



## Guidelines on assignment to role of Public Service senior executive and non-executive employees under the Government Sector Employment Act 2013 (GSE Act)

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**Summary** This document provides guidance on the process for movements of Public Service senior executives within the Public Service, and Public Service non-executives within the agency of their employment by assignment under the GSE Act. It does not deal with secondments and transfers which are addressed in separate guidelines.

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# 1 Purpose and Scope

## 1.1 Purpose

The purpose of the guidelines is to:

- Provide guidance on mobility through assignment in the Public Service under the provisions of the *Government Sector Employment Act 2013* (GSE Act), enabling movement of non-executive employees within a public service agency and of executives across all public service agencies to provide employee development opportunities and improved deployment of workforce resources to meet organisation needs; and
- Assist employers and employees to implement the new approach under the GSE Act which provides for an employee to be employed in a classification of work or an executive band then assigned, and subsequently assigned, to one or more roles in that classification of work or Band.

Under the Government Sector Employment (GSE) legislative framework, the Public Service Commissioner may make GSE rules on specific matters relating to employment in the NSW Public Service. Priority rules on key matters to support the operation of the GSE Act from its commencement were issued by the Public Service Commissioner on 20 February 2014.

As the concept of assigning employees to roles is new in the NSW Public Service, the operation of assignment to roles, including temporary assignments, will be via these guidelines pending the issuing of rules relating to assignments, which may be made under section 36 and section 48. These guidelines represent the policy position and intended rules on assignments to roles and temporary assignments, and are expressed accordingly. Agencies are encouraged to apply the guidelines with the same level of compliance as is required for the GSE rules.

Prior to making a final set of rules on assignment to role and temporary assignment, the Public Service Commission will seek feedback from agencies on the operation of the provisions in these guidelines. It is anticipated these rules will be issued in late 2015.

Refer to the **Glossary in Appendix 1** for an explanation of terms used regularly throughout these guidelines.

## 1.2 Scope

These guidelines outline the policy and procedures to be followed in implementing the Government Sector Employment provisions for movement by assignment of:

- Public Service non-executive employees within a Public Service agency
- Public Service senior executive employees within and between Public Service agencies

These movements may be made as either:

- An assignment or subsequent assignment to a role under GSE Act s38 (for senior executives) or s46 (for non-executives); or
- A temporary assignment under GSE Rule 11 (rule 11 applies to both senior executives and non-executives).

These guidelines do not include information on:

- Movements of Public Service non-executive employees between government sector agencies, including between Public Service agencies (known as transfers or secondments under GSE Act s64)
- Movements of Public Service senior executives between Public Service and non-Public Service government sector agencies (known as transfers or secondments under GSE Act s64)

- Movements of Public Service senior executive and non-executive employees into other sectors, for example the Commonwealth Government, other state governments, the private sector, or the not-for-profit sector (known as temporary assignment between NSW government sector agencies and other relevant bodies under GSE Act s66).

For information on transfers, secondments and temporary assignment of staff between NSW government sector agencies and other relevant bodies, refer to GSE Act s64 and 66, Part 6 of the GSE Rules, and the Transfers, secondments and temporary assignment guidelines located on the mobility page of the EmploymentPortal ([www.psc.nsw.gov.au/employmentportal/Mobility](http://www.psc.nsw.gov.au/employmentportal/Mobility)).

**Note:** While GSE Act s64 and s66 could be used for senior executive movements between government sector agencies, the policy intent is that movements between Public Service agencies should be made as assignments under s38. The use of s66 should be limited to movements between the government sectors and a non-Government sector body as defined in s 66(6) and s64 should be used for transfers and secondments between government sector (non-Public Service) agencies.

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## 2 Introduction

### 2.1 Workforce planning context

The GSE Act assignment provisions are important enablers of effective workforce planning and management.

Pro-active workforce planning is essential to achieve optimal development and deployment of a workforce capable of responding to current and future agency priorities. Workforce planning requires managers to translate the strategic direction and priorities for their organisation into the capabilities required in the short and long term to deliver on objectives; to have a deep and current understanding of the current workforce's capabilities; and, based on these, to plan and manage the recruitment, development, deployment and performance of staff to optimise outcomes.

Workforce planning includes:

- organisational and role design based on analysis of what needs to be delivered and the mix of capability types and levels needed to deliver it;
- decisions about short and long term capability needs as a basis for determining the mix of employment types required (ongoing, temporary, casual, contingent);
- encouraging employees to nominate roles or work areas they want to work in next;
- allocation, recruitment and mobility decisions that take account of organisational priorities, employee capability levels and employee development needs;
- development of the workforce pool to ensure the right capability mix to deliver high quality services to customers.

Workforce planning should be undertaken as a matter of course at all levels of the organisation. In addition to cyclical corporate planning, every vacancy is an opportunity to consider whether the role is still needed in its current form and/or whether there is an opportunity to assign a staff member who would benefit from experience in the relevant area. Day to day interactions with staff and the more formal cyclical reviews of performance management are the basis for understanding development needs, identifying employees who are ready for, or would benefit from, work in a new area, and any capability gaps within the existing workforce.

Assigning an employee to a different role should not be used as a means of dealing with poor performance.

### 2.2 What is a role?

Section 3 of the GSE Act defines a role as the duties and responsibilities of an employee.

