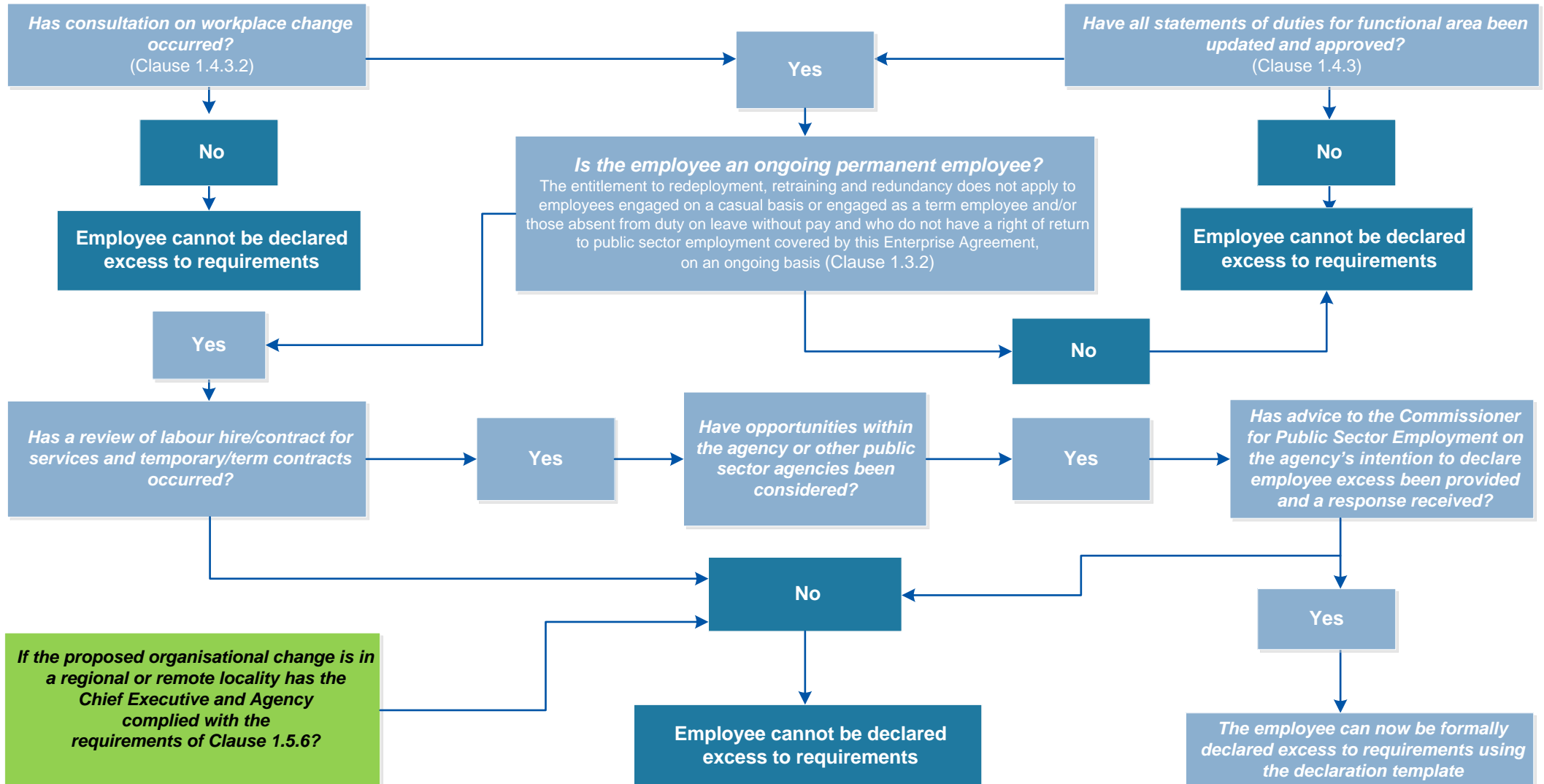


**REDEPLOYMENT, RETRAINING AND REDUNDANCY ARRANGEMENTS
PUBLIC SECTOR AGENCIES AND EMPLOYEES COVERED BY THE SOUTH AUSTRALIAN MODERN PUBLIC SECTOR ENTERPRISE
AGREEMENT: SALARIED 2017**

