



Government
of South Australia

Office for the Public Sector

GUIDELINE OF THE COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT

Public Sector Employee Mobility

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1. INTRODUCTION

The South Australian Government has endorsed a centrally managed employee mobility strategy to actively prioritise Department for Communities and Social Inclusion's (DCSI) ongoing employees for vacancies across the public sector. This is as a result of the introduction of the National Disability Insurance Scheme (NDIS) and Commonwealth Aged Care reforms (the Reforms).

This Guideline aims to support the retention of skilled and experienced public sector employees and minimise service disruption and risks associated with the loss of employees in service areas impacted by the Reforms.

The Guideline provides a vision for workforce mobility in the South Australian public sector that is responsive and adaptable to the needs of public sector agencies and employees. It supports collaboration across public sector agencies to adopt whole of Government solutions to changing service and workforce requirements. This will occur by a high level of engagement, cooperation and collaboration.

Employee mobility incorporates workforce transition through the transfer of ongoing employees from positions which no longer exist to other public sector funded positions.

This Guideline should be read in conjunction with the *Premier's Direction: Public Sector Employee Mobility Strategy* issued pursuant to Section 10 of the *Public Sector Act 2009*(SA) (the PS Act) which prescribes minimum standards South Australian public sector agencies must follow.

The Commissioner for Public Sector Employment (the Commissioner) is empowered to issue Guidelines relating to public sector employment matters pursuant to section 14(d) of the PS Act.

This Guideline is written with the following objects of the PS Act:

- to promote a high performing public sector;
- to ensure the public sector is viewed as an employer of choice;
- to encourage public sector agencies and employees to apply a public sector-wide perspective in the performance of their functions;
- to ensure accountability in the public sector;
- to promote uniformity and transparency in governance arrangements for the public sector;
- to provide the framework for the State's Public Service and the effective and fair employment and management of Public Service and other public sector employees.

The Guideline is also intended to support the following principles as set out in the PS Act:

- provide services with a high level of efficiency and effectiveness;
- align structures and systems to achieve major strategies while continuing to deliver core services;
- ensure there is ongoing collaboration between public sector agencies;
- treat public sector employees fairly, justly and reasonably.

2. GLOSSARY

Materially affected DCSI employee – An employee who has received written notification that their position will be impacted by the introduction of the National Disability Insurance Scheme (NDIS) and Commonwealth Aged Care reforms (the Reforms).

Suitability Matching Process – Where more than one DCSI materially affected employee is considered suitable and referred for a public sector vacancy by an Office for the Public Sector (OPS) Workforce Transition Consultant (for which there is no suitable work injured or excess employee), a suitability matching process will be conducted to rank candidates. A panel will rank each candidate in order of suitability for the vacancy. The panel will consist of up to two representatives from the vacancy hiring agency. The panel will also include a DCSI representative and an OPS Workforce Transition Consultant who are able to provide detailed information about the candidate's skills and suitability.

3. AN EMPLOYEE MOBILITY STRATEGY FOR THE SOUTH AUSTRALIAN PUBLIC SECTOR - MINIMUM STANDARDS

In accordance with the *Premier's Direction – Public Sector Employee Mobility Strategy*, all relevant South Australian Public Sector Chief Executives and agency heads are required:

- to actively prioritise consideration of employees employed within DCSI on an ongoing basis in a role/duties/position affected by or to be affected by organisational change resulting from the Commonwealth reforms as if they were declared as excess to requirements, subject to first prioritising work injured employees and those declared as excess to requirements; and
- to hold (and temporarily backfill where necessary) a relevant position for an ongoing DCSI employee who is needed to be retained to support the implementation of the reforms.

The Commissioner is directed to monitor and oversee the extent to which Chief Executives, agency heads and delegates are complying with the above Direction. Where there is disagreement between the Chief Executive or delegate in DCIS and the Chief Executive, agency head or delegate in another agency as to the suitability of an employee employed in DCSI, for a transfer to a role/duties/position in another agency, the Commissioner will review the potential transfer and remit the matter to the relevant agency for further consideration with a recommendation as to the suitability of the employee. The Chief Executive, agency head or delegate in the potential receiving agency is to consider the recommendations of the Commissioner in determining the suitability of the employee.

Attachments 1 and 2 have been developed to specifically guide the management of DCSI employees affected by the Reforms.

