

Quality Staffing

About Commissioner's Standards

The Strategic Human Resource Framework for the South Australian Public Sector issued by the Commissioner for Public Employment supports consistent best practice outcomes in the management of people across the public sector. It is an enduring strategic approach, reflecting quality management and continuous improvement principles.

The Framework provides guidance and information within eight key result areas at three levels:

- Guidelines, which detail the principles underpinning the key result areas.
- Commissioner's Standards, which support the effective implementation of public sector workforce policies and the personnel management standards of the *Public Sector Management Act 1995* (PSM Act), and the protection of key conditions of employment. The standards include relevant delegations, directions and determinations of the Commissioner under the PSM Act.
- Supporting materials and information that assists agencies in the development and implementation of best practice human resource management.

This Standard should be read in conjunction with the *Guideline for the Recruitment and Employment of Non Executive Employees* and the *Guideline for Executive Employment*, and is linked to the Quality Staffing key result area of the Framework.

Quality Staffing

Appoint the best possible staff and manage their career mobility to best effect. (eg selection, appointment, promotion, redeployment and separation of staff)

Responsibilities of Chief Executives

Chief executives may further delegate in writing any power or function provided within this Standard to a particular person, or to the person for the time being occupying a particular positions, unless otherwise indicated (*direction under Section 22(1)(a) and Section 26 of the PSM Act*). The exercise of delegations by chief executives (or their sub-delegate) must be conducted in a manner consistent with *Part 2 of the PSM Act* and must not be used to reduce existing entitlements or terms and conditions of employment. Care must also be taken in the exercise of the delegations that there are not unintended consequences of reduction to existing entitlements or terms and conditions of employment and that all obligations for consultation have been met.

The PSM Act requires the Commissioner and chief executives to consult with employees and employee organisations before making decisions or taking action that may impact on a significant number of employees of an agency. Such consultation must be meaningful, giving the affected employees/organisation(s) reasonable time to consider the proposed decision/action, and properly considering any representation(s) made by the employees/organisation(s). When exercising delegations on behalf of the Commissioner, chief executives are responsible for ensuring appropriate consultation occurs.

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Executive versus Non-Executive Positions

Minimum Requirements

1. The following classes of positions are executive positions:
 - positions classified within the EX structure
 - positions classified within the MLS structure
 - positions classified within the EL structure under the previous Government Management and Employment Act, through the transitional provisions under Schedule 4 of the Public Sector Management Act
(determination under Section 30(1)(d) of the PSM Act)

Delegations

Not applicable.

Remuneration Structures

Minimum Requirements

2. The EX remuneration structure for executives in the South Australian public service consists of 6 bands of work value ranked from Level A to Level F. The remuneration (ie classification) level of a position is determined under the Cullen Egan Dell (CED) job evaluation system based on the degree of expertise, judgement and accountability required to perform in a position. The structure is outlined in Attachment A.

A chief executive must base a decision to fix or vary a remuneration (classification) level within the EX (executive) remuneration structure on a CED job value assessment.

(determination under Section 30(1)(a) and (c) of the PSM Act)

3. The Classification Standards issued by the Commissioner for Public Employment outline the agreed non executive remuneration structures and processes for fixing remuneration levels. Classification standards for Professional Officers are detailed in the South Australian Government Wages Parity (Salaried) Enterprise Agreement 2006. These replace the previously issued classification standards for the Professional Services Officer stream, effective from the first full pay period on or after 1.10.2006.

Chief executives in fixing or varying the remuneration level of a position must adhere to the criteria contained within the SA Public Sector Salaried Employees Interim Award 2004 and the South Australian Government Wages Parity (Salaried) Enterprise Agreement 2006 and described in the Classification Standards. For positions not covered by that award, the Commissioner must agree to the processes for fixing and varying of remuneration levels unless a prior agreement has been negotiated.

Specific requirements in relation to salary and increment determination within non-executive remuneration structures are outlined in Attachment B. *(determination under Section 30(1)(a) of the PSM Act).*

4. When determining minimum qualification requirements for non-executive positions, chief executives must ensure:
 - the essential minimum qualifications outlined in Attachment C are required for relevant positions
 - a minimum of a degree level qualification is required for all positions classified within the Professional Officer Stream
 - a Recognised Qualification listed as appropriate for entry into the Technical Grades Stream is required for positions at all levels, with the exception of TGO0.
 - for assignment or appointment into the Technical Officer, Unqualified (TGO0) level, the employee must have previously satisfied the educational standards for entry into a course of study leading to a qualification of at least, an approved and relevant Certificate level course.

(determination under Section 30(1)(c) of the PSM Act)

Delegations

5. The Presiding Officer, Promotion and Grievance Appeals Tribunal may:
- establish review panels for the purposes of Section 32(1) of the Act
 - chair review panels as the delegate of the Commissioner for Public Employment pursuant to Section 32(2)(a) of the PSM Act
 - select an employee from a panel of employees nominated by recognised organisations (Section 32(2)(b) of the PSM Act)
 - nominate employees to form a panel of employees and select an employee from the panel of employees (Section 32(2)(c) of the PSM Act).

Any matters relating to an application for review from a non-executive employee which could potentially result in a variation of their remuneration level to a level within an executive remuneration structure must be discussed by the Presiding Officer with the chief executive of the relevant agency before the establishment of a remuneration panel to consider the application. (delegation of the power of the CPE under Section 32 of the PSM Act)

Recruitment

Minimum Requirements

6. Work injured public sector employees are to be given priority consideration for all non-executive vacancies.

Following consideration of work injured public sector employees, excess public sector employees of administrative units and other public sector agencies covered by agreements negotiated under Regulation 11 are to be given priority consideration for non- executive vacancies.

Work injured or excess employees must be appointed or assigned to a vacancy if they could achieve the outcomes of the position to a reasonable standard within a reasonable period of time with a reasonable period of training (subject to the requirements of Attachment H in the case of excess employees). In the case of work injured employees this may also require appropriate workplace modifications.

Note that such placements/appointments/assignments may initially be made on a trial basis, even if the available position is ongoing.
(*direction under Section 22(1)(a) and in line with the WRC Act*)

7. The following arrangements are required for the advertisement of vacancies:
All vacancies over 12 months:

- must be advertised in the Notice of Vacancies, and
- in the case of such vacancies at the ASO6 (or equivalent) and higher levels (including executive vacancies), must also be advertised in the external press, [*this requirement is suspended from 29 September 2006 until 30 September 2007 to support the management of displaced employees as a result of the structural changes announced in the 2006 budget*]

except in cases where:

- the chief executive has determined under delegated power of the Commissioner pursuant to Section 22(1)(d) of the PSM Act that merit based selection processes will not be required for appointment of a person to the vacant position or
- the position is filled via a public sector wide equal employment opportunity program or special employment program specified as a Public Sector Special Employment Program in Commissioner's Standard 1 – A Planned Workforce
- where the need exists to ensure a high calibre field of applicants, chief executives may seek applications for other positions through the external press, as well as the Notice of Vacancies.

(*direction under Section 22(1)(a) of the PSM Act, which reflects government policy*)

8. In relation to the filling of all non-executive vacancies, regardless of level or duration, chief executives must establish an agency policy that:
- includes the consideration of work injured and excess employees from the agency and wider public sector
 - reflects the provisions and intent of the PSM Act as outlined in the Personnel Management Standards

- adheres to specific appointment/assignment provisions of the Act and delegations, directions and determinations of the Commissioner regarding:
 - management and placement of work-injured and excess employees
 - merit-based selection processes
 - advertising vacancies

(direction under Section 22(1)(a) of the PSM Act)
- 9. A chief executive may assign an employee to a position at a higher remuneration level within their administrative unit up to a maximum of 12 months, subject to the processes for setting allowances for non-executives or non-contract executives assigned to an executive position at a higher remuneration level outlined in Attachment D.
(direction under Section 44(3) of the PSM Act)
- 10. For the purposes of Sections 33, 39 and 42, a merit based selection process for appointments to executive positions, and non-executive ongoing and 1-5 year contract positions:
 - must include advertisement on the Notice of Vacancies; or
 - other processes as approved by the Commissioner for Public Employment for public sector wide equal employment opportunity programs and special employment programs.

(direction under Regulation 9 of the PSM Act)

Delegations

11. The Commissioner has decided that he will not delegate approval to assign an executive or non-executive employee to a position at a higher remuneration level in the EX remuneration structure past 12 months. A chief executive may extend the assignment of an employee to a non-executive position at a higher level past 12 months in exceptional circumstances, but only for a period of 3 months at one time.
(delegation under Section 44(3) of a power of the CPE).
12. Chief executives may assign an employee between administrative units with the agreement of both chief executives, within the parameters outlined in 9 and 11 above.
(delegation of the CPE under Section 44(2) of the PSM Act)
13. Chief executives may determine that merit based selection processes will not be required for appointment to executive positions, non executive ongoing positions, and non executive 1-5 year contract positions in the following circumstances:
 - the person to be appointed to the position would clearly be the best person for the position based on an assessment of merit if the position was advertised in the external press and any selection processes would therefore be an unnecessary administrative procedure, or
 - the position is of a critical or short term nature and the chief executive believes it is not appropriate to conduct selection processes or
 - the appointment was required to ensure that whole of government workforce policies such as mobility could be effectively implemented.