Note: Clause references are from Appendix 1 of the Enterprise Agreement

BEFORE DECLARING ANY EMPLOYEE EXCESS



Please note: This document provides information on the process for Redeployment, Retraining and Redundancy, however not all relevant clauses are provided. This document must be read in conjunction with Appendix 1 of the South Australian Modern Public Sector Enterprise Agreement: Salaried 2017.



EMPLOYEE DECLARED EXCESS – TIMEFRAMES AND SEPARATION PAYMENTS

SEPARATION PAYMENTS

An excess employee has the right to give notice at any time that they wish to accept a voluntary separation payment. The employer will make an offer of voluntary separation payment when such notice is given. The applicable terms of clause 1.8.3 will be determined by the date of notice given to the employer (Clause 1.8.1)

A redeployee will be required to provide 14 days' notice to terminate their employment (or less by agreement). The basis for calculating the voluntary separation payment is 10 weeks' pay plus 2 weeks' pay per year of service to a maximum of 52 weeks. This is in accordance with the Treasurer's Budget Statement of June 2014 (Clauses 1.8.2 and 1.8.3)

An excess employee will have a minimum of 21 days to respond to any offer of a voluntary separation payment. (Clause 1.8.4)

An excess employee who has been a redeployee for between 0 to 3 months from date of formal written declaration of excess is entitled to redundancy payment equal to 100% of the voluntary separation payment prescribed in clause 1.8.3 plus a lump sum payment of \$15,000; or An excess employee who has been a redeployee for more than 3 months and up to 12 months from date of formal written declaration of excess is entitled to redundancy pay equal to 100% of the voluntary separation payment prescribed in clause 1.8.3; or An excess employee who has been a redeployee for more than 12 months from date of formal written declaration of excess is entitled to redundancy pay equal to 75% of the voluntary separation payment prescribed in clause 1.8.3 (Clauses 1.8.5; 1.8.6; 1.8.7; 1.8.8)

21 Days: Redeployment Plan based on the Skills, Knowledge and Attributes Assessment is mandatory for all excess employees who have not expressed an immediate interest in separation and must be completed and provided to the employee, Clause 1.10.1 "21 days from the date the employee acknowledges receipt by signature of the written advice that they have been declared excess."

The Redeployment Plan will be reviewed by the case manager and the excess employee at regular intervals and in any event at the expiration of the first three months of the redeployment period. (Clause 1.10.1.1)

6 months: Within the first 6 months of an employee being declared excess, the applicable case manager/agency representatives must attempt to identify at least one vacancy/assignment of suitable ongoing duties, or term/contract duties of no less than 12 months, as set out in clause 1.13.2 Suitable Duties, that are reasonable match with the employee's skills and capabilities (including with support and training). (Clause 1.10.2)

In the event that this does not occur, the case manager must meet with the employee and their representative (if applicable) to discuss and review the employee's Redeployment Plan. (Clause 1.10.2.1) The outcomes of these discussions and the action plan for next steps must be provided by the case manager to the employee in a revised Redeployment Plan and a copy forwarded to the Office for the Public Sector (OPS). (Clause 1.10.2.2)

9 months: In the event that suitable ongoing duties, or term/contract duties of no less than 12 months, as set out in clause 1.13.2 Suitable Duties, have not been identified within 9 months from the date of the excess employee being declared excess, the relevant employing Agency must notify the CPSE and the association. (Clause 1.10.3) The Chief Executive will discuss with the employee/employee representative, case manager and the CPSE or representative from OPS, any reasons for which an assignment to alternative suitable duties has not been achieved. This will include a review of the process to date and the development of options, to be incorporated into an agreed revised Redeployment Plan (Clause 1.10.3.1)