Organisational structures and the roles within them reflect the priorities of an organisation at a point in time, including what is needed to meet the priorities (the deliverables), and how work should be undertaken (the capabilities to be displayed). Roles may be created for short term priorities or ongoing work.

Guidance on what should be included in role descriptions is provided in the Role Description Guidelines ([link](#)) and a template to assist in creating role descriptions is provided on the PSC website at ([link](#)).

#### Reviewing Roles

Reviewing roles may arise from a vacancy, a change to organisational priorities, or as part of agency wide workforce planning. Role vacancy is an opportunity for managers to review whether there is a continued need for the role in its current form, whether a different combination of roles at particular classifications is better suited to deliver required organisational outputs and outcomes, whether the selection of focus capabilities is still appropriate, etc.

If an employee is to be assigned to a different role as a result of role review, the consultation requirements in section 4.4 and the assessment requirements in section 4.3 of these guidelines apply.

If role review will affect a significant number of employees, the Managing Excess Employees provisions and the Change Management Guidelines apply. Further information on change management processes is available on the workforce transition page of the EmploymentPortal.

## 2.3 What does “classification of work” mean under the GSE Act?

The GSE Act provides (s45 and s46) that non-executive employees are employed within a classification of work determined by the agency head and can be assigned to roles within that classification of work. The GSE Act says a classification of work extends to any kind of work and any grade of that work.

For the purposes of assignment under section 46 of the GSE Act, ‘classification of work’ should be regarded as including roles within the agency that are of similar grade, remuneration and capability requirements, as determined by the agency head.

In broad terms, this means that a non-executive employee may be considered for assignment to any role within their agency which has similar remuneration, requires essentially the same capability levels as those required of the employee in their current role or a previous role, and for which the employee meets any essential requirements and focus capabilities. The focus capabilities in the new role may be different to the focus capabilities in the current role.

Roles in a classification of work have different essential requirements and different focus capabilities. Not all employees in the classification of work will be suitable for assignment to all roles. For example, roles in a classification of work may include Administrative and Clerical clerk grade 7/8 project officers, policy officers, customer service officers, human resources officers, communications officers, finance officers and executive support officers, among other role types. If finance officer roles in this classification of work require a chartered accountant qualification as an essential requirement, only employees in the classification of work that have the qualification are able to be assigned to these roles. Classification of work may include roles that require comparable capabilities and are at comparable grades, but have their remuneration determined through different industrial instruments.

Where the capability requirements and work value of the roles are comparable but the remuneration of the roles is different, an assignment to a role with a different remuneration in the same classification of work should meet the following criteria:

- The maximum salary of the grade in the new role is no more than 5 per cent greater than the maximum salary in the grade of the current assigned role.
- The employee’s current salary point is within the salary range for the role to which the employee is being assigned.
- The employee is to be assigned to the closest salary point in the new salary scale that is the same or greater than the employee’s current salary.
- The employee’s salary is not to be reduced by the assignment without the written consent of the employee.
- If the maximum salary for the grade (i.e. the highest increment the employee may progress to in that grade) in the new role is less than the maximum that the employee could progress to in the employee’s current role, the employee’s written consent is required.

## 2.4 What is assignment? (GSE Act s38 and 46)

Under the GSE Act, employees are employed within a classification of work (non-executive) or a band (executive) rather than to a specific role. Assignment can be defined as the allocation of a public service employee to a role once employed. The term “assignment” applies to both initial assignment to a role and subsequent assignment to a different role within the classification of work or band. An assignment for a non-executive employee does not have a specified end date. Non-executive assignment is made under GSE Act s46. Senior Executive assignment is made under GSE Act section 38.

Assignment will be the primary mobility mechanism for Public Service non-executive employees within their agency and classification of work, and for Public Service senior executives across the Public Service within the band of their employment. Assignment and subsequent assignment support flexible movement of employees to different roles as organisational priorities change and to meet employee development needs.

## 2.5 What is temporary assignment? (GSE rule 11)

Temporary assignment (rule 11) is used instead of assignment (GSE s38 and 46) when two conditions are met:

1. The assignment is for a defined period (usually short) with a specified end date; and
2. The employee is expected to return to their most recently assigned role at the end of the temporary assignment.

Temporary assignment may be at level, or to a higher or lower classification of work or band.

Non-executives may be temporarily assigned to another role within the same Public Service agency. Senior executives may be temporarily assigned to another role in the same Public Service agency or another Public Service agency.

All references to temporary assignment in this document refer to rule 11.

Further details on temporary assignment are set out in section 5.

## 3 Initial assignment

### 3.1 Offers of employment and initial assignment

Public Service non-executive employees are employed in an agency in a classification of work and their employment is on an ongoing, temporary or casual basis. When employed, they are assigned to a role in the relevant classification of work (GSE Act s45 and s46). The head of a Public Service agency may from time to time assign Public Service non-executive employees to roles in the agency in the classification of work in which they are employed.

Similarly, Public Service senior executives are employed under the GSE Act as ongoing or term employees in a senior executive band and are assigned to a role within that band (GSE Act s37 and s38).

Employees engaged as a result of recruitment to an advertised role will initially be assigned to that role. Employees engaged from a talent pool may initially be assigned to any role for which they have been assessed as having the focus capabilities (as a minimum).