Chief executives must not further delegate this power without the Commissioner's approval.

(delegation of a CPE power under Section 22(1)(d) of the PSM Act)

In relation to non-executives, chief executives may also determine that merit based selection processes will not be required for appointment to ongoing and 1-5 year contract positions in the following additional circumstances:

- the appointment is required to ensure that whole of government workforce policies such the management of excess and work injured employees can be effectively implemented.
- the appointment of a contract employee with a right of further appointment to an ongoing position at the end of their contract (where this has not been written into the contract as required by other directions of the Commissioner), or
- the appointment of an existing ongoing employee to the same position on a 1-5 year contract where it is necessary to offer special conditions to attract/retain the employee, or
- the conversion of a contract employee to ongoing (or longer term 1-5 year contracts), provided there has been a merit based selection process, or
- the appointment of a temporary contract employee to an ongoing position following appointment in a temporary position past two years ('two year rule' – breach of Section 40(5) of the Act).

(delegation of a CPE power under Section 22(1)(d) of the PSM Act)

14. Chief executives may approve the withdrawal of a nomination for appointment to a non-executive position.
(delegation of a CPE power under Section 42(6)(b) of the PSM Act)
15. Chief executives may approve the establishment of a pool of applicants for filling positions of a class, and determine such classes of positions.
(delegation of powers of the CPE under Section 42(3) and Regulation 11(3) of the PSM Act)
16. The Presiding Officer, Promotion and Grievance Appeals Tribunal may nominate a panel of employees under Clause 3(1)(a) of Schedule 3 for the purposes of constituting the Promotion and Grievance Appeals Tribunal.
(delegation of Clause 3, Schedule 2 powers of the CPE)

Appointment

Minimum Requirements

17. Chief executives must ensure that the following requirements are met before making a decision to appoint a person:
- issues which may impact upon the suitability of the person for a position, including criminal history and background checking, any conflicts of interest and appropriate work visas, are identified and considered
 - issues relating to Government public sector workforce policies are known and considered (eg not re-employing a recipient of a voluntary separation package or people receiving worker's compensation settlements during non-employment periods).

(direction under Section 22(1)(a) of the PSM Act)

Delegations

18. Chief executives may approve the use of 1-5 year contracts for non-executive positions, subject to the following:
- provisions within contracts must reflect the requirements of any directions of the Commissioner
 - for positions required for the carrying out of a project of limited duration not exceeding 5 years (Section 40(4)(b)(i)):
 - the position must relate to a specific project of duration not exceeding five years, and
 - the contract may only make provision for reappointment up to a total aggregate term of 5 years.
 - for positions where special conditions need to be offered to attract or retain the services of a suitable person (ie attraction/retention) (Section 40(4)(b)(ii)):
 - there must be clear evidence that a specific person will not accept or remain in a specific position on an ongoing basis with normal conditions of employment
 - the contract may make provision for reappointment, even if the total aggregate term of the contract appointments is more than 5 years
 - for externally funded positions (Section 40(4)(b)(iii) & Regulation 10(b))
 - the position has been created on the basis that it would be funded wholly or substantially (at least 30%) by grants or payments from a government other than the State Government or from a private or community body, and
 - the contract may make provision for reappointment, even if the total aggregate term of the contract appointments is more than 5 years. However, such reappointment may only occur if the funding arrangements remain unchanged beyond the existing term of the contract.

- for positions related to functions ceasing to be public service functions (Section 40(4)(b)(iii) & Regulation 10(a))
 - the Chief Executive is satisfied following a written decision of Cabinet that the functions of the position are to cease to be Public Service functions within a period of five years.
- for positions where public sector employees have been incorporated into the public service by a proclamation of the Governor (Section 40(4)(b)(iii) & Regulation 10(c))
 - can only be used where the position is filled by a public sector employee incorporated by the Governor into an administrative unit under section 7 of the PSM Act and the employee's employment immediately before his or her incorporation into the public service was under a contract for a fixed term
 - at the end of the existing term of the contract at the time of incorporation, any reappointment to a 1-5 year contract may only occur if one of the other criteria for the use of such contracts is appropriate.

(delegation of powers of the CPE under Section 40(4)(b) and Regulation 10 of the PSM Act)

19. Chief executives may approve arrangements for multiple appointments whereby:

- a person may be appointed to and employed in the public service for a period during which the person continues to hold or remains in some other office or employment outside the public service; or
- a person who is employed in the public service may remain in that employment for a period during which the person holds or is engaged in some other office or employment outside the public service.

subject to the following conditions:

- the employee is on leave without pay from their position outside the public service or their position in the public service; or
- the total hours worked over all the positions/offices will not exceed the normal working hours of a full time position in the administrative unit. In some circumstances a chief executive may approve employment in another position/office which means that the total hours worked by the employee will exceed the normal hours of a full time employee, provided the chief executive is satisfied that the additional work will not impact on the employee's performance of duties in their current position(s).
- and
- the chief executive is satisfied that the other position/office will not result in a conflict or potential conflict with the employee's official duties in the public service
- and
- the chief executive of the administrative unit approves of the arrangements. Where the employee is to be employed in two public sector agencies then the chief executives of both agencies must approve of the arrangements.

(delegation of a power of the CPE under Section 70 of the PSM Act)

Conditions of Employment

Minimum Requirements

20. Chief executives must use the pro forma contracts provided in Attachment E for appointment to executive positions.
A chief executive may vary these pro forma contracts on advice from the Crown Solicitor's Office.
(direction under Section 22(1)(a) of the PSM Act)
21. Chief executives must utilise the pro forma non-executive contracts provided in Attachment E for appointments to casual, temporary and 1-5 year contract positions. Such contracts may be varied on advice from the Crown Solicitor's Office but any amendment must reflect any directions and determinations of the Commissioner and provision of any delegations.
(*direction under Section 22(1)(a) of the PSM Act*)
22. Where a chief executive believes that special conditions within a non-executive contract need to be offered in respect of a particular position to secure or retain the services of a particular person:
- the special conditions must not include the provision of a private plated vehicle unless this has been previously approved by Cabinet for this class of positions, or is approved by the Commissioner for Public Employment in exceptional circumstances on a case by case basis.
 - the contract **must not** provide a right to further appointment at the end of a 1-5 year attraction/retention contract (ie where an ongoing position was converted to a 1-5 year contract to enable special conditions to be offered to attract or retain the services of a particular person to a particular position) **except** where the contract position is in a remote or very remote location, in which case the employee may be offered the right to an appointment to an ongoing position without special conditions, at the same classification level as the contract, at the expiry of the contract
 - for casual, temporary and other types of 1-5 year contracts, a right to ongoing employment at the end of the contract must be provided as required by directions or determinations of the Commissioner **except** where a temporary or 1-5 year contract is for a remote or very remote location, in which case the person may be provided with a right to ongoing employment without special conditions, at the same classification level as the contract, at the expiry of the contract.
- A description of a remote or very remote location is provided in Attachment F.
(determination under Section 30(1)(b) of the PSM Act)
23. Where a PSM Act non executive employee who is currently appointed:
- on an ongoing basis or
 - on a contract which provides a right to appointment to a position on an ongoing basis at the end of the contract appointment
- is to be appointed to another position subject to a contract in an administrative unit, then the new contract must provide the right for appointment to an ongoing position at their former remuneration level at the end of the contract appointment.

A contract must not provide a right for appointment to a position on an ongoing basis that is at a higher remuneration level than the former remuneration level of the employee except where a contract is for a remote or very remote location, in which case the person may be provided with a right to ongoing employment without special conditions, at the same remuneration (classification) level as the contract, at the expiry of the contract.

To ensure this occurs, the Commissioner hereby determines that chief executives must undertake the steps outlined in Attachment G before such appointments are made.

Note that in this standard 'former remuneration level' means the remuneration level the employee held on an ongoing basis before taking up the proposed, current or any preceding contract appointment or assignment to a position at a higher remuneration level. This is also commonly known as the 'substantive remuneration level' of the employee.

(determination under Section 30(1)(b) of the PSM Act)

Delegations

Not applicable.

Redeployment of Excess Employees with a Right to Ongoing Employment

Minimum Requirements

24. Chief Executives will ensure that proper consideration is given to redeployees in the filling of all vacancies including short term appointments (less than 3 months), and additional duties appointments/assignments in accordance with this Standard

The minimum income maintenance provisions for excess employees within the parameters set forth by relevant awards, enterprise or industrial agreements are as outlined in Attachment H.
(determination under Section 50(4) and Regulation 13 of the PSM Act)

Delegations

25. For the purpose of organisational restructuring a chief executive may quarantine non-executive positions from the normal requirements for filling vacancies required by directions and determinations of the Commissioner subject to the following criteria:
- prior to the implementation of the quarantine for positions within specified areas of the agency:
 - human resource principles and procedures for the implementation of organisational restructuring are developed and implemented in consultation with affected employees and relevant employee organisations.
 - all issues related to the classification of existing positions in the existing areas of the agency affected by the restructuring are addressed
 - the quarantining of positions only applies to work units and employees affected by the restructure
 - existing ongoing employees currently working in the areas affected, or on leave, or currently working on contract/short term assignment in other areas/agencies with a right to ongoing employment in the areas affected are to be given priority consideration for placement at their substantive level in the new structure
 - contract employees without a right to ongoing employment in the areas affected may only be transferred into the new structure for the term of their existing contract, following consideration of employees with a right to ongoing employment in the affected areas
 - positions are quarantined for a period of 12 months or less, with quarantining ceasing once positions have been filled, or it is clear that no further existing employees can be assigned into the new structure at their current remuneration level (ie classification level).

