



Managing redeployment in the APS

Guidelines for agencies

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Australian Government

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These guidelines will be updated online.
See www.apsc.gov.au/redeployment for
future updates.

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Introduction

On 21 April 2011, the Government released the *APS Redeployment Policy*. The policy, which applies only to Australian Public Service (APS) agencies, contains eight ‘redeployment principles’ and supporting processes for the redeployment of excess¹ ongoing APS employees. The policy is provided in full at Appendix A to this guide and an overview is provided below.

This document, *Managing redeployment in the APS*, provides supporting guidance and a step-by-step approach designed to assist corporate areas of APS agencies to implement the policy. It aims to clearly identify the legislative and industrial framework within which the policy operates and how the new processes interact with existing recruitment and excess staff arrangements.

It describes the roles of agencies with excess employees and those with job vacancies, as well as the responsibilities of excess employees themselves to make active efforts to seek redeployment opportunities to maximise the prospect of successful redeployment. The policy makes it clear that redeployment is the joint responsibility of the agency and employee.

The series of ‘frequently asked questions’ (Appendix B) has been based on enquiries received since the policy was announced and may be supplemented with additional material over time. Any updates will be available on-line at <http://www.apsc.gov.au/redeployment/index.htm>.

Agencies are to inform their employees of the operation of the *APS Redeployment Policy* and associated procedures.

Overview of APS Redeployment Policy

The redeployment policy is to operate consistently with agency head obligations under the *Public Service Act 1999* including the APS Values, as well as requirements in industrial legislation and enterprise agreements, in relation to excess staff situations.

The aims of the policy are to:

- ensure that the APS retains employees that have the skills needed for future work of agencies, and
- provide excess employees with opportunities for continued employment in the APS where possible.

Central to these aims is a strategic human capital approach of preserving corporate knowledge, maintaining core workforce skills, maintaining diversity and supporting succession planning.

While redeployment is a high priority, voluntary redundancies may continue to be offered. However, the objective is that this be done strategically and with regard to longer-term workforce plans and business plans, thereby retaining highly valued employees.

Compulsory retrenchment is to be avoided wherever possible, however, consistent with the APS Bargaining Framework, enterprise agreements are to continue to include compulsory redeployment, reduction and retrenchment (RRR) provisions.

The policy makes it clear that agencies should not use excess staff arrangements as an alternative to dealing with underperformance.

¹ The term ‘excess employee’ in this document includes employees formally advised that they are potentially excess.

The policy:

- sets out eight key redeployment principles to guide agencies when reducing staffing levels
- introduces an APS-wide arrangement for excess employees to seek redeployment across the APS, with the Australian Public Service Commission (APSC) establishing an on-line register for excess employees
- requires agencies with vacancies to review this on-line register to identify and assess the claims of potentially suitable excess employees—this can occur either before the agency advertises a vacancy externally or prior to applications closing—and for this to be documented as part of the recruitment process
- notes that excess employees should be provided with access to support in the form of career counselling and training in getting a job, and
- establishes a job exchange register to facilitate the process whereby employees willing to take a voluntary redundancy package exchange jobs with a suitably skilled excess employee who prefers to remain in APS employment.

While there is no requirement for an agency to place an excess employee even if they are assessed as suitable, there is a general expectation that agencies with vacancies will operate on a whole-of-APS basis and within the spirit and intent of the policy. Ultimately, however, a decision on whether or not to place an excess employee is at the discretion of the recruiting agency.

Communication and consultation

In the event that an agency is expecting employee reductions, communication and consultation with all employees needs to be timely, accurate, clear and transparent. Agencies are to develop a strong consultation process with affected employees and their representatives that is consistent with processes outlined in agency enterprise agreements. Consultation should continue through every stage of the employee reduction process.

Agencies should be mindful of the impact the new arrangements may have on the career prospects of employees within the agency who are not excess, and ensure that they are included in any relevant communication and consultation processes.

Part one – Legislative and industrial framework

The *APS Redeployment Policy* is designed to ensure that the APS retains employees with skills needed now and in the future, and to enhance the redeployment prospects of excess employees. The policy operates within the existing employment framework which includes the:

- *Public Service Act 1999* (PS Act) and subordinate legislation
- *Fair Work Act 2009* (FW Act)
- APS Bargaining Framework
- agency enterprise agreements.

The industrial framework

The APS Bargaining Framework, which sets out Government workplace relations policy for APS employment, and its Supporting Guidance provide that:

- each APS agency must include provisions in their workplace arrangements (e.g. enterprise agreements) that provide for access to compulsory RRR arrangements for the management of excess staff, and
- APS agencies are not able to enhance existing redundancy arrangements (other than where required by legislation or in exceptional circumstances as authorised by the Special Minister of State for the Public Service and Integrity).

The requirement to provide for compulsory RRR provisions is intended to ensure that agencies maintain the capacity to resolve excess staff situations by either:

- moving the employee to a suitable job at or below their substantive classification level (with or without the employee's agreement) by:
 - assigning different duties to the employee²,
 - reducing the employee's classification without their consent, where the employee is excess to requirements at the higher level³
- terminating the employee's employment⁴ with or without the employee's agreement.

In developing new enterprise agreements, agencies should assess whether there are matters that are appropriate for inclusion that would assist APS employees in pursuing redeployment opportunities within the agency and across the APS. For example:

- agencies could include provisions which specify how the redeployment principles and the APS redeployment policy will be implemented in their agency
- agencies could also consider including an expectation that employees will also actively pursue redeployment opportunities.

