organisational transition, participate in the role filling process to ensure an appropriate outcome; and
- Participate in merit based selection processes.

**DEFINITIONS**

**Merit**

The extent to which each applicant has abilities, aptitude, skills, qualifications, knowledge, experience and personal qualities relevant to carrying out the duties in question.

**Substantive classification level**

In this policy, ‘substantive *classification level*’ means the *classification level* (or equivalent level) the employee held on an ongoing basis.

**Transition**

Implementation phase of the organisational change process.

[Redacted Signature]

CHIEF OPERATING OFFICER

**PRINCIPLES AND PROCEDURES**

The following principles and procedures will apply when effecting a transition to a new business structure within or as a consequence of restructure within DTF.

**1. Principles and governance**

- 1.1 The Merit Principle and Equal Employment Opportunity Principles will apply in all circumstances when filling roles.
- 1.2 Employees will be kept informed of organisational changes and the implications of these changes by their Managers through a process agreed to by the employees and management of that Business Unit
- 1.3 An independent Panel will be established to consider concerns from employees directly affected by any part of the restructuring or selection processes. The aim of the Panel will be to attempt to conciliate any issues or concerns raised by employees, to avoid the more formal process of the Public Sector Grievance Review Commission. However, this will not affect an employee's right to access the formal Grievance Process if they are dissatisfied with the outcome of the internal process.
- 1.4 All employees are able to access the confidential Employee Assistance Program.

**2. Structure**

- 2.1 Prior to the implementation of a new organisational structure, all issues relating to the classification of existing roles in existing areas affected must be addressed.
- 2.2 Temporary assignments or additional duties allowances will be reviewed as part of the restructuring process, with the expectation that all such arrangements will cease as formal staffing of the new structure is achieved.
- 2.3 Any contract for service will be reviewed as part of the restructuring process with the intent of determining whether these arrangements shall cease as formal staffing of the new structure is achieved.
- 2.4 Clear and relevant Role Descriptions and Person Specifications will be developed for all roles in the new structure.

**3. Eligibility**

- 3.1 Ongoing PS Act employees within the affected business unit(s) will have priority for roles in the new structure, at their substantive classification level.
- 3.2 Temporary contract (PS Act) employees can only apply for roles affected by the restructure if they are advertised in the Notice of Vacancies and/or external press. (Return to existing ongoing role can be renegotiated consistent with 2.2 above)
- 3.3 Where an ongoing existing employee is temporarily engaged to another role, whether within or external to the business unit, they will be considered for roles within the organisational structure at their substantive classification level.
- 3.4 Individuals currently providing a service via an external employment agency can only apply for roles in the restructure if advertised in the external press. (Note 2.3 above.)

**4. Process for filling roles in the new structure**

4.1 Where there is an existing ongoing role, with substantially the same occupational duties or functions as those performed by the substantive occupant (same number of roles, same duties/functions and classification level), the substantive occupant will be confirmed in that role.

4.2 Where roles are, or have remained substantially the same and there are more ongoing employees at the classification level, than roles available, (ie 4 roles and 6 existing occupants) then a selective internal call process will be conducted amongst those employees only. Where roles are available in different business units (or Agencies) separate selection processes may be required.

Unsuccessful applicants will be managed through the redeployment process.

4.3 Where roles are or have remained substantially the same (same duties/functions and classification levels) but there are more roles than employees, (ie 7 roles and 4 employees) then the existing ongoing employees will be confirmed into the roles.

In a situation where roles are available in different business units (or Agencies), employees should be consulted as to which business unit (or Agency) they would prefer and confirmation negotiated, where practicable. A selective internal call process may be conducted among these employees where confirmation cannot be negotiated.

Remaining roles will be advertised on the Notice of Vacancies and/or external press and filled through a merit based selection process, after consideration is given to other suitable work injured or excess employees at the same classification level.

4.4 New roles or roles with changed duties and classification levels will be advertised on the Notice of Vacancies and/or external press and filled through a merit based selection process, however priority consideration will be given to:

4.4.1 employees within the affected business unit(s) who are at the same classification level and are yet to be placed, and then

4.4.2 other suitable work injured or excess employees at the same classification level.

Suitability will be determined based on assessment against the Essential Minimum Requirements of the Person Specification.

**5. Redeployment**

Where an employee is unsuccessful in obtaining a role in the new structure, they will be declared excess to requirements and the normal principles and procedures associated with the placement of excess employees in the SA Public Sector shall apply (*Commissioner for Public Sector Employment Determination 7: Management of Excess Employees – Redeployment, Retraining and Redundancy*).

Unsatisfactory performance and allegations of unsatisfactory performance including disciplinary issues do not constitute grounds for declaring employees excess to requirements.

**REFERENCES**

- *Public Sector Act 2009*
- *Commissioner for Public Sector Employment Determination 7: Management of Excess Employees – Redeployment, Retraining and Redundancy Determination 2: Determination of the Commissioner for Public Sector Employment; Excess Employees – Income Maintenance*
- *Equal Opportunity Act 1984*