4. APPLICATION

This Guideline is intended as a whole of Government Policy for public sector agencies as defined by the *Public Sector Act 2009(SA)*, subject to the exceptions listed in *the Premier's Direction*⁷.

1. With the exception of the Courts Administration Authority, the Legal Services Commission, the Independent Commissioner Against Corruption and Office for Public Integrity.

5. PRINCIPLES

The management of employees under this Guideline will be based on the principles of procedural fairness and:

- Consultation with affected employees and relevant employee associations, consistent with relevant industrial instruments
- Communication with employees throughout the process
- Commitment to transitioning ongoing employees into public sector vacancies as a priority behind work injured and employees declared excess to requirements
- Engagement, cooperation and collaboration across the public sector, as One Government, One Employer.

6. COLLABORATION

Collaboration is central to creating effective and sustainable solutions in accordance with Part 3, Section 5(3) of the PS Act. The public sector is to:

- ensure there is ongoing collaboration between public sector agencies
- focus on whole-of-Government, as well as agency-specific, services and outcomes.

Materially affected DCSI employees will work with an OPS Workforce Transition Consultant to develop their career transition plan.

Public sector agencies will be provided with support and advice from the OPS to meet the requirements of this Guideline.

Public sector agencies will collaborate on the collection and sharing of statistical and reporting information for the effective monitoring of the Guideline and to assist with the Commissioner's reporting and monitoring role.

The OPS recognises the role of employee associations as representatives of public sector employees and is committed to the establishment and development of effective relationships and will engage in a manner that reflects mutual good faith and respect.

7. GOVERNANCE AND REPORTING

The Commissioner has established a Committee to review, monitor and report on the implementation of *Commissioner's Determination 7: Management of Excess Employees – Redeployment, Retraining and Redundancy* ('The RRR Committee'). The RRR Committee's Terms of Reference has been extended to review, monitor and report on the implementation of this Guideline. The Committee will advise the Commissioner on the consistent and best practice adoption of the principles within this Guideline, including numbers of employees placed within agencies and number of disputed placements.

Representatives from the Committee will convene a panel of three members in the event that a dispute over the implementation of this Guideline cannot be resolved under the provisions listed in Attachment 3, and will report and make recommendations to the Commissioner. The

Commissioner will then make a recommendation to the relevant Chief Executives and/or agency heads of the South Australian public sector for consideration.

8. ROLES AND RESPONSIBILITIES

Section 5(5) of the PS Act states that “Public sector agencies are to – treat public sector employees fairly, justly and reasonably.”

All parties are expected to behave in a manner consistent with the PS Act and the Code of Ethics for the South Australian public sector.

A clear understanding of roles and responsibilities will ensure the policy objectives in relation to public sector mobility are met.

Under this Guideline, parties will have the following responsibilities:

<p>Commissioner for Public Sector Employment</p>	<ul style="list-style-type: none"> ● Issue and review Guideline ● Establish Workforce Transition Unit within the OPS ● Expand the terms of reference for the RRR Committee to incorporate review and monitoring of the implementation of this Guideline ● Consult with public sector agencies on the Guideline ● Conduct a review of this Guideline after six months ● In the event agreement cannot be reached, conduct a review and make a recommendation to the relevant Chief Executives and/or agency heads of the South Australian public sector for consideration
<p>Public Sector Chief Executives and agency heads</p>	<ul style="list-style-type: none"> ● Ensure agency compliance with this Guideline’s obligations and <i>Premier’s Direction – Public Sector Employee Mobility Strategy</i> ● Ensure vacancies are not unreasonably withheld or withdrawn ● Reduce the use of temporary labour hire staff and contractors ● Maintain records and statistics to ensure appropriate monitoring and accountability ● Ensure collaboration and promotion across public sector agencies ● Provide the Commissioner with information when requested within a timely manner ● Consider recommendations of the Commissioner in relation to any reviews
<p>Agency Vacancy Hiring Managers</p>	<ul style="list-style-type: none"> ● Comply with any reasonable request by OPS to hold roles from being advertised ● Positively consider a DCSI materially affected employee’s skills and abilities and potential to transition into a vacancy with or without appropriate support or training