Agencies should ensure that, in drafting enterprise agreements, provisions are not inconsistent with the redeployment policy.

² Under s.25 of the PS Act

³ Under ss.23(4)(c) and 25 of the PS Act

⁴ Under s.29(3)(a) of the PS Act

Other relevant Commonwealth legislation

Other Commonwealth legislation relevant to employment decisions includes the:

- *Administrative Decisions (Judicial Review) Act 1977*
- *Age Discrimination Act 2004*
- *Disability Discrimination Act 1992*
- *Freedom of Information Act 1982*
- *Privacy Act 1988*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984.*

Employment decisions made under the PS Act are generally required to be made in accordance with the requirements of administrative law. Each decision made under the PS Act must comply with the usual requirements imposed by administrative law, including that:

- procedural fairness and natural justice are observed
- any requirements of law are observed
- the person making the decision is properly authorised
- there is evidence to justify the decision
- only relevant considerations are taken into account
- the decision has regard to the merits of the particular case
- the action does not otherwise constitute an abuse of the power to make the decision.

Part two – Overview of redeployment processes

The Government's *APS Redeployment Policy* introduces an additional avenue in the redeployment process for excess employees in agencies that are downsizing, and an additional step in the recruitment process for those agencies that are recruiting.

In summary:

- agencies with employees that are excess or have been formally advised that they are potentially excess (jointly referred to in this document as excess employees) will need to:
 - consider them for placement within the agency before undertaking any external advertising, and
 - explore redeployment options for these employees within the wider APS, including the option of the employee placing their details on the APS-wide redeployment register (see Part four of this guide)
- excess employees who are interested in being redeployed will need to actively participate in any redeployment activities to maximise their chances of possible redeployment
- agencies with vacancies are to consider excess employees seeking redeployment opportunities from other agencies prior to or concurrently with advertising a vacancy or drawing on an existing order of merit (see Part five).

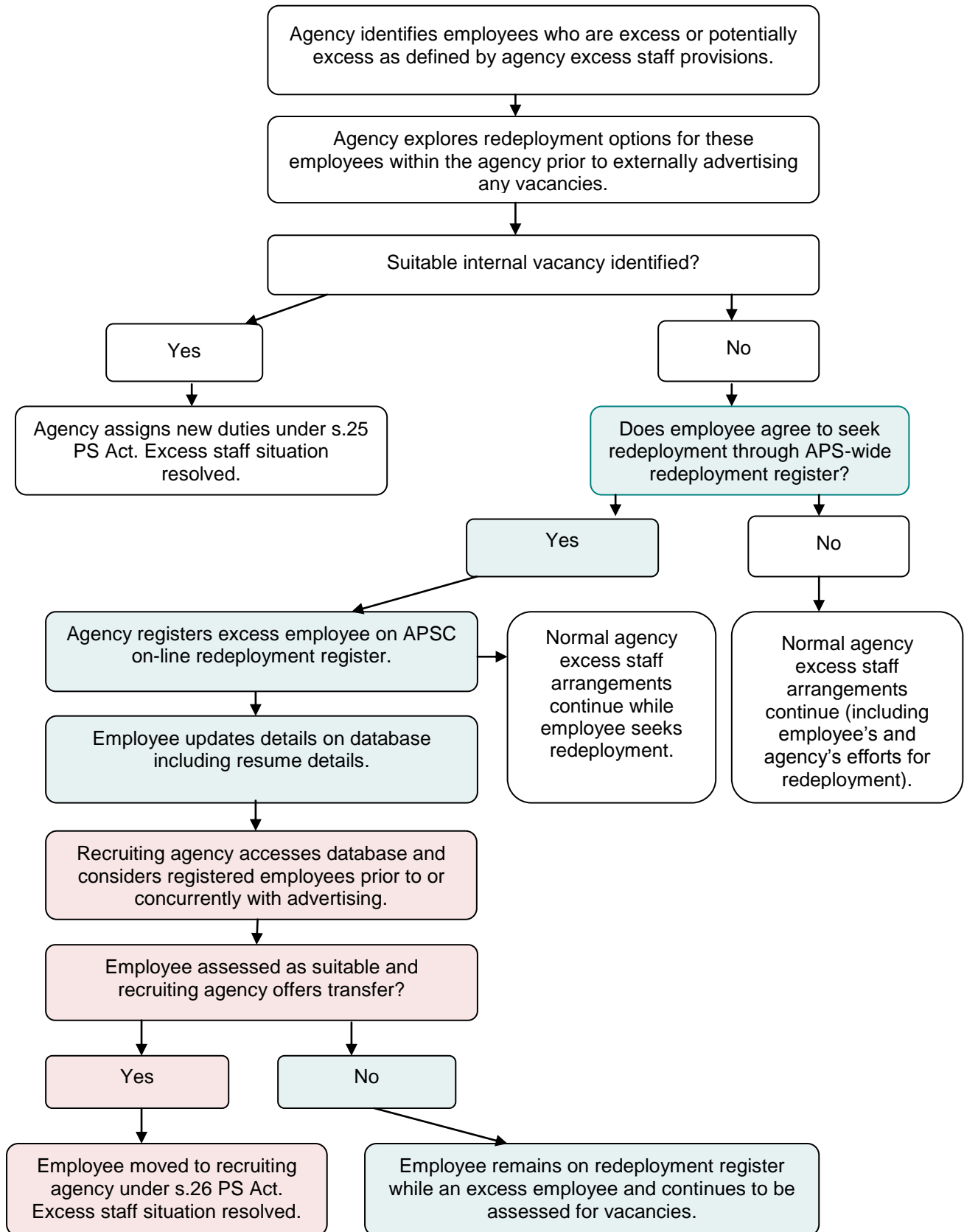
There is also a facility for those employees who are not offered voluntary redundancy by their own agency to exchange jobs with a suitably skilled excess employee registered for APS-wide redeployment (see Part six).

