

Employees requiring placement

Policy Number: B36 (QH-POL-237)

Publication date: June 2020

Purpose: To outline the principles and processes for managing an employee whose substantive role becomes surplus through organisational change.

Application: This policy applies to all permanent Queensland Health employees.

This policy does not apply to the following categories:

- temporary employees
- casual employees
- employees engaged on a contract
- employees whose termination is as a result of disciplinary action
- employees whose termination is as a result of retirement on the grounds of physical or mental incapacity
- employees still in their probationary period.

Delegation: The 'delegate' is as listed in the Department of Health Human Resource (HR) Delegations Manual and the Hospital and Health Services Human Resource (HR) Delegations Manual – HRM Functions of the Director-General, as amended from time to time.

Legislative or other authority:

- *Public Service Act 2008*
- *Hospital and Health Boards Act 2011*
- *Industrial Relations Act 1999*
- *Fringe Benefits Tax Assessment Act 1986*
- Public Service Regulation 2008
- Directive 6/13 - Employees Requiring Placement
- Directive 11/12 – Early Retirement, Redundancy and Retrenchment
- Directive 19/10 – Appeals
- Directive 11/11 – Transfer and Appointment Expenses
- Directive 11/13 – Transfer within and between Classification Levels and Systems

Related policy or documents:

- Recruitment and Selection HR Policy B1 (QH-POL-212)
- Secondment HR Policy B42 (QH-POL-224)
- Relinquishment of Role HR Policy B43 (QH-POL-216)
- Transfer and Appointment Expenses HR Policy D4 (QH-POL-245)
- Reasonable Adjustment HR Policy G3 (QH-POL-210)
- Separation of Employment HR Policy H1 (QH-POL-227)
- Suitability Assessment Guidelines (23 October 2009)
- Queensland Government Employment Security Policy
- Salary Packaging – Providing options on how to use your money – Queensland Health

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MOCA5 protected
 Human Rights Act 2019 applies
 Public Sector Act 2022
 applies on 1 March 2023
 Managing the risk of psychosocial hazards at work
 Code of Practice 2022
 applies 1 April 2023

1 Policy framework

The Public Service Regulation 2008 applies the following ruling to all health service employees:

- Directive 06/13 – Employees Requiring Placement

Any replacement directives issued dealing with substantially the same subject matter are to be applied to health service employees.

Refer to Schedule One - Operational requirements and responsibilities.

1.1 Employee's position surplus to organisational requirements

An employee's position may become surplus through organisational change. This may result from workplace arrangements that range from strategies at the individual level such as job redesign, job reclassification and management-initiated employee transfer, to restructure at the local or organisational level. Managers must make reasonable efforts to identify alternative suitable permanent placement opportunities for those employees whose substantive position has been deemed surplus to requirements.

1.2 Employee Requiring Placement (ERP)

Where an employee cannot be placed into an alternative suitable permanent position, the employee is to be advised in writing and provided with a decision between two courses of action:

1. accept a voluntary redundancy (in accordance with relevant directives)
or
2. pursue transfer (and/or redeployment) opportunities.

Where an employee declines the offer of voluntary redundancy (or fails to respond and is deemed declined), the employee is then designated an Employee Requiring Placement (ERP).

The employee is referred to a nominated case manager for active matching for transfer/redeployment opportunities.

1.3 Retrenchment

Retrenchment of an employee designated as an ERP is only to be considered if all other avenues have been exhausted; including retraining, transfer or redeployment, and a review has determined continuing placement would not be appropriate based on specialised skill set, location or when an employee is not actively participating in the placement process.

The application of retrenchment provisions is to be in accordance with Directive 11/12 – Early Retirement, Redundancy and Retrenchment.

1.4 Transfer within and between classification levels and systems

Transfer of an employee at the AO8 or equivalent level and below is to occur in line with Directive 11/13 – Transfer Within and Between Classification Levels and Systems, and Recruitment and Selection HR Policy B1.