	<ul style="list-style-type: none"> • Discuss with OPS Workforce Transition Consultant why DCSI materially affected employee cannot (with or without appropriate support or training) be placed into a vacancy. A resolution should be attempted to be negotiated with the OPS Workforce Transition Consultant. Where agreement cannot be reached, provide written reasons to the Commissioner • Provide constructive feedback to the employee and OPS Workforce Transition Consultant if the employee is deemed not suitable • Where an employee is deemed suitable to be placed in a role and unable to commence immediately due to DCSI service delivery needs, a commencement date is negotiated with the OPS Workforce Transition Consultant. The hiring agency will consider options to cover the role/duties/position during the period until the negotiated starting date, which may include temporary backfill in the vacancy or other strategies
DCSI Managers	<ul style="list-style-type: none"> • Confirm employment arrangements of DCSI materially affected employees, resolve any outstanding issues including classification, performance issues or outstanding work injury claims, before referral to the OPS Workforce Transition Unit • Continue to manage and develop employees in line with agency performance policies • Accommodate attendance at interviews and OPS recommended training courses in work time • In partnership with the OPS Workforce Transition Consultant, ensure the employee's access to support services and career development through the employee's Transition Plan • Maintain positive communication with the employee and OPS Workforce Transition Consultant • Identify critical roles to ensure continuity of service in accordance with proper workforce planning. Where this will impact an employee's ability to commence in another suitable role/duties/position, this will be communicated to the OPS Workforce Transition Consultant
Employees	<ul style="list-style-type: none"> • Continue to maintain performance and participate in business unit activity • Be proactive in their own career and transition including developing a Transition Plan in consultation with an OPS Workforce Transition Consultant • Prepare and maintain a resume with the OPS Workforce Transition Consultant, participate in the process in a positive manner and accept constructive feedback • Will comply with all reasonable and lawful directions

**OPS Workforce
Transition
Consultants**

- Communicate with the employee, DCSI manager, agency vacancy hiring manager and any other nominated agency Human Resource delegate about the responsibilities within this Guideline
- Meet regularly with employees and partner with and empower them to be proactive in their own career transition
- Ensure the employee is considered for vacancies in line with this Guideline
- Maintain appropriate records, including (but not limited to) communication, resumes, Transition Plans and applicable vocational assessments
- Facilitate and promote collaboration across public sector agencies
- Recommend support and training for affected employees in accordance with an employee's Workforce Transition Plan or to address an identified skills gap for a suitable position
- Ensure materially affected DCSI employees have access to the pre-publication of vacancies
- Where an employee is deemed suitable to be placed in a role and unable to commence immediately due to DCSI service delivery needs, negotiate a commencement date with the agency vacancy hiring manager, in consultation with the DCSI nominated representative

9. SUITABLE ROLES/DUTIES/POSITIONS

Roles, duties or positions will be considered suitable if it is at the substantive classification level, even if the transfer of an employee may result in variation to work arrangements (including start/finish times, distance to the workplace). Due consideration will be given to the employee's personal circumstances.

A role will be deemed suitable if the employee can perform the duties to a reasonable standard, within a reasonable period of time and with a reasonable level of training, education and/or other support.

The suitability of an employee will be determined through an initial assessment by the OPS Workforce Transition Consultant of the employee's transferable skills and competencies against the requirements of the role, duties or position, and the Agency Vacancy Hiring Manager.

A suitability matching process will rank candidates where more than one DCSI materially affected employee is considered suitable for a public sector vacancy.

The ranking must be based on an assessment of relative suitability based on criteria detailed in the role description and an employee's appropriate skills match for the role, including consideration of classification, hours and location. Based on these rankings, employees will be placed in the vacancy/ies.

10. MOBILITY PATHWAY REVIEW PROCESS

The review process in relation to this Guideline is contained in Attachment 3.

11. REVIEW OF GUIDELINE

A review of the Guideline will be conducted at a date no later than six months after implementation. Agencies, employees and relevant employee associations will be consulted as part of the review.

12. ATTACHMENT 1 - DCSI Workforce Mobility Pathway

12.1 PURPOSE AND SCOPE

The Workforce Mobility Pathway will assist ongoing DCSI employees materially affected by NDIS and Commonwealth Aged Care reforms (the Reforms) to transition to alternate public sector employment, whilst maintaining service continuity for clients.

DCSI materially affected employees will have access to career transition support and advice, centrally managed by OPS.

As decisions are made for services to transition, materially affected DCSI employees will be advised in writing they are materially affected and their employment options detailed, including.