(direction under Section 22(1)(a) of the PSM Act)

26. To assist the management and redeployment of excess employees, chief executives may assign/appoint/transfer excess public sector employees to positions at the same remuneration level in their agency or another public sector agency without consultation with, or the involvement of, the Commissioner, in line with the approach outlined in Attachment H and the delegations provided below. Such delegations may only be exercised if the chief executive has established and implemented an agency policy and associated processes for the redeployment of excess employees in consultation with employees and employee organisations.

Chief executives may:

- assign a PSM Act employee from a PSM Act position in one administrative unit to a PSM Act position at their substantive remuneration level in another administrative unit (Section 44(2)), subject to:
 - such an assignment being allowed under the provisions of the PSM Act and determinations/directions of the Commissioner **and**
 - both chief executives agreeing to the assignment and, where the assignment is for a limited period, which agency will provide the right to ongoing employment at the end of the period
- appoint a non PSM Act employee of an administrative unit to a PSM Act position in the same administrative unit without the need for selection processes (Section 22(1)(d)) where:
 - the non PSM Act employee is excess to requirements in relation to their normal type of appointment or employment; and
 - the chief executive believes that the only suitable position to place the employee is a PSM Act position
- transfer an excess public sector employee from a position in a public sector agency to a position in another public sector agency (Section 68), subject to the following conditions:
 - only public sector employees who are covered by enterprise agreements which include the no forced redundancy provisions and are either public servants or have been determined to be relevant public employees pursuant to Regulation 11 of the PSM Act may be transferred
 - public sector employees may be transferred between positions at the same remuneration level (or equivalent levels)
 - the public sector employee's accrued and accruing leave rights will be transferred to the new agency and the transfer will not be considered as a termination of employment with the former agency
 - the exercise of the powers will be in accordance with determinations/directions of the Commissioner and
 - both chief executives agree to the transfer.

The Commissioner also delegates his powers under Section 68 to chief executives of public sector agencies with public sector employees who are covered by an enterprise agreement which includes the no forced redundancy provisions **and** who have been determined to be relevant public employees pursuant to Regulation 11 of the PSM Act.

A chief executive may only assign, appoint or transfer a public sector employee to a position under another Act or type of employment in such circumstances if:

- the assignment/appointment/transfer would not unduly advantage the employee. The employee is not to be appointed or transferred to a position with a remuneration level (ie classification level) which is higher than the level which equates to the work value of their substantive position. The only exception to this is where the person is to be appointed to a position at the lowest level of another remuneration structure (eg weekly paid to ASO1), and
- the employee will not be paid at a lower income level for at least three months following appointment/transfer/assignment to a position with a lower income level, subject to the conditions outlined in the income maintenance provisions of this standard (refer to Attachment H), and
- the person's conditions of employment will be those normally applicable to the position.

(delegation under Sections 22(1)(d), 44, 50 and 68 of the PSM Act)

Termination of Employment

Minimum Requirements

27. When appointing people to non-executive contract positions, chief executives must only utilise the specific termination clauses provided in pro forma contracts. Such clauses may be varied on advice from the Crown Solicitor's Office but any amendment must reflect any directions and determinations of the Commissioner.
(direction under Section 22(1)(a) of the PSM Act)
28. Chief Executives may not re-employ recipients of any voluntary early retirement or voluntary separation package from the South Australian public sector if a 'no re-employment' period involved is still current unless specifically exempted by the chief executive in the public interest.
(direction under Section 22(1)(a) of the PSM Act)
29. The Commissioner may provide a further direction/determination in regards to separation benefits and processes.

Delegations

30. Chief executives may approve the termination of an executive's contract by notice.

Note that chief executives must not further delegate this power without the Commissioner's approval.

(delegation of a power of the CPE under Section 36(2) of the PSM Act)

Record Keeping

Minimum Requirements

31. Chief executives must:
- ensure that appropriate attendance records are maintained for all employees.
 - establish and maintain one personal file for each employee within set minimum requirements outlined in Attachment I.

(direction under Section 22(1)(a) of the PSM Act)

Delegations

Not applicable.

Previous Directions/Determinations/Delegations

The following directions/determinations were cancelled from 29.4.2005:

- PSM Act Determination 1 – Executive Employment
- PSM Act Determination 2 – Non Executive Recruitment and Employment
- PSM Act Determination 3 – A Managed Workforce – Redeployment
- PSM Act Determination 4 – Targeted Voluntary Separation Package (TVSP) Scheme.

ATTACHMENT | A

EX (Executive) Remuneration Structure

Executive Level F (CED points 2,400 – 3,200)

- chief executive of a very large multifaceted agency accompanied by very large service delivery (responsibilities) or
- chief executive of a strategic central agency with a whole of government focus.

Executive Level E (CED points 1,800 – 2,399)

- chief executive of a large agency with a focus on statewide resource management impacting on public and private sectors and making a significant contribution to the economic/social development of the state or
- statutory officer providing highest level independent advice to government and Parliament across a wide range of issues.

Executive Level D (CED points 1,400 – 1,799)

- chief executive of a medium agency with a focus on service delivery and development of government programs or
- statutory officer/executive director with a focus on a major aspect of government administration and regulatory affairs or
- director role encompassing a broad range of accountabilities in a major multifaceted agency covering policy development, major projects of statewide significance or large service delivery responsibilities.

Executive Level C (CED points 1,020 – 1,399)

- chief executive of a small agency/independent division with a focus on a specific function, discipline or service including policy development, program enhancement and quality service provided or
- director managing significant resources delivering professional/technical/corporate services through a major statewide distribution network or
- director providing strategic policy advice on matters affecting a number of portfolios or major government initiatives/projects with statewide significance affecting public and private sectors.

Executive Level B (CED points 810 – 1,019)

- principal manager of a specialist function for the state which is multifaceted and covers a number of professional, technical and operational disciplines or
- director of a major administration or service performed under general direction from higher level executives or
- principal advisor or program developer of major new initiatives with state significance and with implications for how government business is conducted.



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Executive Level A (CED points 670 – 809)

- principal project manager leading the investigation of complex matters involving the assessment of economy, efficiency and effectiveness in how government/agencies conduct business and develop new services or
- director of a specialised function covering a small range of disciplines or integrating a number of facets comprising a major aspect of the agency's operations or
- key advisors to government/public and/or private sectors, on a specific function/discipline, profession or statutory/regulatory matter.

ATTACHMENT | B

Salary and Increment Determination Within Non-Executive Remuneration Structures

An employee must be remunerated at a rate appropriate to the remuneration level of the position to which they are currently appointed or assigned.

For most levels of a remuneration structure there will be a salary range with specific steps within the range (commonly referred to as increments).

Normally, initial appointment to a remuneration level will be made at the minimum of the salary range. Progression from one increment to the next is based on work experience and will normally only occur on an annual basis following 12 months service at a given increment of that or a higher remuneration level. However, an agency may determine an alternative arrangement when appointing or assigning a person to a position at a specific remuneration level, or progressing an employee from one increment level to the next.

Note that for Professional Officer positions, the Enterprise Agreement :

- specifies that the entry point for a person with a four year degree is one increment higher than would normally apply to a person with a three year qualification, with equivalent experience. The next increment will be payable on completion of the current year of relevant experience since completing all requirements of the course, or registration, or whatever other provision applies to that position.
- requires an assessment process for progression beyond the 5th increment of PO1 and for appointment at or progression to the 4th increment of PO5.

Part time and casual experience

To determine the number of relevant years of experience for the purposes of determining the appropriate increment to which to appoint a person from outside the public sector where such experience includes part time or casual employment, the amount of part time or casual experience should be converted to an equivalent amount of full time service.

However a period of part time service within the public sector is to be considered as equivalent to the same period of full time service for the purposes of determining future increments within a remuneration level or when a public sector employee is appointed/assigned to a further position.

Casual employees within the public service are entitled to further increments within a remuneration level. However, a period of casual service within the public sector must be converted to an equivalent amount of full time service when determining relevant experience for the purposes of determining future increments within a remuneration level or when a public sector employee is appointed/assigned to a further position.

Effect of suspension without pay and leave without pay on salary increments

Any period of suspension without pay pursuant to Section 59 of the PSM Act will not count as service for incremental purposes, unless the suspension is revoked because the employee is either acquitted of the charge or is found not liable to disciplinary action. The effect of not counting the suspension period shall be on the same basis as leave without pay.

