

Exemption from open merit for positions reclassified from AO2 to AO3

Policy Number: B32 (QH-POL-134)

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Purpose: To outline the process for exemption from open merit for positions reclassified from administrative officer level 2 (AO2) to administrative officer level 3 (AO3).

Application: This policy applies to employees working for Queensland Health who have had their position re-evaluated and formally approved for upgrade from an AO2 level to an AO3 level.

This policy does not apply to Queensland Ambulance Service employees. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedure.

Delegation: The 'delegate' is as listed in the Queensland Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Human Rights Act 2019*
- Queensland Public Health Sector Certified Agreement (No. 10) 2019 (EB10)
- Public Service Commission Directive No. 07/20 – Appeals

Related policy or documents:

- Recruitment and Selection HR Policy B1
- [General Retention and Disposal Schedule](#)

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1 Policy

This process is only to apply when the position has been re-evaluated through an approved job evaluation process (JEMS) and formally approved for upgrade from an AO2 level to an AO3 level.

1.1 Qualifying criteria for a legitimate incumbent

The legitimate incumbent:

- is to be a permanently appointed employee
- is to have undertaken the majority of duties and responsibilities of an identical, restructured or revised position for more than 12 months.

In the case of upgraded positions, the legitimate incumbent is to have been formally appointed to the position that has now been upgraded.

1.1.1 When there are an equal number of legitimate incumbents for an equal number of available positions

If only one legitimate incumbent applies for one available position then a suitability assessment is to be undertaken. There is no requirement to consider surplus officers for appointment when only one legitimate incumbent is to be considered for the position.

1.1.2 When there are more positions available than legitimate incumbents

If there are multiple positions available and more than one legitimate incumbent exists, (e.g. if five employees meet the qualifying criteria and ten positions have been upgraded) then a suitability assessment is to be undertaken on each legitimate incumbent. There is no requirement to consider surplus officers for appointment, as each legitimate incumbent has a separate position. The remaining positions are to be advertised as usual for open merit in accordance with Recruitment and Selection HR Policy B1.

1.1.3 When there are more legitimate incumbents than available positions

If more than one legitimate incumbent exists (e.g. if 10 employees have been undertaking the majority of duties as above) and for organisational reasons only five positions have been upgraded and duties reallocated, then a closed merit process within this pool of 10 employees, including any identified surplus officers, is to be undertaken.

2 Applying the Policy

2.1 The process

A normal JEMS (or other approved job evaluation process) is conducted.

- The position is evaluated at an AO3 level.
- The delegate signs off on the new level.

The position is advertised within the Hospital and Health Service or Department of Health only and legitimate incumbents are invited to apply. The criteria for legitimate incumbents are to be posted with

the advertisement. The advertisement and criteria are to be placed in the work unit where the position has been reclassified and brought to the attention of potential legitimate incumbents.

Applications are to consist of:

- responses to the legitimate incumbent qualifying criteria
- responses to the key skill requirements.

2.1.1 No legitimate incumbent applications

If no potential legitimate incumbent applies, the position is advertised as usual for open merit in accordance with Recruitment and Selection HR Policy B1.

2.1.2 Less or equal legitimate incumbents to available positions

If there are more vacant positions (or equal to) the number of potential legitimate incumbents:

- The selection panel is to assess the incumbent/s to ensure that qualifying criteria are met.
- If the qualifying criteria are met, the panel is to assess the legitimate incumbent/s against the selection criteria using a suitability process (i.e. the legitimate incumbent/s only have to meet the criteria).
- If the suitability requirement is met, the delegate is to review the process and sign off on the appointment.
- Notification of the appointment is to be published in either the health services bulletin or the government gazette.
- All relevant documentation in relation to the appointment is to be maintained in accordance with the General Retention and Disposal Schedule for human resources (HR) management records.
- If the suitability requirement is not met, the position is to be filled in accordance with Recruitment and Selection HR Policy B1. This includes consideration of surplus officers assessed as suitable to fill the remaining positions.

Employees are then to have the opportunity to apply or reapply for the vacancy under approved selection processes.

2.1.3 More legitimate incumbents than available positions

If more legitimate incumbents apply than vacant positions:

- The panel is to first assess who meets the qualifying criteria.
- Then the panel is to select the most meritorious legitimate incumbent/s or surplus employee/s, as determined through a closed merit process.
- If there are multiple legitimate incumbents who apply for consideration, the panel are also to identify surplus officers and invite them to apply for the position. Consideration of surplus officers is only required if more than one legitimate incumbent is to be considered.
- The panel is then to select the most meritorious applicant (either legitimate incumbent or surplus officer) and the delegate is to sign off on the appointment.
- Notification of the appointment is published in either the health services bulletin or the government gazette.

All relevant documentation in relation to the appointment is to be maintained in accordance with the General Retention and Disposal Schedule.

2.2 Appeals process

All appointments made under this policy are subject to the normal notification requirements.

When the criteria have been met in order for a suitability assessment to be undertaken, the appointment is to be notified in part 2 – non-appealable section of either the health services bulletin or government gazette.

When a closed merit selection process has been undertaken, the appointment is to be notified in part 1 – appealable section of either the health services bulletin or government gazette.

An unsuccessful legitimate incumbent can access the promotion appeals procedures and requirements in Public Service Commission Directive No. 07/20 – Appeals.

History:

June 2022	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions
June 2009	<ul style="list-style-type: none"> • Protected IRM 1.13-10 reformatted as part of the HR policy consolidation project in accordance with EB7.
January 2004	<ul style="list-style-type: none"> • IRM 1.13-10 Exemption from Open Merit for Positions Reclassified from AO2 to AO3 (clause 11.1 of Queensland Public Health Sector Certified Agreement (No.5) 2002 (EB5)).