- Information about DCSI support and access to the OPS workforce transition services
- Priority access to vacancies behind work injured and employees declared excess to requirements
- Access to pre-publication vacancies

Some materially affected DCSI employees may have an option to transfer with a service area to a non-government provider. In this case, ongoing employees who have not transferred with the service area at the date of transfer, or have not been transitioned into other public sector employment by this time, will be declared excess and managed under the relevant redeployment, retraining and redundancy process.

If a materially affected DCSI employee is in a service area that is not transferring to a non-government provider that employee will not have an option of transfer and at some stage their substantive position will no longer be required. At that point, they will be declared excess and managed under the relevant redeployment, retraining and redundancy process, unless they have already been transitioned into other suitable public sector employment.

Materially affected DCSI employees will be given positive consideration for suitable vacancies identified by the OPS Workforce Transition Unit.

Where a vacancy is withdrawn following the recommendation of an employee by an OPS Workforce Transition Consultant for a position, the hiring agency concerned will be required to provide written reasons within two working days why the vacancy was withdrawn to the Commissioner (using the template in the accompanying Practitioner's Guide).

12.2 TRANSITION PROCESS

These transition principles are to be read in conjunction with the DCSI Workforce Mobility Pathway flowchart (Attachment 2).

DCSI will advise employees in writing they are materially affected with details of the DCSI

Workforce Mobility Pathway and employment options. If an employee is employed in a service area that is moving to a new provider, materially affected ongoing employees will have an option to either express their preference:

- that if they are offered employment with the new provider they will stay with the service area and transfer with the new provider, or
- to remain in the public sector and work with an OPS Workforce Transition Consultant to find suitable alternate employment.

For staff transferring to a Non-Government provider, the employee has the right to change their mind at any time until requested to make a binding decision.

All DCSI vacancies will be considered for materially affected DCSI employees prior to advertising within the Public Sector through DCSI's *Our People First* policy.

If an employee elects to remain in the Public Sector or if an employee is in a service area not moving to a new provider;

DCSI will refer the employee to the OPS Workforce Transition Unit. Upon acknowledgement by the Workforce Transition Unit and receipt of an employee's details, an OPS Workforce Transition Consultant will be allocated. The OPS Workforce Transition Consultant will contact the employee within the first week of being referred to commence the DCSI Workforce Mobility Pathway.

The OPS Workforce Transition Consultant will assist the employee to:

- Assess and prepare a statement of the employee's transferrable skills
- Assist with the preparation of a resume
- Develop a Workforce Transition Plan in consultation with the employee, as soon as practicable, taking into consideration the employee's individual circumstances
- Identify any areas requiring further development
- Ensure the employee is given priority access to vacancies within the public sector after work injured employees and employees declared excess to requirements.

Workforce Transition support will continue until a vacancy in the public sector is identified up until the time the impacted services are transitioned or the employee's substantive position becomes excess to requirement during the implementation of the Reforms. At that time, if no suitable vacancy is found, employees will be managed by DCSI under the relevant redeployment, retraining and redundancy process.

12.3 VACANCY IDENTIFICATION

OPS Workforce Transition Consultants and materially affected DCSI employees will have access to I Work For SA vacancies during the 48 hour pre-publication period.

Where a public sector vacancy for which a materially affected DCSI employee has skills that can be matched, and there are no suitable work injured or declared excess employees for that vacancy, the OPS Workforce Transition Consultant will:

- Make contact with the agency vacancy hiring agency to request the employee is given priority access.
- Will request a hold to be placed on the vacancy until the suitability of the submitted employee has been assessed.