The letter of offer to both senior executives and non-executives should state whether the offer is for ongoing, temporary, term or casual employment, the particular classification of work or band in which the person is being offered employment and the details of the initial assignment. For ongoing employees, the letter should also include a statement indicating that the employee may be assigned to different roles in the future within the same classification of work and agency (for a non-executive employee) or within the same band but in any Public Service agency (for a senior executive employee).

### 3.2 Assignment of temporary and term employees

Temporary (non-executive) employees are employed for a temporary purpose (s43 GSE Act). Term (senior executive) employees are engaged to work for a specified period or for the duration of a specified task (s34 GSE Act).

Temporary and term employees are generally assigned to temporary roles. Temporary and term employees may also be assigned to temporary vacancies in ongoing roles (for example while recruitment action for ongoing filling is underway).

Because temporary and term employment is for a temporary purpose, or for a specified period or task, temporary and term employees should not be assigned (GSE Act s38 or 46) to subsequent roles unless consistent with the original purpose and within the original period of employment. If their services are required for a new role, non-executive employees should be issued with a new offer of temporary employment for the duration of the new assignment, and term employees should be offered a new contract of employment for the duration of the new assignment, consistent with the rules on temporary and term employment.

## 4 Subsequent assignment

### 4.1 Introduction

Assignment should be part of an organisation's approach to building a highly capable and agile workforce that is equipped to meet its business priorities. An employee may be assigned to a different role (a subsequent assignment) for any number of reasons, some of which include:

- to deploy employees where they are most needed
- to provide professional development
- to fill a vacancy
- as a result of a change to roles
- at the request of an employee.

Subsequent assignment of non-executive employees is within the agency and classification of work. Subsequent assignment of senior executive employees is within the band of employment and across the Public Service.

Roles and staffing numbers (establishment) do not need to change for a change in assignment to occur. It may be beneficial to rotate staff through different roles, for example for development purposes or to promote better cross team understanding of a work area's functions.

In most cases, subsequent assignments will not have specified end dates and employees will not generally return to a role they previously occupied. Exceptions to this will occur in the case of assignments to fill a vacancy with a defined period.

### 4.2 Identifying opportunities for subsequent assignment

As a matter of good workforce management practice, managers should discuss future development and career plans with their employees on a regular basis as part of the performance development cycle. Each vacancy that arises is an opportunity to consider the overall mix of workforce capabilities in the work group, the opportunity for assignment of an existing employee and consideration of the capability area most in need of strengthening through recruitment from sources external to the work group.

Regular management meetings provide an opportunity for managers across a work area or agency to discuss current and upcoming priorities and consider employees for assignment from a wider group than the immediate work area.

Annual or more frequent calls for expressions of interest within agencies provide a good opportunity for non-executive employees to indicate interest in different roles, and a way for them to be offered opportunities across the agency. This is a good option for large agencies, where managers may not be familiar with employees in other areas.

As Public Service senior executives can be assigned across the Public Service, consideration of senior executive assignments should take account of opportunities across the Public Service, not just within the agency. This could be achieved through a Public Service wide expression of interest, by accessing a talent pool (when established), or through discussions between agencies about specific and common needs.

### 4.3 Assessment requirements for subsequent assignment

Non-executive and senior executive employees cannot be assigned to a role for which they do not have the essential requirements (for example a relevant qualification or a licence). If an employee meets the essential requirements, their capabilities should be reviewed against those required for the role, as set out in the Role Description.

**Note:** in this section, ‘capabilities required for a role’ means both the range of capabilities required (from the core NSW Public Sector Capability Framework and any relevant Occupation-specific capability set) and the level required for each capability.

#### Non-executive assessment

Non-executive employees may be assigned to a role with the same Role Description as their current one or to a role with a different Role Description.

There is no set assessment process or minimum number of required assessments for a non-executive assignment as employees have already been assessed through comparative or suitability assessment for their initial assignment, and demonstrated capabilities through day to day work, and performance management.

In making an assignment decision the following guidance should be observed:

- While there is no set assessment process, delegates/ managers should be satisfied that the employee has demonstrated the focus capabilities of the role at the required level, unless the assignment is for development purposes. The employee may have demonstrated the focus capabilities in a previous role.
- Employees do not have to meet all non-focus capabilities, however as a guide, it would generally not be advisable to assign an employee to a role if they have not met the required capability levels for more than two of the non-focus capabilities required for the role.
- Where an employee is being *assigned without a change of manager to a role with the same capability requirements*, the manager should already be familiar with the employee’s capability levels and their developmental goals through discussions, the employee’s recent work, and performance management processes. An assignment would generally be made based on this information without requiring further assessment.
- Where an employee is being *assigned to a role in a different work area that requires capabilities at the same level* as their current role assignment (or a previous assignment), appropriate assessment might include a meeting with the employee, reviewing their performance management outcomes, reviewing recent work, and/or a discussion with the employee’s current/past manager.
- Where an employee is being *considered for assignment to a role that requires capabilities at different levels* to the employee’s current role, and the employee’s capability against these has not been assessed, it would be appropriate to undertake a work sample test, request a short statement from the employee against the requirements of the role, review the employee’s resume, interview the employee and/or obtain feedback from the employee’s current/past manager.

Note: If an employee has not demonstrated that they meet the focus capabilities of the role at the required levels, they may be temporarily assigned to the role for developmental purposes for a limited period of time (up to six months), provided appropriate support will be required. See section 5.5 “Temporary assignment for developmental purposes” of these guidelines for further information.