The *APS Redeployment Policy* applies only to ongoing APS employees not serving a probationary period—ongoing employees on probation and non-ongoing employees are not covered by these provisions as they are not eligible for the excess staff provisions under the RRR arrangements.

The flowchart on the following page demonstrates how the new processes align with existing agency practices for recruitment and for the management of excess employees.

As required by Redeployment Principle 1.4, agencies are to put in place strong consultation and communication arrangements in accordance with their enterprise agreements which should continue through every stage of the redeployment process. Agencies are encouraged to adopt a flexible and cooperative approach to the redeployment of suitable excess employees.

2.1 Redeployment flowchart



- New processes for agencies with excess employees
- New processes for agencies with vacancies

Part three – Responsibilities of excess employees

The *APS Redeployment Policy* states that redeployment is the joint responsibility of the agency and employee and excess employees need to actively pursue alternative employment opportunities to maximise the prospect of successful redeployment.

In addition to registering for redeployment, excess employees are encouraged to search for potential redeployment opportunities by examining jobs advertised in the *APS Employment Gazette* at [APSjobs.gov.au](https://apsjobs.gov.au).

The [Email Me Jobs](#) feature of that site allows employees to set up specific search criteria for finding jobs in the *Gazette*. They then automatically receive an email each Thursday containing details of the first 50 jobs that match their criteria.

As all ongoing APS jobs are required to be advertised in the *Gazette*, there is no need to look any further than the *Gazette* in relation to APS employment.

If a job is advertised that the excess employee believes they may be suitable for, they can lodge a full application rather than relying on being considered when the recruiting agency consults the register.

The [Branching Out](#) initiative on APSjobs may also be an option that employees can explore in pursuing redeployment opportunities.

The agency's enterprise agreement may include specific assistance available for excess employees, such as career counselling or assistance with developing resumes, and may also impose certain obligations on excess employees to actively seek redeployment. Agencies are to provide excess employees with information about what assistance is available.

Part four – Roles of agencies with excess staff

Once an APS agency has decided that it needs to reduce the number of its employees for any reason—reduction in funding, cessation of a particular program, realignment of business priorities etc—the first step is generally to identify those functions and/or employees that are potentially excess to requirements.

Part one of these guidelines outlines the legislative and industrial provisions that agencies are to work within in such a situation, and this Part outlines the processes that agencies follow in endeavouring to redeploy excess employees, including the new processes introduced by the *APS Redeployment Policy*.

The policy applies only to those APS employees covered by excess staff arrangements, i.e. ongoing employees not serving a probationary period. Ongoing employees who are on probation and non-ongoing employees are not covered by agency excess staff arrangements and are therefore not covered by the policy.

These guidelines, and the *APS Redeployment Policy* itself, do not cover the full range of options in relation to excess staff situations—these are determined by individual agency enterprise agreements and agency policies. Rather, its focus is on those areas relating to redeployment within or between agencies. Part 4.1 below however does provide some general information for contextual purposes.

4.1 Managing excess staff situations

Consistent with the devolved employment framework operating in the APS, downsizing exercises are conducted by individual agencies within the parameters of legal requirements, Government policies, their own workplace arrangements and budgets.

Subject to legal and policy requirements, agency heads have some discretion to decide how to manage an excess staff situation. There are a range of options available in managing changing workforce requirements—for example redeployment within an agency or elsewhere within the APS, natural attrition, targeted offers of voluntary retrenchment and compulsory retrenchment (as a last resort—see Redeployment Principle 1.8). Any such process will need to be consistent with the APS Values, other relevant provisions of the PS Act (e.g. prohibition of patronage and favouritism), the FW Act and agency enterprise agreements. In any excess staff situation, agencies should establish clear, objective, fair and defensible strategies for identifying which staff are excess.

Because of the range of circumstances that can arise, it is not possible to be prescriptive about the processes to be followed in each situation—different processes will fit different circumstances. Whatever strategy or process is ultimately chosen, it is important that the agency maintain control of the process and, wherever possible, seek to retain the most productive staff—a decision on who will be made an offer of voluntary retrenchment is clearly a management responsibility.

Voluntary retrenchment has a role in facilitating structural and functional change. However, careful management is required to avoid creating employee expectations of receiving a redundancy payment to depart. In addition, redundancy provisions should not be used as an alternative to rigorous performance management procedures.

Redeployment Principle 1.4 provides that any downsizing processes an agency follows are to be clear and transparent with strong communication and consultation with employees and their representatives.

Redeployment Principle 1.5 states that agencies should make every effort to continue training and skills development as this is essential for the long term capability of agencies and the APS as a whole.

4.2 Excess employees seeking redeployment

In accordance with existing practices, where an employee has been identified as excess or formally advised that they are potentially excess to the agency's requirements, they will generally be given the opportunity to advise the agency whether they are willing to consider voluntary redundancy or to seek redeployment.

Agencies should discuss with excess or potentially excess employees their prospects for redeployment within the agency. If the prospects of placement within the agency in the near future are limited, employees should be encouraged to register for APS-wide redeployment on the on-line redeployment register and to take other measures, such as continuing to search for vacancies on APSjobs, to maximise their redeployment opportunities.

Employees who are considering accepting voluntary redundancy may also be included on the register if they wish to explore their prospects for redeployment.