No period of leave without pay shall count as service for incremental purposes unless:

- the salary range gives an entitlement related to age; or
- the employee is absent on worker's compensation; or
- the leave without pay was for a work related placement and the period is determined to count for this purpose in accordance with Commissioner's Standard 3.4 – Leave.

When calculating a revised increment date, the period to be postponed should be based on the equivalent number of working days leave without pay granted in the previous year. In the event that the period concludes on a working day immediately prior to a non-working day (eg Saturday or rostered day off), payment should be made from the next working day but the increment recorded as being due on the day immediately after the last working day (eg on the Saturday for an employee working Monday to Friday).

For part time employees a similar method should be used with any postponement being based on his/her normal duties.

Public holidays are to be treated as normal working days for this purpose.

ATTACHMENT | C

Minimum Qualification Requirements for Non-Executive Positions**Administrative Services Stream (ASO)**

Occupational Group	Minimum Essential Qualifications
Competency assessors	The competencies specified as essential for assessors within the Australian Quality Training Framework Standards for RTO's, or its replacements
Competency based trainers	The competencies specified as essential for trainers in the Australian Quality Training Framework Standards for RTO's, or its replacements
Conveyancing Officers	Registered as a Conveyancer in accordance with the <i>Conveyancers Act 1994</i>
Financial Management	An appropriate degree in accounting, finance or economics majoring in accounting, where the prime responsibility for the financial/accounting function for the organisation is carried out at that level (generally ASO6-MAS3). Note that there are a range of other financial/accounting positions which do not have prime responsibility for financial / accounting management in an agency. These may demand either an appropriate degree; or an appropriate tertiary qualification; or a desirable qualification only; subject to job requirements.
Planners	Corporate membership of the Planning Institute of Australia, or such qualifications or experience in urban and regional planning, or geography, or environmental management or a related discipline to satisfy requirements for prescribed qualifications for the purpose of Section 101 of the <i>Development Act 1993</i> .

Operational Services Stream (OPS)

Occupational Group	Minimum Essential Qualifications
Building Officers	An appropriate trade or post trade qualification
Dental Hygienists	An appropriate qualification which entitles registration as a Dental Hygienist with the Dental Board
Dental Therapists	An appropriate qualification in dental therapy
Inspectors, Plumbing and Drainage	A Certificate of Competency in Sanitary Plumbing (prior to 1973) or Certificate in Competency in Advanced Plumbing
Metal Trades (Supervisors and Inspectors)	An appropriate trade or post trade qualification

Professional Officers (PO)

Occupational Group	Minimum Essential Qualifications
Agricultural Scientists	A degree in agricultural science, rural science, natural resource science or science
Anthropologists	An appropriate degree in anthropology or archaeology
Architects	Registered as an Architect under the provisions of the Architects Act 1939
Graduate in Architecture (PO1 only)	A degree in architecture accredited or recognised by the Architects Accreditation Council of Australia
Archivists	A degree in Information Management or Archives Administration, or a degree majoring in history, politics, anthropology, law or commerce, or another degree and eligible for professional membership of the Australian Society of Archivists
Art Educators	A postgraduate diploma in art education
Audiologists	A graduate or post graduate qualification or equivalent and eligible for Membership of the Audiological Society of Australia
Conservators	A degree in Conservation of Cultural Material (Canberra) or equivalent or an appropriate degree in science
Curators	A degree in fine arts, applied science or science
Dietitians	An appropriate Degree and Post Graduate qualification in Nutrition and Dietetics and eligible for membership of the Dietitians Association of Australia.
Energy Project / Policy Officers	A degree in either engineering, science, economics, commerce, law or other appropriate discipline
Engineers	A degree in Engineering providing eligibility for graduate membership as a Professional Engineer of the Institution of Engineers, Australia
Forestry Officers	A degree in forestry or forest science, or an appropriate degree with relevant forestry experience
Geoscientists	A degree in science majoring in geology or geophysics
Guidance Officers: PO1 or PO2	Eligible for registration as a teacher and an honours degree or equivalent in psychology
PO3 and above	Eligible for registration as a teacher and a Registered Psychologist
Librarians	Eligible for Professional Membership of the Australian Library and Information Association
Naval Architects	An appropriate tertiary qualification in naval architecture and appropriate certification
Occupational Therapists	A degree or other qualification which gives eligibility for registration as an Occupational Therapist

Pharmacists	A Degree or equivalent in Pharmacy giving eligibility for registration with the Pharmacy Board
Physiotherapists	A Degree or other qualification which entitles registration as a Physiotherapist
Podiatrists	An appropriate degree in Podiatry or equivalent giving eligibility for registration with the Chiropody Board of South Australia
Primary Industry Economists	A degree in agricultural economics, or a degree in agricultural, rural or natural resource science plus post graduate economics
Psychologists (Clinical)	A masters degree in clinical psychology and registered under the provisions of the <i>Psychological Practices Act 1973</i> Note: Chief executives may accept applications from persons with masters qualifications in Psychology (or higher) from other specialisations, where they are satisfied that the applicant's qualifications are of a standard necessary to undertake the professional requirements of the role.
Psychologists	Registered as a Psychologist under the provisions of the Psychological Practices Act, 1973. All positions requiring Registration as a Psychologist (except Guidance Officers) are to be titled Psychologist. A descriptive term may be included in brackets to indicate the field of practice [eg Psychologist (Forensic), Psychologist (Sports) etc].
Trainee Psychologist (PO1 only)	Completion of a four year course of study or higher in Psychology recognised by the South Australian Psychological Board and under supervision approved by the Board.
Quantity Surveyors	An appropriate degree in Building, Quantity Surveying or Construction Management accredited or recognised by the Australian Institute of Quantity Surveyors.
Radiation Therapists	A statement of Accreditation in Radiation Therapy from the Australian Institute of Radiography, or its recognised equivalent
Radiographers	A statement of Accreditation in Diagnostic Radiography from the Australian Institute of Radiography, or its recognised equivalent
Scientists	An appropriate degree in science
Social Workers	A degree level qualification in the social work discipline to a standard accepted by the chief executive. Note: Qualifications recognised by the Commissioner prior to the date of inclusion of social workers in the professional services stream will be recognised for employees who were employed as social workers at this date and have been employed continuously as social workers since this date.
Speech Pathologists	An appropriate degree in speech pathology or other appropriate qualification giving eligibility for Practising Membership of the Speech Pathology Association of Australia

Sports Scientists	An appropriate degree in science or a degree majoring in physical education, exercise and sports science or similar area of study
Surveyors	Registered or Licensed as a Surveyor under the provisions of the Survey Act 1992.
Surveying graduate (PSO1)	Bachelor of Geoinformatics and Surveying from the University of South Australia, or equivalent as assessed by the Institution of Surveyors, Australia
Valuers	Qualified as a Valuer in accordance with the <i>Land Valuers Act 1994</i>
Veterinary Officers	A degree able to be registered with the Veterinary Surgeons Board
Veterinary Pathologists	A degree able to be registered with the Veterinary Surgeons Board
Veterinary Scientists	An appropriate degree in science

Technical Grades Stream (TGO)

Occupational Group	Minimum Essential Qualifications
Environmental Health Officers	An appropriate qualification approved by the Department for Human Services for appointment as an Authorised Officer under the Food Act and Public and Environmental Health Act. An appropriate qualification which enables the issue of a Certificate of Competency under the Health Act and authorisation under the Food Act and Public and Environmental Health Act

Other Occupational Groups/Streams

Occupational Group	Minimum Essential Qualifications
Dental Officers	Registration as a Dentist with the Dental Board
Enrolled Nurse	Enrolled or eligible for enrolment as a Nurse with the Nurses Board of South Australia and who holds, or is eligible to hold, a current practising certificate
Harbourmasters and Pilots (MPG)	A Certificate of Competency as Master, Class1
Legal Officers (LE)	A Degree in Law (plus an Admitted Legal Practitioner if appropriate)
Legal Officers, Crown Solicitor's Office (LEC)	A Degree in Law and an Admitted Legal Practitioner
Medical Consultant or Senior Consultant	Appropriate specialist qualifications for Consultant / Senior Consultant giving eligibility for registration as a Specialist with the Medical Board of South Australia
Medical Practitioners (MD)	A Degree in Medicine and a Degree in Surgery giving eligibility for registration with the Medical Board of South Australia as a Medical Practitioner

Medical Scientists	A degree in science or applied science, or Associate Membership of the Australian Institute of Medical Laboratory Scientists
Occupational Health Nurses	Registered Nurse with a current appropriate practising certificate
Registered General Nurse	Registered or eligible for registration as a General Nurse by the Nurses Board of South Australia and who holds, or who is eligible to hold, a current practising certificate.
Registered General Nurse and Mental Health Nurse	Registered or eligible for registration as a General Nurse and Mental Health Nurse by the Nurses Board of South Australia and who holds, or who is eligible to hold, a current practising certificate.
Registered General Nurse and Midwife	Registered or eligible for registration as a General Nurse and Midwife by the Nurses Board of South Australia and who holds, or who is eligible to hold, a current practising certificate
Registered Mental Health Nurse	Registered or eligible for registration as a Mental Health Nurse by the Nurses Board of South Australia and who holds, or who is eligible to hold, a current practising certificate
Registered Midwife	Registered or eligible for registration as a Midwife by the Nurses Board of South Australia and who holds, or who is eligible to hold, a current practising certificate.