### Senior executive assessment

Due to the breadth of senior executive bands, roles in senior executive bands vary considerably in work value, in the levels of capability required and in remuneration.

Accordingly, senior executives considered for assignment to a role at a higher point within the band on an ongoing basis, or to a role at the same remuneration point with different capability levels, must have been assessed through at least a suitability assessment as having the levels of capability required for the role. This can be considered together with any other assessments or evidence considered necessary by the Secretary.

Where a senior executive has previously been assessed as meeting the focus capabilities of the role, and is rated as meeting them through recent performance management outcomes, further assessment should generally not be necessary before they are assigned.

Employees may choose to provide evidence that they meet the focus capabilities through the release of assessment results from formal recruitment actions or other assessment, conducted within the previous 12 months, however the choice of assessment methods and sources rests with the delegate/manager.

Agencies are encouraged to conduct expressions of interest across the Public Service to support senior executive mobility between agencies.

## 4.4 Consultation for assignment

An employee is not to be assigned to a role unless he or she has been consulted (s38(8) and s46(4) of the GSE Act). Consultation provides an opportunity for managers and employees to discuss the reasons for the assignment and any questions or concerns either party may have.

Consultation should include discussion about the reasons for the assignment, the nature of the new role, when the assignment is expected to commence, who the employee will be reporting to during the assignment, whether the employee will return to their current role at the end of the assignment, and any concerns the employee has about the assignment. If the role description for the new role is different to the role description for the current assigned role, it should be provided to the employee and discussed during consultation.

Managers should keep a diary note of when consultation took place. If an employee does not agree with the proposed assignment, and a decision is made to action the assignment, a record of what was discussed during consultation and the employee's reasons for objecting to the assignment should be kept by the manager. Consultation records are not required to be kept on employee files. Ultimately assigning an employee is the organisation's decision.

A decision to assign an employee should be made after consideration of the agency's workforce needs and the preferences of the employee. Assignment decisions are not subject to review.

## 4.5 Assignment to a role in a different work location

The broad provisions that existed under section 87(2) of the *Public Sector Employment and Management Act 2002* (PSEM Act) are continued through GSE Act provisions (s38(2) and 46(2)), including that an employee may be assigned to a role in a different workplace location. Assignment to a different workplace location may be for organisational needs, or following initiation by the employee for personal reasons. As with all assignments, it is important for a manager and employee to discuss the reasons for the assignment, and to consider any concerns raised by either party. Ultimately a decision to assign an employee, including where there is a change of location, is the organisation's decision.

In particular cases, the provisions of the *Crown Employees (Transferred Employees Compensation) Award 2009* may apply to non-executive employees.

## 4.6 Subsequent assignment of an executive to a role with lower remuneration within band

Due to the wide range of remuneration in senior executive bands, a senior executive could be assigned in the band of their employment to a role with lower remuneration, with their consent (GSE Act s38 (8)). For example, with the agreement of the employee, a senior executive band 2 in the middle of the band could be assigned to a role at a lower remuneration, closer to the base point of senior executive band 2.

With the exception of an employee's remuneration being reduced as a result of misconduct or unsatisfactory performance as provided for under GSE Act s68 and s69, an assignment to a role with lower remuneration requires the agreement of the employee, regardless of the period for which it is anticipated that the person will be in the role. The employee's agreement should be in writing.

See sections 68 and 69 of the GSE Act for information on unsatisfactory performance and misconduct.

## 4.7 Return to a role after extended leave, secondment or other absence

Following a period of extended leave, secondment or other approved absence from an agency:

- a non-executive employee is to be assigned to a suitable role in the classification of work and agency of their employment.
- a senior executive is to be assigned to a suitable role in the band of their employment across the Public Service.

The role to which an employee is assigned on return may be different to the role they previously held, or it may be the same role.

Managers should maintain a balance of ongoing and temporary/term roles in their work area to ensure the absent ongoing employee can be assigned to a role on return (subject to any changed circumstances arising from organisational restructures).

## 4.8 Return to a role following parental leave

Section 66 of the *Industrial Relations Act 1996* and Clause 75 of the *Crown Employees (Public Service Conditions of Employment) Award 2009* apply to employees returning to a role following a period of parental leave.

This includes that an employee returning from a period of parental leave on a full time basis is entitled to return to the role to which the employee was assigned prior to commencing parental leave.

If the role the employee occupied immediately prior to commencing parental leave has ceased to exist, the employee is to be assigned to a role in their classification of work and grade or band, for which they have the capabilities and essential requirements, and to a role as nearly as possible comparable in status and pay to that of the employee's former role. See section 2.3 on classification of work.

A full time employee returning on a part-time basis does not have a right of return to their former role, and if the head of the Public Service agency approves a return to work on a part time basis then the employee is to be assigned to a role in the classification of work and grade or band for which the employee has the capabilities and essential requirements.

## 5 Temporary assignment

### 5.1 Introduction

Temporary assignment may be at level, or to a higher or lower classification of work or band.

For roles at level, temporary assignment (rule 11) should be used instead of assignment (GSE s38 and 46) when two conditions are met:

1. The assignment is for a defined period (usually short); and
2. The employee is expected to return to their most recently assigned role at the end of the temporary assignment.