12 months: In the event that suitable ongoing duties, or term/contract duties of no less than 12 months, as set out in clause 1.13.2 Suitable Duties, has not been identified within 12 months of the employee being declared excess, the Agency, the CPSE or representative from OPS, the case manager and the employee/employee representative will meet to discuss the outcome of the Redeployment Plan. The parties will discuss whether:
1. the Redeployment Plan has been complied with by the Agency, the case manager and the employee;
2. all reasonable efforts have been made to identify suitable alternative duties for the employee; and
3. there are exceptional circumstances which could make it reasonable to extend the redeployment period,
and/or amend the Redeployment Plan, to provide further opportunity to identify suitable alternative duties. (Clause 1.10.4)

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PREPARATION FOR CONSIDERATION OF VACANCIES AND OPPORTUNITIES FOR PLACEMENT AND CASE MANAGEMENT SUPPORT

Redeployment Plan and Skills Profile – Assessment of Transferable Skills (Clause 1.11.1.1)

Unless an employee has expressed an immediate interest in separation, the case manager will be required to develop, in collaboration with the excess employee, an individual skills profile incorporating an assessment of the employee’s transferable, generic skills, knowledge and attributes, in particular relevant to a public sector context at the employee’s classification level or equivalent. This skills profile will be incorporated into a **Skills, Knowledge, Attributes Assessment Template** which will form part of the employee’s **Redeployment Plan**, to be jointly developed by the excess employee and their case manager. This Plan will contain agreed tasks and timelines for both case manager and excess employee.

Undertaking and completing the **Skills, Knowledge, Attributes Assessment Template** and **Redeployment Plan** is the first operational priority of the case manager in the redeployment process. A Redeployment Plan based on the Skills, Knowledge, Attributes Assessment is mandatory for all excess employees seeking redeployment and must be completed and in the hands of the employee in accordance with clause 1.10.1 (21 days)

Support and Training (clause 1.11.2)

An excess employee will receive the appropriate level of support and training which is identified in the employee’s Redeployment Plan and Skills, Knowledge, Attributes Template. The case manager may seek necessary approval from the employee’s agency for reasonable support services and retraining to occur within a reasonable timeframe. Support services could include, but are not restricted to, skills analysis incorporating assessment of transferable skills, career advice, counselling and individual support services and retraining, including to enhance employability or to address perceived skills deficits.



Public Sector Wide Access to Vacancies

For all employment to which this Enterprise Agreement applies, any excess employee, no matter where employed, will have pre-publication access to any suitable public sector vacancies in employment in agencies covered by this Enterprise Agreement. This does not prevent a case manager from enquiring about and advocating for vacancies in any public sector agencies. (Clause 1.12.4.1)

Vacancy Database Access

Both the excess employee and their case manager will have pre-publication access to the iworkfor.sa.gov.au (for employment classifications to which this Enterprise Agreement applies), including any period when the excess employee is in a temporary assignment (Clause 1.12.5.1)

Dispute: Where there is disagreement between the case manager and the employee about the reasonable support services and retraining the matter will be referred to the relevant HR Director in the employee’s agency (Clause 1.11.2.2)

The case manager assigned to an excess employee will actively case manage, including recording the case management activities, and seek a substantive placement of 12 months or more for that employee throughout the 12 month redeployment period, including throughout any short-term placements the excess employee may undertake. (Cause 1.11.4.4)

The case manager will be required look after the best interests of the excess employee and to meet the agency’s needs.
The case manager is to consult with the excess employee during the pre-publication period for each vacancy considered for referral.
An excess employee seeking redeployment will be provided with, at the initiative of the case manager, regular contact and monthly reports of case management activity and support on their behalf throughout the entire period of their being excess, including during temporary assignments.
To ensure the success of a placement case managers will continue to be available as may be required for a reasonable period of time after redeployment of the excess employee and in any event, until completion of any support and training plan that may have been put in place. (Clause 1.11.5)



VACANCIES AND PLACEMENTS

The case manager will advocate in support of the excess employee's job search, in particular with vacancy managers, and will identify whatever professional support is required and the employee's relevant transferable skills for referral to any vacancy. (Clause 1.11.4.1)