4.3 Redeployment within the agency

Redeployment Principles 1.1 and 1.2 require agencies to consider the suitability of their own excess or potentially excess employees for any vacancies in the agency prior to undertaking external advertising. Agencies are required to give their highest priority to redeploying these employees within their agency and to comply with any provisions of their enterprise agreement relating to the consideration of excess employees.

While the highest priority is focussed on excess staff, agencies should also work with potentially excess staff to minimise the number of employees ultimately declared excess.

Excess or potentially excess employees found suitable for other duties at the same classification level within the agency may be moved to perform the new duties at any time.⁵

The Redeployment Principles note the shared responsibility for redeployment—employees are expected to make efforts to move to an ongoing job as quickly as possible, and agencies are expected to provide a high level of information and support to the affected staff.

At any stage the agency might consider allowing an excess employee to arrange an 'exchange' with an unaffected employee at the same classification level within the agency who is willing to accept voluntary redundancy. This is for the agency to decide in consultation with affected employees (subject to any terms of the enterprise agreement). See also Part six for information about job exchanges between agencies.

4.4 No suitable vacancy located within the agency

If it is likely that internal vacancies will not, in the near future, accommodate employees who have been identified as excess or potentially excess, several options are available. Agencies can:

- assess the employee's redeployment prospects to determine whether they have skills valuable in the wider APS and to determine what further support and assistance may be offered—see Part 4.6 of these guidelines

⁵ In accordance with s.25 of the PS Act, an agency head may determine the duties of an APS employee, and the place or places at which the duties are to be performed.

- encourage the employee to be proactive in seeking employment opportunities in other agencies, including direct transfer to another agency
- collaborate on placements with other agencies, including temporary placements, to allow the recruiting agency to fully assess the employee's suitability and to allow excess employees the opportunity to enhance skills and experience
- encourage the employee to register with the APSC for APS-wide redeployment and to continue to actively use the APSjobs website to monitor available employment opportunities
- discuss the option of reducing the employee's classification to assist in redeployment and/or
- proceed to offer voluntary redundancy (subject to meeting any requirements set out in the enterprise agreement).

4.5 Eligibility to register for APS-wide redeployment

The provisions apply to ongoing excess APS employees who have advised their agency that their preferred option is to remain in APS employment. Employees who are considering accepting voluntary redundancy may also be included on the register if they wish to explore their prospects for redeployment.

Ongoing employees on probation and non-ongoing employees are not covered by excess staff arrangements or the redeployment policy.

The redeployment policy provides that agencies ask individual excess or potentially excess employees whether they would like to be included on the APS-wide redeployment register maintained by the APSC. If the employee agrees, the agency will enter the employee's personal details on the on-line register and the employee will then activate their account and provide further details about their career history and work preferences.

The employee will also need to provide the details of two referees, one of whom should be their current supervisor or manager if available.

The two documents *APS Redeployment Register: Agency Operating Procedures* and *Employee Operating Procedures* available at <http://www.apsc.gov.au/redeployment/index.htm> provide detailed technical and operational information about the registration and access processes.

Information about how these redeployment arrangements will operate, including the suitability assessment process, is to be provided to employees by their agency. As employees may seek review of this process, it is important that they understand how it will work. Employees should also understand the importance of ensuring that their on-line details and resume adequately reflect their claims for positions at their classification level, particularly since, in some circumstances, this may be the only information relied upon by an agency in assessing their claims.

The employee may remain on the redeployment register while they are an APS employee and are excess. The employee must be made aware that there is no guarantee that they will be redeployed. Employees will be removed from the register by the agency if the employee requests this, if they are placed in a job and are no longer excess, or if their employment is terminated.

The agency excess staff process continues as normal for those individuals who have agreed to be registered for possible redeployment. Being registered for redeployment does not defer any existing excess staff timeframes or processes.

As specified at Redeployment Principle 1.2, agencies should not use excess staffing arrangements as an alternative to dealing with underperformance.

The procedure for APS-wide job exchange, which involves both agencies with excess employees and agencies with job vacancies, is described at Part six.

4.6 Learning and development assistance for employees

The *APS Redeployment Policy* highlights the need to provide appropriate support to individual employees. Such support might take the form of:

- training in ‘getting that job’ (job applications, interviews etc)
- assistance with developing resumes
- career counselling which could be facilitated by existing employee assistance arrangements to help excess employees to assess their prospects of redeployment and to give guidance on career choices.

These provisions would be subject to there being a benefit to the employee and agency, that it would enhance the prospects of redeployment, the costs being reasonable (Redeployment Principle 2.3), or that they are provided for in the enterprise agreement.

Excess or potentially excess staff should have access to learning and development programs that may enhance their opportunity for redeployment, subject to consideration of the cost, duration and potential benefits as described above.

The APSC can provide agencies with a calendar of programs, highlighting the programs that would be most suitable for excess or potentially excess staff. If there is sufficient demand additional programs may be scheduled. Participation in APSC programs will be on a user pays basis, with fees being charged to agencies. For more information, refer to <http://www.apsc.gov.au/learn/programmes.htm> or contact the Products and Services Group on (02) 6202 3522 or email nationalcalendarteam@apsc.gov.au.

4.7 Workforce diversity

APS Redeployment Principle 1.6 provides that agencies should be cautious to ensure that any downsizing does not unreasonably reduce the diversity of their workplaces, noting that the downsizing of particular services or programs may have a disproportionate impact on some groups of employees that are clustered within that area.