Temporary assignment at level is appropriately used to fill a short term vacancy pending recruitment, to backfill a role while another employee is on short term leave, or to conduct a short term project. It may also be used to backfill a role when an employee is on parental leave.

Temporary assignment should only be used where there is an expectation that the employee will return to their most recently assigned role at the end of the assignment (rule 11 (5)). All other cases of assignment to vacancies with defined periods should be treated as subsequent assignments, even where the following assignment has not yet been determined.

Temporary assignment should not be used instead of assignment as a mechanism to provide employees with a default 'home' role as this is inconsistent with the principles of mobility, capability development and resource deployment flexibility.

Temporary assignment to a higher classification or band replaces the separate PSEM Act provisions for acting (PSEM Act s24) and temporary transfers to a higher grade within agencies (PSEM Act s86A).

### 5.2 Non-executive employees

Non-executive temporary assignment under rule 11 may be to:

- a role in the same classification of work (at-level) or
- to a role in a higher classification of work, or into a senior executive band (above level)
- to a role in a lower classification of work.

Temporary assignment for non-executive employees is within the agency of employment.

#### Temporary assignment to a role at-level

A temporary assignment to a role in the same classification of work may be made on the same basis as an assignment, which is that the delegate /manager of the new role is satisfied the employee has demonstrated the capabilities required to perform the role. See section 4.3 of these guidelines for further information.

In general temporary assignment at-level should not be used for periods longer than six months, except when it is used to backfill a role while an employee is on parental leave.

#### Temporary assignment to a role above-level

Temporary assignment under rule 11 will primarily be used for temporary above-level movements. Above-level temporary assignments will usually attract payment of a temporary assignment allowance, as described in section 5.4 of these guidelines.

Temporary assignment to a role above-level should be for a maximum period of two years. For extensions beyond two years, a further comparative assessment based on advertising across the Public Service should be conducted and the employee confirmed as the most suitable candidate.

For non-executive employees, temporary assignment to a role above-level could be either

- to a role at a higher non-executive classification of work than the employee's ongoing employment classification of work (for example, from an ongoing clerk grade 7/8 to a clerk grade 9/10), or
- to a role in a senior executive band (for example, from a clerk grade 11/12 to a senior executive band 1 role).

*Above-level temporary assignments of up to 6 months* may be made on the same assessment basis as assignment, which requires the delegate/manager of the new role to be satisfied that the employee has the capabilities required to perform in the role (see section 4.3 of these guidelines for further information).

*Above-level temporary assignments for longer than 6 months*, including any extension of a temporary assignment which brings the total period to longer than 6 months, must be based on a *comparative assessment* resulting from advertising across the Public Service. Therefore it is important to consider the possible length of a temporary assignment before an employee is temporarily assigned.

Comparative assessment (see GSE rule 17) requires a minimum of three capability based assessments, one of which is an interview, and requires opportunity for competition with others.

Appendix 3 provides a summary of assessment requirements for non-executive above-level temporary assignment and payment of temporary assignment allowance.

### 5.3 Senior executive employees

Temporary assignment of senior executives is within the same Public Service agency or to another Public Service agency.

Senior Executive temporary assignment under rule 11 may be to:

- a role in the same band with the same work value and remuneration, or
- a role in the same band with higher work value and remuneration, or
- a role in a higher senior executive band (above level), or
- a role in the same band with lower work value and remuneration.

#### **Within-band temporary assignment**

A within-band temporary assignment is a temporary move to a different role in the same senior executive band as the senior executive is employed, generally followed by a return to the previously assigned role. In general, temporary assignment within-band should not be used for periods longer than six months.

Due to the breadth of senior executive bands, roles in senior executive bands vary considerably in work value, in the level of capability required and in remuneration. Therefore a within-band temporary assignment could be to a role with the same or greater capability requirements than the senior executive's current assigned role. For this reason, it is important to establish that the senior executive meets the capability requirements of the new role prior to proceeding with the move.

*Within-band temporary assignments of up to 6 months* may be made on the basis that the delegate/manager of the new role is satisfied that the employee has the capabilities required to perform in the role.

*Within-band temporary assignments of longer than 6 months* may be made on the basis that the senior executive has been assessed through a minimum of a suitability assessment as meeting the focus capabilities at the level required for the role. This will be the case where the level of capability against the focus capabilities in the new role is the same as for the current assigned role. Where the within-band temporary assigned role requires different capabilities to those in the employees current assigned role, or capabilities at different levels to the current

assigned role, and the employee has not previously been assessed as having the capabilities at the level required, a suitability assessment against the previously untested capabilities is required.

When the temporary assignment is to a role with higher remuneration, the employee is to return to their previous role at their previous level of remuneration at the end of the assignment.

Where a within band temporary assignment is to a role with greater remuneration, a temporary assignment allowance may be payable. See section 5.4 of these guidelines for information on temporary assignment allowance and section 5.7 for information on temporary assignment to a role with lower remuneration

### **Temporary assignment to a higher band**

Senior executives may be temporarily assigned to roles in higher bands, for example, from ongoing employment in the senior executive band 1 to a temporary assignment in senior executive band 2 role.

Temporary assignment to a role in a higher band should be for no more than two years. For extensions beyond two years, a further comparative assessment based on advertising across the Public Service should be conducted and the employee confirmed as the most suitable candidate.