Case managers should encourage vacancy managers to not take an unnecessarily technical approach to the employee's transferable skills and suitability for a vacancy (Clause 1.11.4.2)

Temporary Placements

An excess employee who has been assigned to an ongoing vacancy may not be subject to any probation or 'trial' period, however represented. An excess employee assigned to an ongoing vacancy is declared no longer excess to requirements and becomes an ongoing employee of the vacancy agency for all purposes. (Clause 1.13.7.1)

A temporary placement is where an excess employee is assigned to temporary duties of less than 12 months for purposes such as skill development and forms part of the Redeployment Plan. The case manager may request that the employee's manager provide a written assessment of the employee during the placement period in the agency. (Clause 1.13.7.2)

Temporary Assignments

In the event that an excess employee seeking redeployment is given a temporary assignment (that is one of less than 12 months), the employment agency is to be made aware from the outset by the case manager that at any point in the assignment, the excess employee may be redeployed to an assignment which releases them from being declared excess, or to one that in the assessment of the case manager and employee provides a better prospect of their being released from being declared excess. (Clause 1.13.8.1)

Labour Hire/Contract for Service – Excess Employees
(Clause 1.12.1)

Employees declared excess must be actively considered, with appropriate support and training, for suitable duties as set out in clause 1.13.2, previously carried out by contract for service or labour hire staff (however described). In that consideration, case managers must make every effort to develop assignment opportunities amounting to 12 months or more.

Term Contracts – Excess Employees

Where an agency has term contracts (however described) and an employee declared excess at the same classification level, the Chief Executive must ensure that term contracts (however described) are not renewed or 'rolled over' without first considering if the duties are suitable for the employee declared excess with appropriate support and training. (Clause 1.12.2.1)

Dispute: Where a vacancy manager determines that an excess employee is not suitable and written reasons have been provided and considered by the case manager and the employee and attempts have been made to resolve the differences, the matter will be referred by the case manager in the first instance to the relevant HR Director in the vacancy agency and in the event that the matter cannot be resolved the matter will be formally referred by the case manager within 48 hours with full reasons to the CPSE and both the employee Chief Executive and vacancy Chief Executive for resolution; the vacancy will remain on hold (Clause 1.11.4.3)

Dispute: In the event of any disagreement with operational management and attempts have been made to resolve the differences, the matter will be referred by the case manager in the first instance to the relevant HR Director in the vacancy agency and in the event that the matter cannot be resolved the matter will be formally referred by the case manager within 48 hours with full reasons to the CPSE and both the employee Chief Executive and vacancy Chief Executive for resolution; the vacancy will remain on hold (clause 1.12.1.2)

Access to Applicant Pools

When such a pool intention or order of merit is first advertised, the case manager of an excess employee at the same substantive level can ask the vacancy manager to register the excess employee at the same classification as the first person for consideration for the first vacancy. This is irrespective of whether the pool intention or order of merit is typified as casual, temporary, term or ongoing (Clause 1.12.8.2)

Where an excess employee or their case manager is aware of an existing pool or order of merit still current from some period in the previous 12 months, the case manager can ask the vacancy manager to register an excess employee at the same level as the first person for consideration for any vacancy (clause 1.12.8.3)

Where more than one excess employee is registered for a pool order of merit, the excess employee most readily suitable, even with appropriate support and training and determined by the relevant case managers and the vacancy manager will be redeployed. Remaining excess employees, and any newly registered excess employee, will be considered on the same basis for any subsequent vacancies arising. (Clause 1.12.8.4)

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Assessment for Redeployment to a Vacancy

The assessment for redeployment to a vacancy will require the excess employee, their case manager and the vacancy agency manager to complete an Assignment Support and Training Needs Assessment Template incorporating the employee’s transferable skills, a skills deficit assessment against the requirements of the vacancy duties (not person) specification and a support and training program where required to address that deficit, to a reasonable standard of performance within a reasonable period of time. (Clause 1.13.4.1)