- Will provide a copy of the employee's resume, core competencies relating to the advertised role and any training options to meet the role requirements.
- A meeting will be arranged between the agency vacancy hiring manager and the employee to discuss a potential placement. An employee will be considered suitable if able to demonstrate capabilities to perform the role/duties/position to a reasonable standard, within a reasonable period of time and with a reasonable level of training, education and/or other support.
- If the employee is deemed suitable, the agency is to proceed with appointing the employee.
- If there is more than one materially affected DCSI employee referred for the same vacancy, a suitability matching process will be conducted.
- If the employee is required to remain with their substantive business unit in DCSI to ensure continuity of service provision until the transfer to a new provider or is no longer required, a starting date is negotiated between the OPS Workforce Transition Consultant and the agency vacancy hiring manager, in consultation with the nominated DCSI Manager. The hiring agency will consider options to cover the role/duties/position during the period until the negotiated starting date, which may include temporary backfill in the vacancy or other strategies.
- It is acknowledged that where an ongoing role has not yet been identified, a term placement may provide additional skills, experience or referees which are beneficial to the employee and may enhance placement opportunities.
- Where placement is for a term contract of less than 12 months (if no suitable ongoing position is identified), the OPS Workforce Transition Consultant will monitor the placement and three months prior to the contract expiry date will contact the employee and manager to determine the likelihood of extension. If unlikely, the OPS Workforce Transition Consultant will restart the job search process.
- If the employee is considered not suitable for assignment in the role by the agency vacancy hiring manager, written feedback is to be provided on the template provided to the OPS Workforce Transition Consultant clearly stating the reasons why the employee cannot perform the role with or without appropriate training. A resolution should be attempted to be negotiated between the OPS Workforce Transition Consultant and the agency vacancy hiring manager. Where agreement cannot be reached, written reasons are to be provided to the Commissioner.
- Where there is a dispute about the suitability of an employee to transfer to a role/duties/position in the agency, the Commissioner will review the potential transfer and remit the matter to the relevant agency for further consideration with a recommendation as to the suitability of the employee. The Chief Executive, agency head or delegate is to consider the recommendations of the Commissioner in determining the suitability of the employee.
- In the event that no suitable position is identified by the date of the transfer of service, the employee will make a decision whether to transfer to the incoming provider if applicable or return to DCSI and be managed as an excess employee.

12.4 TRANSFERRING TO A NEW PROVIDER

For an employee who has indicated their intention to transfer to a new service provider through the DCSI intention survey, the OPS Workforce Transition Consultant may assist with job readiness

skills.

An OPS Workforce Transition Consultant will be allocated to the employee to:

- Assess the employee's transferrable skills in preparation for applying for a position with the new provider
- Prepare a resume
- Identify any other job ready assistance required

The employee will only be actively case managed by an OPS Workforce Transition Consultant and given priority access to suitable vacancies if they elect to remain in the public sector.

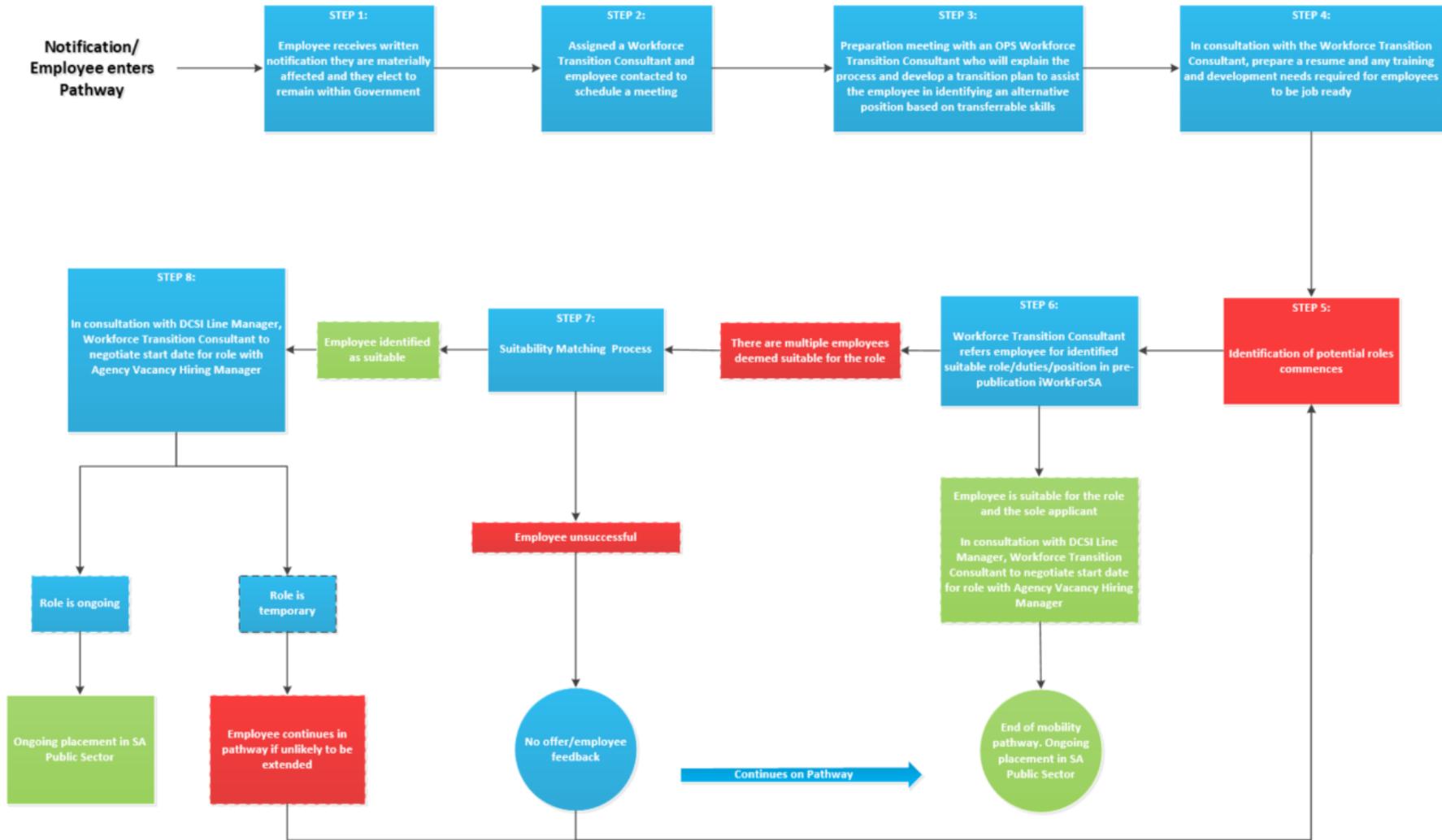
The employee has a right to change their mind up until they are requested by DCSI to make a binding decision.