*Temporary assignment to a role in a higher band for up to 6 months* may be made on the basis that the employee has previously demonstrated that they meet the capability requirements for the role (based on previous suitability assessments, temporary assignments, and/or documented performance assessments undertaken within the last 12 months). If this is not the case, a suitability assessment is required at a minimum to assess competence in any previously untested focus capabilities.

*Temporary assignment to a higher band for longer than 6 months*, including any extension of a temporary assignment that brings the total period to more than 6 months, must be based on a comparative assessment resulting from advertising across the Public Service. Therefore it is important to consider the possible length of a temporary assignment before an employee is temporarily assigned.

Appendix 4 provides a summary of assessment requirements for senior executive temporary assignment to roles of greater remuneration and for payment of temporary assignment allowance.

## **5.4 Temporary assignment allowance**

Non-executive and senior executive employees temporarily assigned to a role with higher salary or remuneration and work value (whether above-level, within-band or to a higher band) may be eligible for payment of a temporary assignment allowance (TAA). The GSE Regulation sets out the requirements for payment of allowances for temporary assignments to higher non-executive roles (Clause 20) and for allowances for temporary assignments to executive roles (Clause 21).

TAA is the difference between an employee's usual salary or remuneration and the salary or remuneration of the role to which the employee is temporarily assigned. Generally, TAA would be paid at the minimum salary or remuneration for the temporarily assigned role, however it may be paid at a higher salary or remuneration for the role if determined appropriate by the agency head having regard to the employee's capabilities, knowledge and experience, including previous periods of temporary assignment at the higher level.

When TAA is payable, it is for the period of the temporary assignment only, and does not become part of ongoing salary or remuneration.

### **Temporary assignment allowance for proportional duties (GSE Regulation Clause 20(3))**

In most cases an employee temporarily assigned to a role would perform the full duties required of the role. However in certain situations an employee may be required to perform only a proportion of the duties required of the higher role. This may arise when the temporary assignment is for a short period, when the opportunity is provided to more than one employee, or because of the employee's own level of experience.

Where an employee is asked to perform a proportion of the duties of the temporary assignment, the employee is not paid the full TAA, but instead a proportional amount of the allowance, consistent with the proportion of the role they are performing. For example, an employee temporarily assigned to perform 75 per cent of a role is to be paid their usual salary or remuneration plus 75 per cent of the TAA. The duties the employee is to perform and the proportion of TAA to be paid are to be clearly stated and agreed to prior to commencement in the role.

For longer term temporary assignments where an employee is performing a proportion of the duties, the proportion of the duties the employee is performing and the associated TAA should be reviewed from time to time to ensure they continue to be appropriately set.

Payment of the allowance should be made during the period of temporary assignment, not in arrears. Any performance issues against the requirements of the role should be dealt with through the agency's performance management system.

## 5.5 Temporary assignment for developmental purposes

Where an employee demonstrates that they meet some but not all focus capabilities at the level required for a role, they may be offered a temporary assignment under the provisions of GSE rule 11 for developmental purposes. Temporary assignments for developmental purposes may be either at level, within-band or to a higher classification of work or band.

A temporary assignment for developmental purposes can be provided for a period of no more than 6 months.

*Appropriate support and a development plan* should be agreed at the outset of the temporary assignment and progress should be regularly reviewed. There should also be a review of performance at the end of the temporary assignment, which may include formal assessment elements, and the outcome should be discussed with the staff member.

If assessment at the end of the development period demonstrates that the employee has acquired the desired capabilities at the level required for the role, and the temporary assignment is within the same classification of work (non-executive) or within the same band (senior executive) as the employee's ongoing employment (i.e. it is not to a higher classification of work or band), the employee may be considered for assignment under GSE Act s38 or 46 to a role requiring those capabilities rather than return to their previous role. See section 4.3 for assessment requirements for assignment.

Temporary assignments for developmental purposes are a tool available to develop workforce capability. They may be used for employees performing well in their current role who have demonstrated potential to develop the capabilities at the level required for the new role. For example, an employee with management potential who does not have people management experience may be offered a temporary assignment for developmental purposes to a role which supervises others as a way to develop people management capabilities.

Before offering an employee a temporary assignment for developmental purposes managers should consider the employee's overall performance, potential to develop and level of capability against the capabilities of the new role. It is not advisable to offer a developmental opportunity to an employee who does not meet more than one of the focus capabilities required for the role as they may not be able to perform, which would affect service delivery and could demotivate the employee.

See section 5.4 for information on proportional payment of Temporary Assignment Allowance when an employee is performing a proportion of the duties of the temporary assigned role.

## 5.6 Ongoing employment at the level of the temporary assignment

An agency head may decide to offer an employee ongoing employment at the level of an above level temporary assignment. This decision should be based on a review of agency business needs, including the number of

ongoing employees the agency has at that level compared to the number of current and anticipated roles, and an assessment of the mix of capabilities the agency requires to deliver on current and projected priorities.

An offer of ongoing employment is made under GSE Act s37 (senior executives) or s45 (non-executives) and is subject to:

- the results of comparative assessment based on external advertising, which may be the original comparative assessment for the temporary assignment or a new comparative assessment for the role,
- the employee's documented performance outcomes in the above level role, and
- the satisfactory conduct of the employee.

There is no minimum time period of temporary assignment at the higher level required prior to offering ongoing employment.