ATTACHMENT | D

Allowances for Assignment

Remuneration for assignment of a non-executive or non-contract executive to a higher level executive position is on the basis of a cash allowance which is calculated on a per annum basis and paid fortnightly in arrears. The cash allowance is paid in addition to the person's substantive salary.

Chief executives are responsible for determining whether the maximum allowance should be paid or some proportion of that amount. The decision should be based on a work value assessment, which takes into account:

- the length of time the person will be assigned to the executive position, and
- the range of responsibilities and duties of the executive position that the person will be expected to perform.

For example, if an assignment is only for 3 weeks and many of the duties of the executive position will not be performed during that period, then the actual allowance payable should be determined to be a proportion of the maximum allowance payable.

The principles for determining the maximum allowance payable to a non-executive or non-contract executive and how this should be calculated are outlined below.

The reference point for determining an appropriate allowance is the executive remuneration (classification) level of the executive position, at the minimum (tenured) salary set for remuneration at that level. Neither the untenured structure nor the EL structure are relevant points of reference for this purpose and should not be used.

Executive remuneration has been determined on a TRPV basis, which includes the cost of both salary and superannuation. Therefore the value of the employer superannuation contribution needs to be calculated and then deducted from the TRPV for the executive position, otherwise the government will pay twice for superannuation.

For non-executives or non-contract executives assigned to an executive position, calculation of the employer superannuation contribution is complicated by the fact that there are 3 different statutory schemes in operation. As both the Pension Scheme and Lump Sum Scheme are closed schemes, the calculations for appropriate allowances need to include an amount being the difference in current and proposed employer superannuation costs. The applicable methods of calculation for each scheme are outlined below.

Members of the Triple S Scheme

Step 1 Determine the cash salary payable per annum. This equals the TRPV divided by 1.09. The difference between the TRPV and the cash salary payable per annum, is the amount of the employer superannuation contribution payable.

- Step 2** Deduct the substantive salary from the cash salary payable per annum. (Note that assignment to an executive level position will increase the salary for superannuation purposes for a member of the Triple S Scheme above their substantive salary and therefore increase the employer contribution).
- Step 3** Ensure the employer superannuation contribution as calculated above, is paid to Super SA on the employee's behalf.

Members of the Pension Scheme

- Step 1** Determine the salary for superannuation purposes. This equals the employee's substantive salary. (Note assignment will not increase the salary for superannuation purposes if the person is not on a contract or contracts with terms aggregating 5 years or more and the method of determining "superannuation salary" according to a percentage of the TRPV will not apply).
- Step 2** Determine the "employer superannuation contribution" percentage as follows:
- Pension Scheme: 20% from 1 July 2001
 - Lump Sum Scheme: 12% from 1 July 2001.
- Step 3** Calculate the dollar value of the employer contribution to be deducted from the TRPV by multiplying the "superannuation salary" calculated at Step 1 by the "employer superannuation contribution" percentage determined in Step 2.
- Step 4** Deduct the employer contribution dollar value and the substantive salary from the TRPV to arrive at the maximum allowance payable per annum.

Members of the Lump Sum Scheme

- Step 1** Determine the salary for superannuation purposes. This equals the employee's substantive salary. (Note assignment will not increase the salary for superannuation purposes if the person is not on a contract or contracts with terms aggregating 5 years or more and the method of determining "superannuation salary" according to a percentage of the TRPV will not apply).
- Step 2** Determine the "employer superannuation contribution" percentage as follows:
- Pension Scheme: 20% from 1 July 2001
 - Lump Sum Scheme: 12% from 1 July 2001.
- Step 3** Calculate the dollar value of the employer contribution to be deducted from the TRPV by multiplying the "superannuation salary" calculated at Step 1 by the "employer superannuation contribution" percentage determined in Step 2.
- Step 4** Deduct the employer contribution dollar value and the substantive salary from the TRPV to arrive at the maximum allowance payable per annum.



Quality Staffing

ATTACHMENT | E

Pro Forma Contracts (Under Review)

Pro forma contracts, in Word format, are located in Appendix 1, after all Attachments, for agency use.

ATTACHMENT | F

Remote and Very Remote Locations

Factors affecting the filling of vacancies and the retention of staff
The following factors were identified as being the main barriers to attracting people to fill vacancies in remote areas:

- Perception that remote area service stifles developmental opportunities and/or career progression;
- Reduced living conditions, particularly in regard to housing standards, and increased cost of living in remote areas;
- Limited employment opportunities for spouse/family members transferring into remote areas;
- Perception that services such as education are not as good as metropolitan areas;
- Insufficient incentives to attract skilled people; and
- Current incentives more inclined to retain employees as opposed to attracting skilled people.

Defining Remoteness

For the purposes establishing the parameters for the application of this policy, the Accessibility/Remoteness Index of Australia (ARIA) has been utilised. This geographically based index for remoteness was developed at Adelaide University GISCA and has been adapted (in the form of 'ARIA+') by the Australian Bureau of Statistics (ABS) as the remoteness standard for application across Australia.

ARIA+ defines remoteness as:

REMOTE	Areas with average ARIA+ index values greater than or equal to 5.92 and less than 10.53	Geographic distance imposes a high restriction upon accessibility to the widest range of goods, services and opportunities for social interaction
VERY REMOTE	Areas with average ARIA+ index values greater than or equal to 10.53	Geographic distance imposes the highest restriction upon accessibility to the widest range of goods, services and opportunities for social interaction

For the purposes of arriving at meaningful indices, the maximum rating is 15. The ABS has determined that ARIA+ indices will be updated with the latest Census data. A map of Remote/Very Remote SA towns where the public sector is represented is at Attachment 1.

As the map illustrates, remoteness values are calculated by Census Collector's District and where public sector workplaces are not specified, e.g. Smokey Bay, then the Remoteness value for the appropriate Census District would apply.

Scope

The prerequisite test for the application of this policy will be an agency's inability under existing terms and conditions to attract appropriate, skilled staff to vacant positions in remote and/or very remote locations within the state and to retain those employees.

These attraction and retention benefits and incentives do not constitute employee entitlements. The expectation is that, consistent with the other attraction and retention provisions contained in Commissioner's Standard 2 – Quality Staffing, the agencies will bear the expense of these measures and will utilise them only as necessary.

The application does not act to enhance or diminish existing employment conditions as they apply through normal industrial processes or through Commissioner's Standards or other mechanisms, but rather provides a supplementary range of options for agencies to deploy.

Flexibility

Whilst the focus is directed towards recruitment of employees external to remote and/or very remote locations, it does not necessarily exclude application to individuals recruited locally or already employed in the public sector.

Whilst Attachment 1 outlines remote and/or very remote locations across the state, Regional Facilitation Groups and/or agency chief executives can request the Commissioner for Public Employment to include or to exclude specific locations, such as Pt Lincoln, which may be defined as remote, but have no difficulty in attracting people or retaining employees, either on a case by case basis or on an agency wide basis.

Special conditions within contracts

Chief Executives are able to consider the following range of initiatives to attract and retain employees to remote and/or very remote locations

The PSM Act allows the Commissioner to approve the use of a 1-5 year contract for a non executive ongoing position where special conditions need to be offered to secure or retain the services of a suitable person.

Such conditions are normally in the form of a monetary or other benefit on top of the conditions of employment which would normally be available to the person if they were appointed on an ongoing basis.

This process should not be confused with the salary packaging arrangements for all eligible employees under the SA Government Salary Sacrifice Arrangements.

The Commissioner has delegated to chief executives the power under Section 40(4)(b)(ii) of the PSM Act to approve the use of contracts to provide special conditions to retain or attract the services of a particular person in a particular position. This delegation is subject to the following:

- there must be clear evidence that the person will not accept or remain in the position on an ongoing basis with normal conditions of employment. Note that 'normal conditions' in this context includes appointment at any increment within the normal salary range for the remuneration level of the position; and
- the chief executive must report the details of all such appointments to the Commissioner within 2 weeks of the end of each financial year; and
- the chief executive must take into account any flow on implications for the agency and public sector; and
- the special conditions **must not** include the provision of a private plated vehicle unless this has been previously approved by Cabinet for this class of positions, or is approved by the Commissioner for Public Employment in exceptional circumstances on a case by case basis; and
- the contract **must not** provide a right to further appointment at the end of a 1-5 year attraction/retention contract (ie where an ongoing position was converted to a 1-5 year contract to enable special conditions to be offered to attract or retain the services of a particular person to a particular position) except where the contract position is in a **remote or very remote location**, in which case the employee may be offered the right to an appointment to an ongoing position without special conditions, at the **same classification level as the contract**, at the expiry of the contract; and

In some circumstances it may be necessary to convert an existing ongoing appointment of an employee to a 1-5 year contract appointment in the same position so as to offer special conditions to retain the services of a particular person. However, to enable this to occur the Act normally requires the position to be called and filled using merit based selection processes.