Agencies are to monitor the take-up of voluntary redundancy amongst particular groups (such as Aboriginal or Torres Strait Islander employees or people with disability) and if it appears disproportionately high, should work to moderate this through development of redeployment options and tailored support arrangements.

The APSC is available to provide advice and guidance to agencies on workforce diversity issues—agencies can email carolyn.naess@apsc.gov.au.

4.8 Review of decisions

Where a decision is made not to assign the duties of a vacant position within the agency to an affected employee, the employee does not have a right of review of that decision.

However, actions that precede the decision, such as the conduct of any discussion held with the employee or communications with referees, may be reviewable. It is important therefore that agencies maintain appropriate records.

Where agencies have included specific redeployment provisions in an enterprise agreement, any disputes procedures included in the agreement may also be relevant in relation to excess employees currently in the agency.

4.9 Implementation dates

The *APS Redeployment Policy* came into effect on 21 April 2011. From that time, agencies have been required to make efforts to redeploy any excess agency employees in line with the Redeployment Principles and processes.

The APS-wide redeployment registration process commenced on 23 May 2011 in conjunction with the launch of the on-line register. From that date, agencies are required to ask excess employees whether they want to register for APS-wide redeployment (including employees already identified as excess before that date).

Part five – Roles of agencies with vacancies

In accordance with Redeployment Principle 1.2, agencies with job vacancies should continue to ensure that opportunities are taken to place excess staff within the agency. In addition, Redeployment Principle 1.3 requires agencies with vacancies to first consider employees seeking redeployment from other agencies. This is to be done prior to placing an external advertisement or before applications for the vacancy close.

Agencies with vacancies are required to consult the APS Redeployment Register and to assess the suitability of all registered employees at the appropriate classification level and location. Agencies can also perform a search based on the standard job categories listed on the APSjobs website (human resources, legal etc).

Agencies are encouraged to consider adopting a policy of generally placing excess employees who have suitable skills and experience, either immediately or after a reasonable period of adjustment, in jobs at or below the employee's classification rather than requiring them to be the best applicant in an open field.

5.1 Existing orders of merit and broadband classifications

Agencies with existing orders of merit (from a bulk recruitment round or a single similar employment opportunity) can continue to utilise the orders of merit up to the 12 month limit⁶. However agencies are required to consult the register as each new vacancy occurs and to consider the registered excess employees prior to offering a job to a person on the order of merit.

Agencies need to ensure that the consideration of employees from the register for any vacancy remains a separate process from the filling of vacancies from orders of merit resulting from the recommendations of an Independent Selection Advisory Committee (ISAC). Should a registered excess employee then be considered suitable for a vacancy this will not affect the ISAC order of merit and any subsequent promotions made in accordance with that order of merit will not be subject to review.

The advancement of employees already within a broadbanded classification in an agency is not affected by the new arrangements. However if there is a need for additional staff within a broadband, the agency could consider consulting the redeployment register and assessing the suitability of excess employees rather than advancing an existing employee within the broadband. Where a vacancy within a broadbanded classification is advertised in the APS Employment *Gazette*, the register needs to be consulted and the redeployment policy applied.

5.2 Assessing suitability

Agencies with vacancies, including those with existing orders of merit, are required to consult the redeployment register to identify and assess the claims of potentially suitable excess employees. A potentially suitable employee is one who:

- is an ongoing employee at the relevant classification level or who has indicated on the register that he or she is willing to reduce to that classification level
- is based in (or willing to relocate to) the relevant locality, and

⁶ Chapter 4 of the Public Service Commissioner's Directions 1999.

- has suitable work-related qualities⁷ or will have after a reasonable period of adjustment.

The assessment can occur either before the agency advertises a vacancy externally or prior to applications closing, and is to be documented as part of the overall recruitment process in line with standard practice.

In determining the ‘suitability’ of an employee to be redeployed at their existing classification level, the Public Service Commissioner’s Directions provide that to meet the legislated APS Value of merit-based employment decisions, the decision is to be based on:

- an assessment of their work-related qualities and the work-related qualities required for efficient and effective organisational performance⁸.

Agencies will consider, in the first instance, the information included by the excess employee on the redeployment register to decide whether the employee warrants further consideration. This may be the only information that is needed to be considered, particularly where the employee is assessed as not suitable at this initial screening stage.

If the agency’s assessment of the employee’s information is that the employee may be suitable or there is insufficient material to reach a decision, the agency may wish to obtain additional information. This could involve such actions as talking to the employee about their claims, seeking additional written information from the employee, asking them if they would like to submit a full application, or contacting the nominated referees. In accordance with normal selection procedures, employees should be given the opportunity to respond to any adverse information that is considered as part of this process.

While there is no requirement to place an excess employee even if they are assessed as suitable, there is a general expectation that agencies will operate on a whole-of-APS basis and within the spirit and intent of the policy. This includes considering whether an excess employee might be suitable within a reasonable period of adjustment.

An example of a reasonable period of adjustment would be allowing an experienced payroll officer a period of time to become familiar with a different payroll system.

Excess employees assessed as suitable may agree to be moved at their existing classification level (or to a lower classification level) from one agency to another without the need to assess the rest of the field of applicants, as is existing practice.

5.3 Reduction in classification or relocation

A registered employee may also choose to be considered for vacancies at a lower classification, or in another location. The redeployment register allows employees to indicate their preferences in this regard.

Where an employee moves to another agency and the move would result in a lower salary, the gaining agency would need to consider any enterprise agreement provisions that apply.