## **5.7 Employee initiated temporary assignment to a role with lower remuneration**

Non-executive and senior executive employees may initiate temporary assignment to a role with lower salary or remuneration under GSE Rule 11. A temporary assignment to a role with lower salary or remuneration may be made on the same assessment basis as temporary assignment to a role at level or within band. See sections 5.2 and 5.3 for assessment requirements.

Temporary assignment to a role with lower salary or remuneration should only occur at the request of the employee and the agreement of the delegate. The temporary assignment and associated reduction of salary or remuneration requires the written agreement of the employee and the delegate, regardless of the period for which it is anticipated that the person will be in the role.

## **5.8 Temporary assignment and Transitional Former Senior Executives**

Prior to agencies implementing their new senior executive structure, transitional former senior executives (refer Glossary and clause 8 of Schedule 4 of the GSE Act) may be temporarily assigned to a different role based on the provisions outlined in GSE rule 11.

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## 6 Documentation and records of assignments

### 6.1 Advice of assignment

Following consultation with employees, agencies are to provide written advice of an assignment to employees including the start date, end date (if applicable), manager's details and the role description. This may be through email or letter. A copy of the advice should be provided to the relevant human resources area. If the assignment will involve a reduction in remuneration the employee's consent to this must be obtained and it should be in writing.

### 6.2 Record keeping

Assignments will need to be recorded in human resources systems for purposes of payroll, delegations, reporting lines, Workforce Profile reporting, etc.

Managers are required to keep a note of discussions where an employee has objected to a planned assignment and action is subsequently taken to proceed with it (see section 4.4).

# Appendix 1 Glossary

**Above-level temporary assignment** – temporary movement under Rule 11 of the GSE Rules of a non-executive employee to a higher graded role or a senior executive band within the same Public Service agency

**Agency** – a Public Service agency as defined by the GSE Act – see also Schedule 1 of the GSE Act.

**Assignment** – allocation of an employee to a role within the employee’s band or classification of work under s38 or s46 of the GSE Act. Assignment includes initial and subsequent assignment.

**Capability Framework** – refers to the [NSW Public Sector Capability Framework 2013](#) available on the PSC website.

**Capabilities required for a role** – means the range of range of capabilities required from the core NSW Public Sector Capability Framework (16 or 20 capabilities) and any relevant Occupation-specific set, and the level required for each capability.

**Classification of work** – roles across an agency of similar grade, remuneration and capability requirements, as determined by the agency head.

**Comparative assessment** – the process of assessing an individual’s claim against the pre-established standards for the role and the claims of other persons for the role (GSE rule 17). Comparative assessment requires a minimum of three capability based assessments, one of which is an interview. See GSE rule 17.

**Essential requirements** – requirements that an employee assigned to a role must have according to the role description. Essential requirements may include Aboriginality, academic qualifications, licences or security and other clearances.

**Focus capabilities** – the capabilities for which an employee assigned to the role must demonstrate competence at the required level from day one in the role. Focus capabilities are included in role descriptions.

**GSE Act** – *Government Sector Employment Act 2013*.

**GSE Regulation** – *Government Sector Employment Regulation 2014*.

**GSE Rules** – *Government Sector Employment Rules 2014*.

**Kind of employment** – as per sections 34 and 43 of the GSE Act. Senior executives may be employed on an ongoing or term basis. Non-executive employees may be employed on an ongoing, temporary or casual basis.

**Public Service** – the Public Service of NSW referred to in Part 4 of the GSE Act.

**Public Service non-executive** – a person employed in the Public Service under Division 5, Part 4 of the GSE Act.

**Public Service senior executive** – a person employed as a Public Service senior executive under Division 4, Part 4 of the GSE Act.

**Role** - means the duties and responsibilities of the employee

**Subsequent assignment** – means all assignments after initial assignment to a role, under s38 or 46 of the GSE Act.

**Suitability assessment** – the process of assessing an individual’s claim against the pre-established standards for the role. See GSE rule 18.

**Talent pool** – a pool of applicants assessed through comparative assessment as having the capabilities required for a type of role. See GSE Rules Part 3 for further information.

**Temporary assignment allowance** – the difference between an employee’s usual salary or remuneration and the salary or remuneration of an above-level role to which they are temporarily assigned. Where temporary above-level allowance is payable, it is paid in addition to the employee’s usual salary or remuneration in their usual employment (see Division 4 of the Government Sector Employment Regulation 2014).

**Transitional former senior executive** – a person who was, immediately before the repeal of the *Public Sector Employment and Management Act 2002* (the former Act):

- (a) an executive officer within the meaning of Part 3.1 of Chapter 3 of the former Act (a former SES executive), or
- (b) employed in the Government Service in the classification or grade of senior officer (or in any equivalent classification or grade determined by the Commissioner for the purposes of this clause) and whose salary was more than the maximum salary for a clerk (Grade 12) in the Public Service (a former SO executive)

but does not include a statutory officer or a person holding office as Secretary of a Department under clause 6 of Schedule 4 to the GSE Act or holding office as the head of a Public Service agency (other than a Department) under clause 7 of Schedule 4 to the GSE Act.

**Within-band temporary assignment** – temporary assignment within the Public Service of a senior executive to a role within the same band as the senior executive’s ongoing employment, within the same or to another Public Service agency. A within-band temporary assignment may be to a role of higher work value and remuneration.

**Work value** – the outcome of a job evaluation process which provides the basis for determining the grade of a role (non-executive), or place within a senior executive band (senior executive).