Employees who are permanently transferred to a new location are entitled to transfer expenses in line with Transfer and Appointment Expenses HR Policy D4.

1.5 Decision review

Queensland Health is to ensure that the deployment and redeployment process including decisions made relating to this process are equitable and appropriate documentation and records are maintained for monitoring and evaluation purposes.

1.6 Conditions of employment

Unless otherwise determined, following a permanent placement, the conditions of employment for an employee are those that are applicable to their new placement.

1.7 Salary maintenance

In order to support the employee and allow for transition arrangements to be put in place, Queensland Health provides salary maintenance within certain parameters as outlined below.

1.7.1 Salary maintenance within Queensland Health

During the deployment period costs including salary and training are the responsibility of the cost centre or unit to which the employee was last substantively appointed. For the duration of the deployment period, the employee receives salary maintenance at their substantive level including approved incremental increases.

An employee redeployed (to a lower level) is to be paid by the receiving work unit at the top pay point of their new classification level plus any applicable allowances. The employee is entitled, for a period of 12 months from the date of redeployment, to be paid the salary and allowances applicable to the last substantively appointed role prior to redeployment. The substantive work unit is to fund the difference between salary and allowances to be paid by the receiving work unit and the salary and allowances the employee would have been entitled to if they had remained at their substantive level. The employee is not to receive any pay point increments during this period but is to receive salary increases determined by an industrial instrument.

Following expiry of salary maintenance arrangements, an employee redeployed to a lower classification level in the same salary stream is to be placed at the maximum pay point of the lower classification level. If redeployed to a lower classification level in another salary stream, appointment is to be made to an equal or next highest pay point in the lower level, with normal incremental movement through the classification level, subject to industrial instrument requirements.

1.7.2 Salary maintenance across agencies

When an employee is permanently deployed or redeployed to another department/agency, the difference in salary costs (including salary maintenance) is to be provided by the department/agency from which the employee was deemed a surplus employee. The payment of the difference in salary costs is the responsibility of the cost centre or unit to which the employee was last substantively appointed. This is to be for a maximum period of twelve months from the date of transfer, unless other arrangements have been made between the relevant Chief Executives and/or the PSC Chief Executive.

This requirement does not apply when an employee is seconded to a temporary vacancy in another department/agency. When an employee accepts a temporary secondment to another department/agency at a salary level lower than their substantive level, the department/agency from which the employee was deemed as an ERP may pay the difference between the two salary levels.

Definitions:

Active matching	Queensland Health undertakes a process of actively matching all employees requiring placement against vacancies, prior to any external advertising process.
Agency	A department or public service office as defined under sections 14 and 21 of the <i>Public Service Act 2008</i> .
Deployment	When an employee is provided with a transfer at level or temporary appointment.
Employee Requiring Placement	Previously known as a surplus employee. An employee who has been unable to be substantively allocated to a role following workplace change (a surplus employee) and includes a person who is surplus as a result of being unattached from their role (relinquishment).
Entry-level positions	Any position defined as entry-level or base-grade by an industrial determination.
Meaningful duties	During any deployment period, employees are to be assigned meaningful duties commensurate with their skills and abilities, pending their permanent deployment or redeployment. The substantive work unit is responsible for any costs, including salary.
Redeployment	Permanent appointment of an employee, with their consent, to a lower classification level than the employee's substantive classification level.
Substantive	A position to which an employee has been appointed permanently.
Suitable	An employee is deemed suitable if the minimum requirements of the role are met to a satisfactory level once the employee is provided with reasonable retraining, induction and if necessary, reasonable adjustment.

History:

June 2020	<ul style="list-style-type: none"> Policy application amended as a result of changes to the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
June 2014	<ul style="list-style-type: none"> Policy formatted as part of the HR Policy Simplification project. Policy amended to: <ul style="list-style-type: none"> – update references and naming conventions – reflect amendment of PSC Directive 6/13 – Employees Requiring Placement
October 2011	<ul style="list-style-type: none"> Updated to reflect the repeal of Directive 14/09 - Placement of employees following machinery-of-government changes or service delivery reform
August 2011	<ul style="list-style-type: none"> Updated to reflect the transition of surplus registration processing from Recruitment Support Service Team (RSST) to Statewide Recruitment Services (SRS).