In the event of a lower salary being applicable, it may be open to the losing agency to agree to fund income maintenance for a period equal to the balance of any retention period remaining, so that the employee receives similar pay to that which would have applied had they not moved to another agency.

⁷ Chapter 4.1 of the Public Service Commissioner’s Directions 1999 provides examples of work-related qualities that may be taken into account in making an assessment.

⁸ Public Service Commissioner’s Directions 1999, Chapter 2.3

An agency has the power to move an excess employee of the agency to a lower classification, without their consent, where appropriate.

Where an employee moves to another agency and the move would result in a geographic relocation, the gaining agency would need to consider any enterprise agreement provisions that apply. If the gaining agency determines that relocation costs are not payable, it may be open to the losing agency to agree to contribute to any relocation costs borne by the employee.

5.4 Documentation of decisions

The *APS Redeployment Policy* notes that agencies are required to document their assessments of employees in their selection process. As with all selection exercises, agencies should document the process they followed to assess employees, including the information they relied upon in forming their assessment such as the individual's on-line information or referee reports. This will enable them to provide feedback to employees if sought and also to respond to any applications for review of process.

The selection documentation should also detail the actions taken to consult the redeployment register, including dates and the results of the consultation.

Where an agency assesses the suitability of an employee beyond the initial screening stage, it would be good practice to inform the employee and provide feedback on the outcome of the assessment.

Where an employee's details are assessed and they are not considered suitable in that initial screening stage, there is no need to advise the employee that their details have been viewed.

5.5 Review of decisions

Where a decision is made not to offer a move at level to an excess employee, the employee does not have a right of review of that decision.

However, actions that precede the decision, such as the conduct of any discussion held with the employee or communications with referees, may be reviewable. It is important therefore that agencies maintain appropriate records.

5.6 Salary and entitlements

Enterprise agreements typically contain provisions allowing agencies to consider maintaining the higher salary of an employee moving to that agency from another agency with higher rates of pay. It is expected that agencies will consider that flexibility when employees move to their agency at the same classification level.

Other entitlements such as annual leave, personal/carer's leave and long service leave will transfer between agencies in accordance with the existing APS mandatory portability provisions.

See also Part 5.3 regarding moves to a lower classification level and relocation.

5.7 Implementation dates

The *APS Redeployment Policy* came into effect on 21 April 2011 and the-online redeployment register became available on 23 May 2011.

Agencies with current recruitment processes underway where the selection panel has completed its assessment of applicants and recommendations have been finalised at 23 May 2011 are not affected by the requirement to consult the redeployment register.

Where a job was advertised before 23 May 2011 and the selection committee has not finalised the recommendations, the register should be reviewed and any potentially suitable employees assessed prior to a decision being made. Registered employees may be asked to provide more information so that their suitability may be fully assessed—see 5.2 above.

Agencies with existing orders of merit at 23 May 2011 from previously advertised vacancies will need to consult the register and assess the suitability of excess employees prior to making any additional job offers. Registered employees may be asked to provide more information—see 5.2 above.

Part six – Inter-agency job exchange

Agencies may initiate inter-agency ‘job exchanges’ to facilitate the transfer of an employee identified as excess or potentially excess with an employee from another agency who is seeking voluntary redundancy, with the agreement of both employees and both agencies.

Exchanges between agencies are to be ‘like to like’ which means:

- the employee seeking voluntary redundancy by exchanging jobs with a registered excess employee must be at the same classification level, and
- the ‘retained’ employee seeking redeployment rather than retrenchment must be capable of doing the duties of the job in question.

Agency heads may implement a job exchange by entering into an agreement under section 26 of the PS Act which allows for voluntary movement between agencies of both an employee who is willing to be retrenched and an excess employee who is pursuing redeployment.

Such decisions are generally made on operational grounds and on the basis that the employee to be retained is able to effectively perform the duties that he/she will be assigned⁹. An agency head is under no obligation to consider or agree to a job exchange and may take into account both the overall cost of a redundancy and the ability of the employee to perform the duties.

The APSC is developing an on-line system to facilitate this process however as with other redeployment arrangements any action on job exchanges remains the responsibility of the agencies concerned.

Job exchanges will involve:

- an APS employee (Employee A) seeking a voluntary redundancy who has not been offered one by own agency
- an APS employee (Employee B) registered on the on-line redeployment register seeking redeployment.

The process will operate as follows:

- Employee A seeking voluntary redundancy but not identified as excess obtains approval from own agency to register for a job exchange.
- If the agency approves, HR area of Employee A submits brief job description to on-line database—employee’s details are not included.
- Employee B registered for redeployment may ask the HR area of their own agency to access the database and search for suitable job (agencies are not able to deny such a request).
- Where a suitable job is identified and Employee B’s agency is willing to consider a job exchange, Employee B’s HR area is to contact Employee A’s HR area and submit Employee B’s resume—this is not done through the database.
- Employee A’s agency to assess suitability of Employee B for the job in question.
- Employee B’s agency to assess impact on redundancy payout costs.
- If Employee B assessed as suitable and both agencies wish to proceed, Employee B moves to Employee A’s agency and job description is removed from database.
- If job exchange does not proceed, Employee A’s job description remains on job exchange database and Employee B remains on APS Redeployment Register.

⁹ In accordance with clause 2.3(1)(b) of the Commissioner’s Directions

APS Redeployment Policy

Introduction

The Australian Public Service (APS) employs an occupationally and geographically diverse workforce. It is a large and significant employer in Australia and recognises the importance of good workforce planning and proper handling of staffing reductions.