The Commissioner has determined that selection processes will not be required to further appoint an employee currently appointed on an ongoing basis in a specific position to the same position on a 1-5 year contract, if it is necessary to offer special conditions to retain the services of the employee in the specified position. This determination is subject to the conditions specified above for the delegation of the power of the Commissioner under Section 40(4)(b)(ii) of the PSM Act to approve the use of contracts to provide special conditions to retain or attract the services a particular person in a particular position.

Tenure and Right of Return

Commissioner's Standard 2 – Quality Staffing currently provides for 1 to 5 year contracts, which may attract specific attraction or retention benefits. However, these fixed term appointments do not normally allow continuity of tenure at their expiration or provide for a right of return. It is acknowledged that access to such provisions can be a desirable element in attracting and retaining skilled employees to remote or very remote locations. As such agencies can offer tenure in the following circumstances:

Where the employee was an ongoing public sector employee prior to accepting the contract in a remote or very remote location, the employee will have rights to an ongoing position without special conditions, at the same classification level as the contract, at the expiry of the contract.

Where a temporary or 1-5 year contract is for a remote or very remote location, the person may be provided with a right to ongoing employment without special conditions, at the same classification level as the contract, at the expiry of the contract. The employing agency will meet the associated relocation costs at the expiry of the contract.

Relocation costs

Commissioner's Standard 3 – Responsive and Safe Employment Conditions establishes the criteria for the reimbursement of relocation expenses. In addition to the provisions of Commissioner's Standard 3 – Responsive and Safe Employment Conditions, the following provisions can be extended to external applicants (so defined),

- prepayment of estimated expenditure in order to assist employees with relocation and settling in. This may especially apply to young people moving out of home or where the person is establishing a second household to take up an appointment in a remote or very remote location. Reconciliation can then be undertaken to adjust any outstanding expenses or overpayment between the estimated expenditure and actual expenditure.
- reimbursement of reasonable costs in seeking accommodation, meals and travel reimbursement for this purpose.
- removal costs beyond the current limits where exceptional circumstances exist (eg additional cost to travel to remote or very remote location).
- reconnection of services.
- redirection of mail.
- accelerated depreciation of furniture and white goods.

Advertising vacancies in remote or very remote locations

Subject to normal recruiting processes, i.e. prior access by redeployees and EEO groups, vacancies in remote or very remote locations can be advertised externally if the agency chief executive deems it appropriate. All external advertising will be concurrent with Notice of Vacancy advertisement.

Agencies are encouraged to, where appropriate, combine with other agencies to co-advertise remote or very remote vacancies particularly to promoting the region and career opportunities.

Support and employment for partners

Employment for partners or spouses already employed in the public sector is to be subject to the same conditions of tenure and right of return as for the primary employee, whether in respect of employment in conjunction with that of the primary employee or for leave without pay necessitated by that employment.

Leave without pay for up to five years is to be granted for the period of a partner's employment in a remote/very remote location.

Joint local commitment is required by agencies to, if necessary, create and fund a supernumerary position for the employee's partner. Agencies are to commit to pooling employment opportunities by identifying relieving positions or projects to be undertaken in one or more agencies.

Agencies can assist with partners accessing Job Network or other employment agencies.

Studies and/or retraining assistance to assist with gaining private sector employment or establishing a small business in the remote or very remote location can be provided to partners to a reasonable level determined by the chief executive.

Where the employee's partner is not a public sector employee, agencies can assist the partner/spouse accessing Job Network providers or other employment agencies.

In addition, Chief Executives can consider providing support for secondary or tertiary studies and/or for establishing a small business to facilitate employment of the employee's partner, to a reasonable level determined by the Chief Executive.

Purchased leave

Partners who are public sector employees will be entitled to access up to 4 weeks purchased leave in conjunction with the primary employee's relocation to assist in that process and/or in the process of the partner obtaining further employment, in either the private or public sector. This is in addition to any special leave with or without pay approved and any other accrued recreation or other leave.

Family travel assistance

Where the employee in a remote or very remote location attends an approved training or development function, the associated travel and accommodation costs will be met, once every calendar year, for one member of the employee's family to accompany the employee.

Very Remote Area study leave

Employees working in very remote locations can accumulate credit towards study leave on full pay. Credit can be accumulated at a rate of 5 points per service year. Once the employee has accumulated 20 points, the following options are available:

- One semester of leave with pay, or
- Two semesters of leave with pay at half pay.

Part year service will be calculated on a pro-rata basis. Approval will be at the discretion of the Chief Executive to determine the appropriate study program and timing of the leave to ensure agency operational needs are fulfilled.

Internet access and support

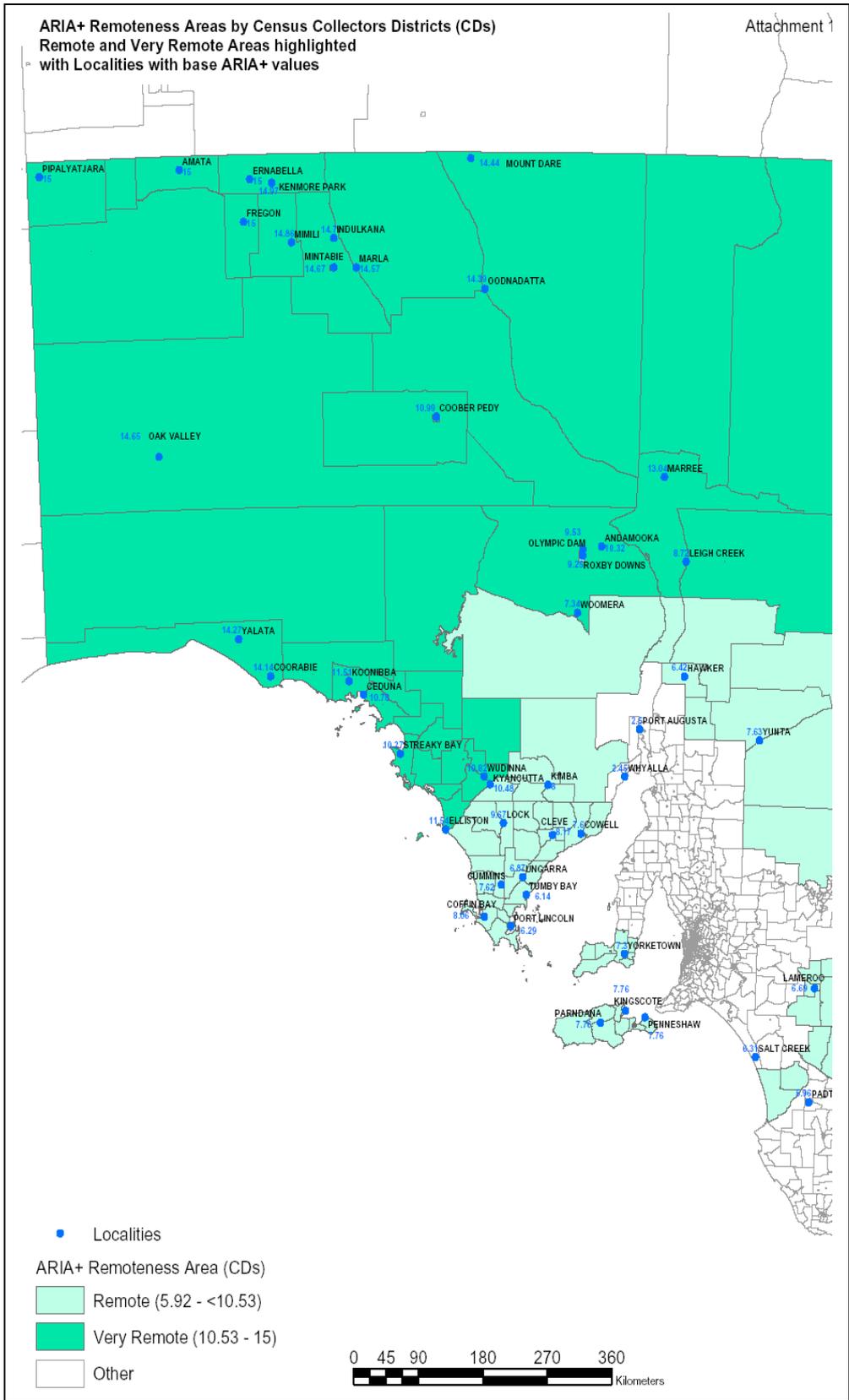
Domestic access to the internet is an accepted level of amenity for Australians and their families. Employees and their family members need to have home access to the internet as part of a basic level of amenity in remote or very remote locations.

Employing agencies can make the necessary computer hardware and software available for home access/use and meet all associated costs such as hardware, software and internet service providers.

Other provisions

Chief Executives can consider other means of support for the employee and their family, to a reasonable level determined by the chief executive. These might include, but are not limited to:

- Assistance with maintaining or upgrading vehicles
- Support family responsibilities eg assistance with elderly parents and/or children with special needs
- Access to internet based DVD/VCR rental
- Access to satellite TV or similar
- Access to specialised schooling
- Assistance with maintaining more than one residence
- Assistance with schooling/education for children in regional/metro areas eg boarding school and uniforms.