In the event that the case managers of more than one excess employee express interest in one vacancy the full assessment of both/all excess employees needs to be undertaken. The excess employee most readily suitable, even with support and training, as determined by the relevant case managers and the vacancy manager will be the one to be redeployed. (Clause 1.13.5.1)

Dispute: In the event that an excess employee is not redeployed to a vacancy the matter will be referred by the case manager in the first instance to the relevant HR Director in the vacancy agency and in the event that the matter cannot be resolved the matter will be referred by the case manager within 48 hours with full reasons to the CPSE and both the employee Chief Executive and vacancy Chief Executive for resolution; the vacancy will remain on hold. (Clause 1.13.4.2) and (Clause 1.13.5.3)

Pre-Publication Vacancy Access Timeframe

For employment classifications to which this Enterprise Agreement applies, the period of pre-publication access will be four business days before a lodged vacancy can be published on iworkfor.sa.gov.au. The four business days is the period during which an excess employee’s case manager may express an interest on behalf of the employee after which the vacancy is placed on hold until the proper assessment of the employee’s suitability has been completed, which may not necessarily be within 4 business days (Clause 1.12.6.2)

Withdrawn Vacancies

This clause applies if a case manager genuinely believes that a vacancy has been withdrawn or effectively re-advertised following an earlier vacancy on iworkfor.sa.gov.au site being withdrawn. In the event that a vacancy has been re-advertised, the case manager may place a (pre-publication) hold on the vacancy or, post publication, notify the vacancy manager of the intention to advise relevant HR Director in the vacancy agency. (Clause 1.12.9.1)

Release of a Hold on a Pre-Publication Vacancy

In the event of disagreement about releasing any vacancy placed on hold for publication, the matter will be in the first instance referred by the case manager to the relevant HR Director in the vacancy agency and in the event that the matter cannot be resolved the matter will be formally referred by the case manager within 48 hours with full reasons to the CPSE and both the employee Chief Executive and vacancy Chief Executive for resolution; the vacancy will remain on hold (clause 1.12.7.1)



REQUIREMENTS OF EITHER NO LONGER EXCESS OR CHIEF EXECUTIVE RECOMMENDING TERMINATION OF EMPLOYMENT

Has a notification of duties and working arrangements been provided to the employee?

As part of the assignment to suitable duties (see Clause 1.13.2), the Case Manager will provide the following information in writing to the excess employee:
i. A statement of duties (which may be described as a job description or role statement) by the agency in which the suitable duties has been identified;
ii. A statement of the required support and training, including any approved expenditure and timeframes;
iii. A statement of the relevant work arrangements.
(Clause 1.13.9.1)

Yes

No

Employee has not been undeclared excess to requirements

Has the employee been provided with formal documentation declaring them as no longer excess

An employee who is placed in an ongoing or term/contract (however expressed) employment of no less than 12 months must be formally advised that they are no longer an excess employee.
For the purposes of determining whether an employee has been placed in employment of no less than 12 months, the 12 month period will include the cumulative effect of extensions undertaking the same or similar duties.
(Clause 1.14, 1.14.1, 1.14.2)

Yes

An employee who has been formally advised that they are no longer an excess employee will be treated in the same manner as any other ongoing employee before any consideration is given to declaring the employee excess again. (Clause 1.15.1)

Employee is no longer excess to requirements

Obligations prior to terminating employment of an excess employee

For all employment to which this Enterprise Agreement applies, an Agency must fully comply with this Appendix and its sub clauses before the Chief Executive proposes terminating the employment of an excess employee. The Chief Executive must be satisfied that the following obligations have been complied with, namely the Chief Executive must:

- i. Have made reasonable endeavours to find, but failed to find, other suitable duties in the agency or other public sector employment to which the employee may be assigned or transferred on conditions that maintain the employee's remuneration level; and
- ii. Have informed the CPSE of the grounds on which it is proposed to terminate the employment of the employee and the processes leading up to the proposal to terminate; and have considered any advice given by the Commissioner within 14 days as to the adequacy of the processes.

(Clause 1.16)