It is vital to our ongoing capability that we retain in employment experienced APS employees and employees with critical specialist skills. In particular it is important that the APS manage any staff reductions with a view to current and future needs including:

- preserving corporate knowledge
- maintaining core workforce skills, for now and in the future
- maintaining appropriate diversity profiles, and
- supporting succession planning capability in the longer-term.

Redeployment is the joint responsibility of the agency and employee.

- Excess employees need to actively pursue alternative employment opportunities to maximise the prospect of successful redeployment.
- Agency heads need to provide timely, accurate information to employees which is consistent with their obligations including under the *Public Service Act 1999* (PS Act) and subordinate legislation (particularly the Value on consultation) and enterprise agreement (e.g. any general consultation requirements on major change or excess staffing situations).

Set out below is the Government policy that will apply to agencies in the APS in relation to employees under the PS Act. These arrangements are to be managed in the context of agency workforce plans, applicable legislation and agency enterprise agreements.

Part 1 - Redeployment Principles

1.1 Agencies with staff that are excess (or potentially excess) will need to consider staff requiring placement before undertaking the normal requirement for external advertising.

- 1.1.1 Agencies need to give their highest priority to redeploying their staff to other higher priority areas within their agency if there needs to be a reduction in staffing levels.
- 1.1.2 Suitably qualified staff should be moved to other jobs in the agency before a vacancy is advertised.

1.2 Individual agencies should explore redeployment options for excess staff both internally and, if no suitable positions are available, within the wider APS through collaborative arrangements with other agencies.

- 1.2.1 While the highest priority is focussed on excess staff, agencies should also work with potentially excess staff to minimise the number ultimately declared excess.

1.2.2 There is a shared responsibility for redeployment; staff are expected to make efforts to move to an ongoing job as quickly as possible, and agencies are expected to provide a high level of information and support to the affected staff.

1.2.3 Agencies should not use excess staffing arrangements as an alternative to dealing with underperformance.

1.3 Agencies recruiting employees should first consider staff seeking redeployment opportunities from other agencies.

1.3.1 Agencies should collaborate with other agencies.

1.3.2 If found suitable, the employee can move to their new agency within 4 weeks (provided it is not a promotion). In cases of movement at level, there is no requirement for advertising or merit selection.

1.4 Agency downsizing processes need to be clear and transparent, with strong communication and consultation with employees and their representatives.

1.4.1 Agencies will need to develop a communication strategy for staff.

1.4.2 Agencies are encouraged to establish a key contact point early in the process to provide information and support to staff and facilitate collaboration between agencies.

1.4.3 Agencies are to develop a strong consultation process with affected employees and their representatives which are in accordance with consultation processes outlined in agency enterprise agreements. Consultation should continue through every stage of the downsizing process.

1.5 Agencies should make every effort to continue training and skills development.

1.5.1 This is essential for the long term capability of agencies and the APS as a whole.

1.6 Agencies should be cautious to ensure that downsizing does not unreasonably reduce the diversity of their workplaces.

1.6.1 The downsizing of particular services or programs may have a disproportionate impact on some groups of employees that are clustered within that area.

1.6.2 Where the take-up of Voluntary Retrenchment (VR) packages amongst particular groups (such as Aboriginal or Torres Strait Islander employees) appears disproportionately high, agencies should work to moderate this through development of redeployment options and tailored support arrangements.

1.7 While VR packages may be offered, agencies should ensure this is done strategically, including seeking to retain highly valued employees.

1.7.1 VR packages can exacerbate budget shortfalls. While agencies may need to shed staff, natural attrition may be sufficient to achieve savings requirements, particularly if early action is taken.

- 1.7.2 Where necessary, a broad expression of interest in the VR process may be used. Agencies need to make it clear that this EOI process does not represent any commitment or obligation to offer a VR to those who express interest and that it will not prevent other staff from being identified as excess.
- 1.7.3 While there needs to be a fair process, this does not preclude agency heads ensuring that high performing employees are retained.
- 1.7.4 VR processes will need to be consistent with agencies' enterprise agreements.
- 1.8 Compulsory retrenchments should be avoided.**
- 1.8.1 While agencies must retain the capacity to terminate an excess employee without agreement, this is very much a last resort power.
- 1.8.2 Agencies should give consideration to retention periods in their enterprise agreement, to seek to maximise opportunities for redeployment.

Part 2 - Process to Support APS Redeployment Arrangements and the Redeployment Principles

In relation to excess staffing situations, agency heads need to comply with the Public Service Act and subordinate legislation as well as requirements in enterprise agreements.

The following arrangements will operate across the APS to give effect to the Redeployment Principles. In giving effect to the Principles and the processes below, Agency Heads need to ensure compliance with their legislative obligations and their enterprise agreement.

The processes below apply in relation to an APS employee who has been declared as excess by an agency head. Any involvement of the APSC will be on a cost recovery basis.

2.1 Redeployment – at APS-wide level

- 2.1.1 With the agreement of affected employees, agencies with employees who have been declared excess, or who have been formally notified that they may be declared excess, will register those employees' interest in redeployment. This could be done via submission of their résumé to a central electronic database maintained by the APSC.
- 2.1.2 As a matter of course, agencies with vacancies will consult the register (via a log-in password) prior to advertising to assess whether an excess employee may be suitable for a vacancy.
- 2.1.3 While an agency can advertise a vacancy, before the vacancy closes, they need to complete an assessment of any excess employee at that level in the agency as well as other APS excess employees identified by consulting the register. Agencies are required to document this assessment in their selection process.
- 2.1.4 The APSC will develop guidelines on assessing excess employees registered for redeployment to facilitate an efficient and timely process.
- 2.1.5 Where the employee is assessed as suitable (or suitable after a reasonable period of adjustment) the person can be transferred (at level) by the agency without assessing other candidates. The agency heads may agree to the option of a temporary placement, as this would allow sufficient time to assess job performance and, notwithstanding the short term disruption, is likely to encourage a greater take-up and more redeployments over time.