ATTACHMENT | G

Right to Further Appointment in Non-Executive Contracts

Pursuant to Section 30(1)(b) the Commissioner for Public Employment hereby determines that, unless otherwise required by a direction or determination of the Commissioner, when a PSM Act non executive employee who is currently appointed:

- on an ongoing basis or
- on a contract which provides a right to appointment to a position on an ongoing basis at the end of the contract appointment

is to be appointed to another position subject to a contract in an administrative unit, then the new contract must provide the right for appointment to an ongoing position at their former remuneration level at the end of the contract appointment.

A contract must not provide a right for appointment to a position on an ongoing basis which is at a higher remuneration level than the former remuneration level of the employee except where a contract is for a remote or very remote location, in which case the person may be provided with a right to ongoing employment without special conditions, at the same remuneration (classification) level as the contract, at the expiry of the contract.

To ensure this occurs, the Commissioner hereby determines that chief executives must undertake the following steps before such appointments are made.

Appointment on a contract with a term of more than two years

If the term of a contract appointment in an administrative unit exceeds two years, then the chief executive of that administrative unit must include a provision in the contract that provides for an ongoing appointment at the employee's 'former remuneration level' in that administrative unit at the end of the contract.

Appointment on a contract that will bring the aggregate continuous term of contract appointments above a period of two years

If the aggregate time that an employee has been employed in the public service subject to contract since they were last employed on an ongoing basis in the public service will exceed two years as a result of:

- a new contract appointment or
- an extension of a existing temporary contract or
- reappointment under an existing contract or
- re-negotiation of a term of appointment within an existing contract

in an administrative unit, then the chief executive of that administrative unit must include a provision in the contract which provides for an appointment in that administrative unit at the end of the contract at the employee's former remuneration level.

If one or more of these contract appointments was in the administrative unit within which the right to ongoing employment is currently held, then the calculation of the aggregate period of contract appointment should begin from the start of the subsequent appointment in another administrative unit.

Appointment on a contract where the aggregate continuous term of contract appointments will not exceed two years

If the aggregate time that an employee has been employed in the public service subject to contract since they were last employed on an ongoing basis in the public service will be two years or less as a result of:

- a new contract appointment or
- an extension of a existing temporary contract or
- reappointment under an existing contract or
- re-negotiation of a term of appointment within an existing contract

in an administrative unit, then the chief executive of the administrative unit in which:

- the employee is currently employed on an ongoing basis or
- the employee's current contract provides a right to further ongoing employment at the end of the contract appointment

must agree in writing to provide for an appointment in their administrative unit at the end of the contract at the employee's former remuneration level. Further, the chief executive of the administrative unit in which the contract appointment will be made must include this agreement within the contract to ensure that such an appointment can be made under the Act at the end of the contract.

Other considerations

Nothing in this standard prevents:

- an employee from giving up the right to an appointment at the end of a contract as outlined in this standard or
- chief executives from negotiating an alternative arrangement as to which administrative unit will provide the right of appointment at the end of the contract appointment as outlined in this standard.

A contract **must not** provide a right to ongoing employment at the end of the contract appointment, unless:

- the person is already a PSM Act employee of an administrative unit with an existing right to further ongoing employment under the Public Sector Management Act within an administrative unit or
- the person is a non PSM Act public sector employee with an existing right to ongoing employment in the same or another South Australian public sector agency **and** the chief executive of the administrative unit employing the person on a contract is willing to accept a transfer of that right to the PSM Act within their agency. This transfer must be conditional on the employee resigning from the other public sector agency or type of employment when they are appointed under such a contract; or
- the Commissioner for Public Employment has given approval for such a right to be provided in the contract **prior** to any offer of appointment being made or any re-negotiation of conditions of an existing contract.

ATTACHMENT | H

Placement of Excess Employees in the SA Public Sector

The approach outlined in Attachment H for the placement of excess employees reflects the requirements of the PSM Act and relevant awards, enterprise agreements and industrial agreements. It applies to all PSM Act employees in administrative units plus others who are covered by the Memorandum of Understanding or by an enterprise agreement or award which includes the no forced redundancy provisions and who have been determined to be relevant public employees pursuant to Regulation 11 of the PSM Act. It supersedes any other arrangements which are in place, except where such arrangements have been negotiated at the enterprise level.

Casual employees and employees on temporary or longer term contracts who do not have a right to ongoing employment in the public sector are not covered by the no forced redundancy provisions and are not eligible to participate in the redeployment process.

However, contract employees may be covered by the redeployment process if they have a right to ongoing employment in the South Australian public sector on expiration of their current contract.

These redeployment provisions do not apply to employees who are not excess to requirements, but need to be transferred/assigned to other positions for other reasons (eg disciplinary action, unsatisfactory performance, mental or physical incapacity or personal reasons).

Identification of excess employees

Where a chief executive of an agency is satisfied that the services of an employee have become under-utilised, or an employee is no longer required to perform or cannot perform the duties of his or her position because:

- of changes in technology or work methods or in the organisation or nature or extent of operations of their agency, or
- the loss of a qualification that is necessary for the performance or proper performance of the duties

and it is not practicable to assign the employee to another position within their agency, the chief executive must advise the Commissioner for Public Employment.

When identifying an employee as excess to requirements, regard should be given to:

- suitable positions within the agency that are available or likely to become available within a reasonable time and to which the employee could be assigned, with or without retraining
- the employee's personal circumstances, such as current study arrangements, children's schooling, spouse or partner's employment, their housing situation, transport arrangements and other personal commitments especially with regard to possible geographic relocation.

Notification

Where an employee has become excess and will be redeployed, that employee is to be advised in writing by the chief executive. The advice shall include a statement of the reasons for the excess situation and that it is proposed that redeployment will be effected in accordance with the procedures set out in this standard.

The chief executive must arrange for counselling of affected employees. Counselling should include such matters as the reasons for the excess situation; the implications of being identified for redeployment; the options available in the redeployment process, with particular reference to the role and involvement of the excess employee; and the rights and obligations of all parties.

Redeployment principles

The following principles apply to the redeployment of excess employees.

1. Every effort must be made to assign/transfer the excess employee to a position suitable to the employee's existing skills and substantive salary level, with or without training. A decision about the suitability of a position for an excess employee is to be made having given regard to, and attempting to match as far as is practicable, matters including, but not restricted to, hours of work; quantum of hours of work; distance from home and rates of pay.
2. A suitable position may include a position with a lower remuneration level if necessary but does not extend to a position which provides a salary of less than 75% of the employee's existing substantive salary. A remuneration level providing 75% of existing salary is the extreme lower limit and should only be considered when every other avenue has been exhausted.
3. The assignment/transfer is not to disadvantage the employee unduly, having particular regard for the personal circumstances of the employee, however, 'disadvantage' will have regard to the overall employment environment before and after the assignment. The new position must be selected in consultation with the employee and the redeployment is to be effected as soon as possible.
4. Where an excess employee has been offered at least one suitable position and has declined the offer, redeployment to a suitable position thereafter will not necessarily require agreement by the employee. If an employee is directed into a position by their chief executive and believes the position to be unsuitable in the circumstances, then the employee may request the Commissioner for Public Employment to act as a mediator between the employee and the agency in order to resolve the issue. In these circumstances, the employee and the agency would have an opportunity both individually and/or jointly to put forward their views.
5. Pending assignment/transfer/placement in an ongoing position, an excess employee will be provided with and will undertake temporary work. During the period the employee is undertaking such temporary work, the employing agency will identify, in consultation with the employee, opportunities for training, re-training or other relevant development in order to expand the employee's options for redeployment. The employee will co-operatively and actively participate in any such identified training, retraining or other relevant development opportunities.

If after a period of 6 months as an excess employee no suitable ongoing position has been offered or accepted, the excess employee may be directed to a position/work (not necessarily within the employee's substantive agency) that is within the excess employee's skills or abilities, with training if required.

A position or package of work will be deemed suitable even if it involves variation to any, or all of, starting and finishing times, distance from home (provided 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 rate of pay (provided that this clause will not affect the income maintenance provisions of this standard).

An employee who has been an excess employee for at least 6 months will be subject to this clause. If an employee believes the direction to be unreasonable, the employee may request the Commissioner for Public Employment (or delegate) to mediate between the employee (including a representative of an employee association, if applicable) and the agency in order to resolve the issue.

6. An excess employee will:

- with the assistance and support of the employing agency, prepare, maintain and provide in a timely manner an up to date resume to the agency's redeployment case manager or other designated person
- attend interviews as requested and participate in them in a positive and constructive manner
- actively co-operate in an agency's efforts to effect redeployment to an ongoing position (including redeployment to a position on a trial basis)
- comply with any reasonable request/direction from the agency's redeployment case manager or other designated person (however designated)
- comply with all attendance requirements.