<p>March 2011</p>	<ul style="list-style-type: none"> • Deletion: <ul style="list-style-type: none"> – section 9.1.1 - PSC registered deployees, as they have all now phased out under the transitional arrangements. – all references to PSC registered deployees have been removed under sections: 11.2, 11.3, 11.4, 12.1, 15 – section 12 – deletion of Queensland Health reciprocal arrangements to consider surplus and PPE of other public sector agencies via suitability assessment prior to any other potential applicant as this is no longer a requirement. • Amended: <ul style="list-style-type: none"> – section 11.4 –priority placement vacancies at Phase 3, QH surplus and PPE should have already been considered via preliminary phase. – section 11.1 and 11.4 – removal of requirement to consider government-wide ppe and surplus graduates prior to other applicants at the preliminary phase prior to other applicants. Now only consideration of QH ppe and surplus at phase 3.
<p>October 2010</p>	<ul style="list-style-type: none"> • Updated: <ul style="list-style-type: none"> – section 9.1.1 to correctly reflect the effective date of Directive 12/09 as 18 September 2009 – to reflect new Directive 7/10 Transfer within and between Classification Levels and Systems.
<p>April 2010</p>	<ul style="list-style-type: none"> • Amended to: <ul style="list-style-type: none"> – reflect amendments to Directive 14/09, particularly: <ul style="list-style-type: none"> – the inclusion of SO positions with regards to priority placement vacancies processes regarding filling vacancies at SO and SES level. – update process regarding: <ul style="list-style-type: none"> – exceptions to undertaking a suitability assessment (section 12.3) – filling vacancies at SO and SES level (section 11.5) – filling vacancies at DSO and HES level (section 11.6).
<p>January 2010</p>	<ul style="list-style-type: none"> • Amended to incorporate: <ul style="list-style-type: none"> – processes for internal matching and advertising of vacancies under a graduate recruitment program (section 11.1) – reference to relocation costs (section 12.5).
<p>December 2009</p>	<ul style="list-style-type: none"> • Amended to incorporate: <ul style="list-style-type: none"> – Directive 12/09 – Employment Arrangements following Workplace Change – Directive 14/09 – Placement of Employees following Machinery-of-Government Changes or Service Delivery Reform. – Public Service Commission Directive 4/10

	<p>enables government-wide employees employed under the Public Service Act 2008 to apply for priority placement vacancies across government during phase 2. The Directive does not apply to Queensland Health employees employed under the Health Services Act 1991. To address the inconsistent application of this Directive across Queensland Health, the Director-General on 14 December 2009, determined (determination under Section 28 Health Services Act 1991) to apply section 7.6 of the Directive to health service employees.</p>
September 2009	<ul style="list-style-type: none"> Amended to update income maintenance across agencies, directive references and provide information regarding salary packaging arrangements.
March 2009	<ul style="list-style-type: none"> Amended to update the deployment/surplus registration form. Amended section 8.3.4 procedure, suitability decision and exceptions clauses to reflect requirements under Directive 4/02 and consistency with other HR policies. Amended section 8.3.6 to specify active matching option during periods of extended leave.
December 2008	<ul style="list-style-type: none"> Developed as a result of the HR policy consolidation project.
Previous	<ul style="list-style-type: none"> IRM 1.15-1 – Management of Surplus Employees: Policy Framework IRM 1.15-2 – Management of Surplus Employees: Identification and Notification to Surplus Employees IRM 1.15-3 – Management of Surplus Employees: Internal Registration and Active Matching IRM 1.15-4 – Management of Surplus Employees: Office of the Public Service Commissioner Registration IRM 1.15-5 – Management of Surplus Employees: Case Management IRM 1.15-6 – Management of Surplus Employees: Decision Review Procedures

Employees requiring placement – Schedule One Operational requirements and responsibilities

The following information is provided as the minimum mandatory practice, procedure or process to enable satisfactory compliance with this Queensland Health HR policy.