2.2 Job exchanges and information sharing

- 2.2.1 An agency head, with the agreement of another agency head and an employee, can move the employee to their agency as part of an arrangement to address job reductions. This would be managed by the agencies and does not require APSC involvement.
- 2.2.2 The APSC will provide a clearing-house facility for employees to register their interest in job exchange opportunities, subject to it being supported by their agency head.
- 2.2.3 A job exchange may be agreed to by agency heads where another APS employee at the appropriate classification level is willing to accept a VR package. Either agency head can decline a job exchange having regard to:
- (a) the skills, attributes or performance of the employees involved and alignment to their workforce plan;
 - (b) whether it is affordable.

2.3 Individual support for excess staff

- 2.3.1 Support may be provided by agencies or facilitated by the APSC. This may include:
- (a) provision of training in ‘getting that job’ (job applications, interviews, etc).
 - (b) career counselling could be facilitated by existing employee assistance arrangements to help excess employees to assess their prospects of redeployment and to give guidance on career choices.
- 2.3.2 These provisions would be subject to:
- (a) there being a benefit to the employee and agency and that it would enhance the prospects of redeployment and
 - (b) the costs being reasonable.
- 2.3.3 Where the gaining agency head is satisfied that an excess employee could effectively perform a vacant job following a short re-training period, the losing agency head may approve reasonable funding to the gaining agency for the adjustment period.
- 2.3.4 Other existing employment arrangements should also be discussed with an excess employee such as:
- (a) the option of reducing an employee’s classification as an alternative to involuntary retrenchment;
 - (b) transfers within an agency where employees have suitable skills for other positions in the organisation.

21 April 2011

Frequently asked questions

My agency has an existing order of merit from an earlier job advertisement—can we still use it?

- Yes, however agencies with existing orders of merit will be required to consult the redeployment register as each new vacancy arises and assess the potential suitability of excess employees before drawing on the order of merit.

How much of this policy does my agency have to comply with?

- The *APS Redeployment Policy*, which includes the eight key redeployment principles plus the supporting processes, is Government policy.
- Agencies need to comply with the redeployment principles in the spirit of APS-wide cooperation and genuinely consider employees on the APS redeployment register in the filling of vacancies.

Does the policy cover SES employees?

- SES are not excluded from the policy. On the first occasion an SES employee registers for redeployment, we will notify all agencies so that they can ensure the register is considered for all future SES selection processes.

When does the new redeployment process start?

- The APS redeployment register was launched on 23 May 2011.
- Any current recruitment exercise where a recommendation has been finalised by the selection panel prior to 23 May 2011, can proceed without interruption.
- Any agency with a current recruitment exercise still in the process of finalising the assessment of applicants on 23 May 2011 is to consult the redeployment register and consider registered employees in conjunction with those who have applied.
- This also applies to agencies with existing orders of merit from previously advertised vacancies or bulk rounds—as each new vacancy arises they will be required to consult the redeployment register before considering applicants on the order of merit.

What is the process for assessing excess staff from other agencies?

- If an agency conducts an external recruitment process they must check the APS redeployment register to identify and assess employees who:
 - are at (or willing to reduce to) the relevant classification level
 - based in (or willing to relocate to) the relevant location
 - may have suitable skills and experience, either immediately or after a reasonable period of adjustment.
- This process must be completed before public applications for a vacancy close.
- See previous question regarding bulk recruitment rounds and orders of merit.

What cost is there to agencies?

- There is no cost to agencies to register an employee on the APS redeployment register.
- The APSC's suite of training programs is available on a fee for service basis.
- The APSC will monitor demand for these programs and will develop new products if necessary.

What reporting obligations are there for agencies?

- Agencies are required to assess the claims of potentially suitable employees from the redeployment register and record the assessments in the selection reports for vacant positions.
- The APSC is considering appropriate arrangements for monitoring and reporting on progress and success in implementing the policy, in addition to reporting requirements for the Minister's office. Wherever possible, these reports will be automatically generated by the on-line system itself.

Do the employees registered for redeployment receive priority treatment?

- Within their existing agency they are to be considered for placement at or below their current classification level before any vacancy is advertised.
- Other agencies are to consider them for all relevant vacancies at or below the employee's classification level, including those for which there is an existing order of merit—they are given priority in so far as they must be considered.
- Where a vacancy has already been advertised, excess employees who might potentially be suitable may be asked to provide additional information, for example a statement addressing the selection criteria, so that they can be assessed on an equal footing with other applicants.
- Additionally, they could be fully assessed within the selection process together with other applicants.

What if more than one excess employee is found suitable for a vacancy?

- Agencies can ask for additional information that would allow them to compare the suitable employees.

What support is available to agencies?

- The APSC is available to provide advice and guidance as required.
- Enquiries can be directed to the contacts on the Employment Policy page.
- Technical issues relating to the on-line register can be directed to APSC-redeploymentregister@apsc.gov.au.
- For information about learning and development programs, refer to <http://www.apsc.gov.au/learn/programmes.htm> or contact the Products and Services Group on (02) 6202 3522 or email nationalcalendarteam@apsc.gov.au.
- For advice and guidance on workforce diversity issues, email carolyn.naess@apsc.gov.au.