12.5 EMPLOYEE ASSISTANCE PROGRAM

Employees will be provided with support and assistance throughout the transition process, including to better manage the emotional and psychological aspects of change through the Employee Assistance Program (EAP). These services are accessed through DCSI People and Culture and are provided in a confidential manner that protects the anonymity of the employee and any information gathered as part of this service provision.

13. ATTACHMENT 2

DCSI Workforce Mobility Pathway



14. ATTACHMENT 3 – REVIEW PROCESS

The review process outlined below does not diminish any grievance process or rights contained within relevant industrial instruments or applicable legislation. It is intended to resolve issues arising from the implementation of this Guideline in a prompt and effective manner, acknowledging the need to fill vacancies quickly and efficiently.

In order to resolve issues as soon as practicable, issues in relation to the application of these principles should be handled as follows;

- Step 1: Employee raises issue with the manager (see table below). A meeting will be held between the relevant parties in order to identify an agreed resolution as soon as practicable, and no later than five business days. The vacancy will remain on hold pending the resolution of the matter.
- Step 2: If agreement or a resolution cannot be reached, the issue may be referred to a three person panel formed from the RRR Committee. Representatives from agencies not directly involved in the dispute (i.e. not the Hiring agency and DCSI) will consider the dispute and make a recommendation to the Commissioner.
- Step 3: The Commissioner will consider any recommendations of the panel and make a recommendation to the relevant Chief Executive and/or agency head for consideration.

Issue	Responsibility	Action
Agency not placing a vacancy on hold	OPS Workforce Transition Consultant	The consultant should in the first instance raise the issue with the Agency Vacancy Hiring Manager or Agency Human Resource representative to attempt to resolve the matter If unresolved, proceed to Step 2 and Step 3
Employee not referred for a role in pre-publication vacancy	Employee	The employee should in the first instance discuss the issue with the OPS Workforce Transition Consultant regarding the reasons why the employee was not referred for the role. If there are still concerns, the matter should be referred to the Manager of the OPS Workforce Transition Unit to attempt to resolve the matter If unresolved, proceed to Step 2 and Step 3
Case management of an employee	Employee	The employee should in the first instance discuss the issue with the OPS Workforce Transition Consultant. If there are still concerns, the matter should be referred to the Manager of the OPS Workforce Transition Unit to attempt to resolve the matter If unresolved, proceed to Step 2 and Step 3
Hiring agency not accepting recommended employee for placement	OPS Workforce Transition Manager	A meeting will be convened between the OPS Workforce Transition Consultant, and Agency Vacancy Hiring Manager to discuss agency feedback and reasons and seek a collaborative resolution If unresolved, proceed to Step 2 and Step 3