Local guidelines/procedures may be developed to facilitate implementation of this policy. Any local guidelines/procedures must be consistent with this policy and schedule and ensure employee entitlements continue to be met.

Online system VADER must be used to track and manage employees surplus to organisational requirements and employees requiring placement.

1 Identification of and notification to an employee whose position is deemed surplus to organisational requirements

As part of its organisational change and workforce management processes, Queensland Health is to identify and formally notify employees of their status, options, obligations and rights.

2 Role of the employee requiring placement

In addition to the requirements outlined in Directive 06/13- Employees Requiring Placement, the employee is required to actively participate in the deployment process.

Active participation includes the following:

- meet regularly with their case manager
- participate in the development and implementation of an action plan
- provide a current résumé in the required template
- consider matched vacancies
- ensure they are available to meet with selection panels
- accept reasonable deployment and retraining opportunities
- search for jobs proactively
- complete appropriate application procedures as requested
- undertake assigned meaningful duties as provided

When it is determined that a surplus employee is not participating actively in the process, the delegate may commence action under the provisions of the retrenchment directive. The employee is to be provided with an opportunity to state reasons why this is not to occur. The delegate is to consider any statement made by the employee before proceeding.

A refusal or failure by the employee to participate in a suitability assessment process may give rise to disciplinary action which may lead to retrenchment of the employee.

3 Role of the manager

In addition to the requirements outlined in Directive 06/13 - Employees Requiring Placement, managers are required to:

- communicate regularly with each affected employee
- complete the referee report on each employee requiring placement from their work unit
- ensure meaningful duties are allocated to each employee while alternative placement opportunities are being sought.

4 Role of the placement case manager

In addition to the requirements outlined in Directive 06/13- Employees Requiring Placement, placement case managers are required to:

- communicate regularly with the ERP, providing support and advice on directives and policies
- actively match the employee to identified vacancies
- ensure the directive and policy requirements are understood and met by managers and the employee.

5 Vacancy advertising

Matched ERPs are to be considered via a suitability assessment prior to the consideration of any other potential candidates.

Selection panels for advertised senior executive service (SES), health executive service (HES) and district senior officer (DSO) roles are to consider ERP who may be suitability assessed for SES, HES and DSO vacancies.

A suitability assessment is to determine whether an employee has the minimum skills to perform the role requirements to a satisfactory level. Reasonable induction and training is the period of on-the-job training and orientation to Queensland Health's work systems and operating environment that would need to be provided to any external appointee who was new to the position and to Queensland Health.

6 Temporary appointment of up to 12 months

If an employee is appointed to a temporary vacancy of up to 12 months in another Hospital and Health Service, Centralised Business Unit, the Department of Health or other government agency, the employee is seen to be on secondment unless otherwise agreed by the relevant chief executives (refer Secondment HR Policy B42). If the temporary vacancy is within Queensland Health, the employee is to be temporarily appointed to the vacancy.

The employee is to remain registered with Queensland Health as an employee requiring placement and active matching to permanent roles is to continue.

The employee may also apply for vacancies at any level during the secondment period.

7 Temporary appointment in excess of 12 months

If an employee is appointed to a temporary vacancy in excess of 12 months in another Hospital and Health Service, Centralised Business Unit, the Department of Health or another government agency, the employee is to be moved permanently to the establishment of the receiving manager and organisation. Active matching ceases at the commencement of the temporary appointment.

If at the end of the temporary vacancy the employee has not secured a permanent position, the employee will re-enter the ERP process under the terms of relevant directives applicable at that time.

Ongoing case management and active matching of the employee will then become the responsibility of the receiving Hospital and Health Service, Centralised Business Unit, the Department of Health or other government agency with matching to recommence no later than four weeks before the end of the temporary deployment.