7. An agency will:

- ensure an excess employee is provided with the appropriate level of assistance and support in seeking a position
- make every effort to find a suitable position which does not involve relocation of an employee's household (having regard to the requirements of this standard), and
- give priority placement consideration to an excess employee from another agency in line with any determinations/directions of the Commissioner.

Assignment/transfer of excess employees

Excess employees remain the responsibility of their substantive agency (including funding) until such time as an ongoing assignment/transfer occurs.

Redeployees shall be required to take part in training and retraining to facilitate placement in funded public sector work at their substantive level, which may be to a different career stream.

Chief executives are to make every effort to provide temporary or ongoing employment within their own agency for excess employees. However, before assigning an employee (either temporarily or in an ongoing capacity) the chief executive shall notify the employee in writing of the proposed assignment.

Where a chief executive is unable to provide either temporary or ongoing employment within their own agency for an excess employee, the chief executive may assign/transfer the employee to another position in the public sector.

A chief executive must be satisfied that it is not possible to assign/transfer an employee to a position at the same remuneration level, before they may assign the employee to a position at a lower remuneration level (with the employee's agreement) or request that the Commissioner for Public Employment transfer the employee to a position at a lower remuneration level (which does not require the agreement of the employee). Except in circumstances where the chief executive and the employee mutually agree, excess employees who are to be transferred to a position at a lower level will be advised in writing at least one month prior to being transferred to the position. Excess employees transferred to a lower level position will not be paid at a lower income level for at least three months following transfer to the lower level position, subject to the conditions outlined in the income maintenance provisions of this standard.

Where an excess employee is assigned/transferred to a position at a lower remuneration level (ie classification level) the employee will be entitled to income maintenance in accordance with this standard.

The Commissioner for Public Employment must be provided with information on placements of excess employees upon request.

Except in circumstances where the chief executive and the employee mutually agree, an excess employee who is to be assigned/transferred to a position that requires moving and reporting to a different geographical location, is to be provided with at least two months notice in writing. The chief executive may provide a longer notification period where it is clear that individual circumstances require additional time. Reporting to a different geographical location for this purpose means the relocation of an employee's household.

Income Maintenance for Excess Employees in the SA Public Sector

Pursuant to Section 50 and Regulation 13 of the PSM Act, and in line with the provisions of relevant awards, enterprise agreements and industrial agreements, the Commissioner for Public Employment determines that the following income maintenance provisions will apply for relevant public sector employees transferred to position at a lower remuneration level or to a position with lower remuneration (including circumstances where the chief executive has assigned/transferred an excess employee to a lower remuneration level at the employee's request or by mutual agreement) as follows.

For employees employed under:

- Fire-fighting Industry Employees (South Australian Metropolitan Fire Service) Award, 2002
- Marine Pilots Award, 1991
- South Australian Government Departments and Instrumentalities (Metal Trades) Award, 1999
- Entertainment and Broadcasting Industry – Performing Arts Centres' Award, 2001
- Salaried, Professional and Technical (TransAdelaide) Award, 2001
- Rail Industry (TransAdelaide) Award, 2002
- Public Transport Industry – Bus and Tram Operators – TransAdelaide Award, 2001
- Metal Trades (TransAdelaide) Award 1999

the following periods of income maintenance

- for an employee with at least one years continuous service but less than five years – a period of six months
- for an employee with at least five years continuous service but less than ten years – a period of twelve months
- for an employee with at least ten years continuous service but less than fifteen years – a period of eighteen months
- for an employee with at least fifteen years continuous service – a period of twenty-four months.

For all other eligible employees, the following periods of income maintenance apply:

- for an employee with at least one years continuous service but less than ten years – a period of six months
- for an employee with at least ten years continuous service – a period of twelve months.

Chief Executives may extend the period of income maintenance in special circumstances.

Once an employee is placed on income maintenance, then regardless of the number of temporary assignments/transfers, the level of income maintenance will continue to be based on the salary prior to the transfer under these provisions, until the expiration of the period of income maintenance determined by the Commissioner for Public Employment.

If an employee is assigned for temporary purposes during a period of income maintenance to a position of higher remuneration than the employee's substantive remuneration level, income maintenance shall recommence at the completion of that assignment.

An employee will be entitled to have a second or subsequent period of income maintenance determined by the Commissioner for Public Employment if that employee, having been permanently assigned, is once again notified to be an excess employee and assigned/transferred to a lower remuneration level.

For the purpose of calculating income maintenance payments, the 'previous salary' or 'ordinary rate of pay' is the employee's substantive salary or rate of pay and includes any allowances, such as tool allowance or industry allowance etc, where such allowances are included in the wages schedule of the relevant award or enterprise agreement or where the relevant award or enterprise agreement prescribes that they are included in the rate of pay for all purposes.

During a period of income maintenance, payments for any overtime actually worked shall be calculated on the salary of the previous substantive position until the expiration of the period of income maintenance. However, the above shall not apply when paid overtime is a normal feature of the new position but the salary of the previous substantive position exceeds current overtime limits or when the employee is paid an all-inclusive salary having regard for shift or other allowances, in which case the matter is to be referred to the Executive Director, Department of the Premier and Cabinet.

The cost of income maintenance payments will normally be the responsibility of the excess employee's substantive agency. However, chief executives may consider other arrangements in special circumstances.

Where a redeployee is not placed in an alternative ongoing or long term position at the employee's substantive level, the income maintenance period will begin 3 months following the employee being declared as excess to an agency's requirements or, in the case of existing unplaced redeployees, from 21 December 2006 (or from 28 October 2004 for employees covered by the South Australian Government Wages Parity (Weekly Paid) Enterprise Award 2004 and the South Australian Government Wages Parity (Federal) Enterprise Agreement 2005. (The period of income maintenance remains the same as that prescribed in this Standard.) Should a redeployee be placed in a suitable position at their substantive level during the time that income maintenance is received, income maintenance will be suspended for the period of that placement.

Where, at the cessation of the income maintenance period, the employee has not been placed in an ongoing or long term position at the appropriate substantive level, the employee's salary and rate of pay will be pegged until that employee is placed in an ongoing position.

The period of income maintenance will continue (up to the maximum entitlement) if an employee accepts an offer of an ongoing position classified below the redeployee's substantive classification. The redeployee's rate of pay applying at the nominal end of the income maintenance period will then be pegged at that amount until such time as the rate of pay for the new position equals or exceeds the pegged rate of pay.

Definitions

Administrative unit - the PSM Act defines an administrative unit as an administrative structure in which persons are or are to be employed which is established by the Governor pursuant to Section 7 of the Act

Remuneration level - Section 3 of the PSM Act defines the remuneration level of a position as the level fixed for the position in a structure of remuneration levels in accordance with the appropriate standard of the Commissioner under Part 6 of the Act. For example, ASO2 is a remuneration level in the Administrative Services Officer remuneration structure. Remuneration level is also commonly known as classification level. Remuneration level does not mean salary level.

Substantive agency - means the agency with which the excess employee has the right to ongoing employment.

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Personal Files

Agencies must establish and maintain one personal file for each employee. It is recognised that some information will be stored separately in an electronic human resource management information system, but this information must be available on request by the employee and be provided to the 'new' agency as part of the personal file when an employee is assigned/appointed/transferred to another public sector agency and ceases employment with their previous substantive agency.

Personal files must be confidential and kept in a secure place. An employee is entitled to, on request, inspect the contents of their file and/or obtain a copy. Other than the employee, the only persons who are permitted to have access to a personal file are those who are required in the course of their duties to refer to the particular file.

Cabinet has established Information Privacy Principles for the collection, storage, access, correction and use of personal information. Agencies should refer to *Premier and Cabinet Circular 12 - Information Privacy Principles Instruction* for further information.

The personal file must, as a minimum, contain the following information:

- current residential address, next of kin and telephone number
- copies of employment declarations
- details of all employment in the public sector and other recognised service, including appointments and assignments and termination/resignation
- details of all leave entitlements
- copies of contracts of employment and agreements related to conditions of employment
- details of salary and increment determinations and approvals
- evidence of qualifications
- approval to engage in outside employment and disclosures of conflicts or potential conflicts of interest (where relevant)
- details of all formal counselling, criminal offences and charges, disciplinary inquiries and disciplinary action taken against the employee, provided such information is still relevant to their current and future employment in the public sector
- details of action taken by an agency pursuant to Divisions 4, 5, 6, or 8 of Part 8 of the PSM Act, provided such information is still relevant to their current and future employment in the public sector
- any special medical condition(s) which may affect an employee and create an emergency situation, provided such information is still relevant to their current and future employment in the public sector. Contact people in case of emergency.

Maintenance of other relevant information on a personal file is optional. The onus is on the agency to show 'relevance' if challenged about records being kept against the wish of an employee. The maintenance and culling of this information is subject to the minimum requirements outlined in General Disposal Schedule No. 15, issued by State Records of South Australia.

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Quality Staffing

When an employee is assigned/appointed/transferred to another public sector agency and ceases employment with their previous substantive agency, then their personal file must be forwarded under confidential cover to the person responsible for employee records in the employee's 'new' agency. An agency may only maintain a separate personal file for an individual employee who is currently employed elsewhere in the public sector while the employee maintains an employment relationship with the agency.