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## Appendix 2 Examples of assignment under GSE Act s38 and s46

Example 1: An agency calls for Expressions of Interest for employees to nominate interest in assignment to different role types or parts of the agency. As vacancies arise or there is a need for different capabilities in a part of the agency, employees who have self-nominated through the EOI are consulted and then assigned to different roles in the same classification of work or band.

Example 2: A manager ministerial correspondence clerk grade 11/12 may meet the capability requirements of clerk grade 11/12 policy and project roles in their agency and classification of work, and may be subsequently assigned to these role types. However, the employee cannot be assigned to a role which requires formal qualifications they do not have (for example a financial management role may require tertiary qualification or membership to a professional body).

Example 3: A band 1 senior executive identified as having potential to progress may be assigned to a band 1 role in another agency for which they meet the focus capabilities at the required level in order to broaden their experience in dealing with inter agency matters. They would be expected to meet all other capabilities to the required level within an agreed period of time and this would form part of their performance agreement.

Example 4: As part of workforce planning, managers from across a division meet regularly to discuss upcoming work requirements and consider employee role assignment. At one meeting, the manager of Team A says that a new project requires an employee with particular capabilities to join the team.

- Scenario 1: The other managers suggest three employees in other parts of the organisation as capable of undertaking the role. Following consultation with the employees, the most suitable employee for the role is subsequently assigned.
- Scenario 2: The manager of Team A decides to review the roles and capabilities of employees in the work area. The review identifies a gap in particular capabilities in the work area. The manager decides to assign one of the existing team employees to a different role in the same work area to develop the required capabilities, and an employee from a different part of the agency joins the team by subsequent assignment to fill the resulting gap.

## Appendix 3 Non-executive temporary assignment to a role at a higher classification of work – assessment requirements and conditions for payment of temporary assignment allowance

Duration of the temporary assignment	What assessments are required?	Is temporary assignment allowance payable?	Is temporary assignment allowance paid for periods of leave?
<b>Less than 5 days</b>	Based on the known capabilities and performance of the employee.  No assessment required for periods up to 6 months.	Not paid unless determined otherwise by the agency head.  (Refer cl. 20(4)(a) of the GSE Regulation)	Not payable for any period of leave.
<b>5 days to 3 months</b>	No advertising required		Not payable for any unbroken period of leave exceeding 5 consecutive working days.  (Refer cl.20(4)(b) of the GSE Regulation)
<b>3 to 6 months (including where the total length of temporary assignment goes beyond 6 months due to extensions)</b>		Can be paid at the full rate or a pre-determined proportional rate if the employee is performing part of the role's usual duties.  (Refer cl.20(3) of the GSE Regulation)	Paid for all periods of leave where the assignment is for a period of 3 months or more.  Where the assignment is for a period of less than 3 months, not paid for any unbroken period of leave exceeding 5 working days.  (Refer cl.20(4)(b) of the GSE Regulation)
<b>6 months to 2 years (including where the total length of temporary assignment goes beyond 6 months due to extensions)</b>	Comparative assessment from advertising across the Public Service.		Paid for all periods of leave.

Note: Section 1.1 of the guidelines contains information on the status of requirements in the guidelines, including assessment requirements.

## Appendix 4 Senior Executive temporary assignment to a role with higher remuneration – assessment requirements and conditions for payment of temporary assignment allowance

Duration of the temporary assignment	What assessments are required?	Is temporary assignment allowance payable?	Is temporary assignment allowance paid for periods of leave?
<b>Within-band and to a higher band</b>  <b>Less than 5 days</b>		Not paid unless determined otherwise by the agency head.  (Refer cl. 21(6)(a) of the GSE Regulation)	Not applicable
<b>Within-band and to a higher band</b>  <b>5 days to 3 months</b>	Based on the known capabilities and performance of the employee and a suitability assessment for any focus capabilities not previously formally demonstrated.		Not payable for any unbroken period of leave exceeding 5 consecutive working days.  (Refer cl. 21(6)(b) of the GSE Regulation)
<b>Within-band and to a higher band</b>  <b>3 to 6 months (including where the total length of temporary assignment goes beyond 6 months due to extensions)</b>	No advertising required	Can be paid at the full rate or a pre-determined proportional rate if the employee is performing part of the role's usual duties.  (Refer cl.21(5) of the GSE Regulation)	Paid for all periods of leave where the assignment is for a period of 3 months or more.  (Refer cl. 21(6)(b) of the GSE Regulation)
<b>Within-band</b>  <b>6 months to 2 years (including where the total length of temporary assignment goes beyond 6 months due to extensions)</b>	Based on the known capabilities and performance of the employee and a suitability assessment for any focus capabilities not previously formally demonstrated.  No advertising required		
<b>To a higher band</b>  <b>6 months to 2 years (including where the total length of temporary assignment goes beyond 6 months due to extensions)</b>	Comparative assessment from advertising across the Public Service.	Can be paid at the full rate or a pre-determined proportional rate if the employee is performing part of the role's usual duties.  (Refer cl.21(5) of the GSE Regulation)	Paid for all periods of leave where the assignment is for a period of 3 months or more.  (Refer cl. 21(6)(b) of the GSE Regulation)

Note: Section 1.1 of the guidelines contains information on the status of requirements in the guidelines, including assessment requirements.