



# GSE briefing

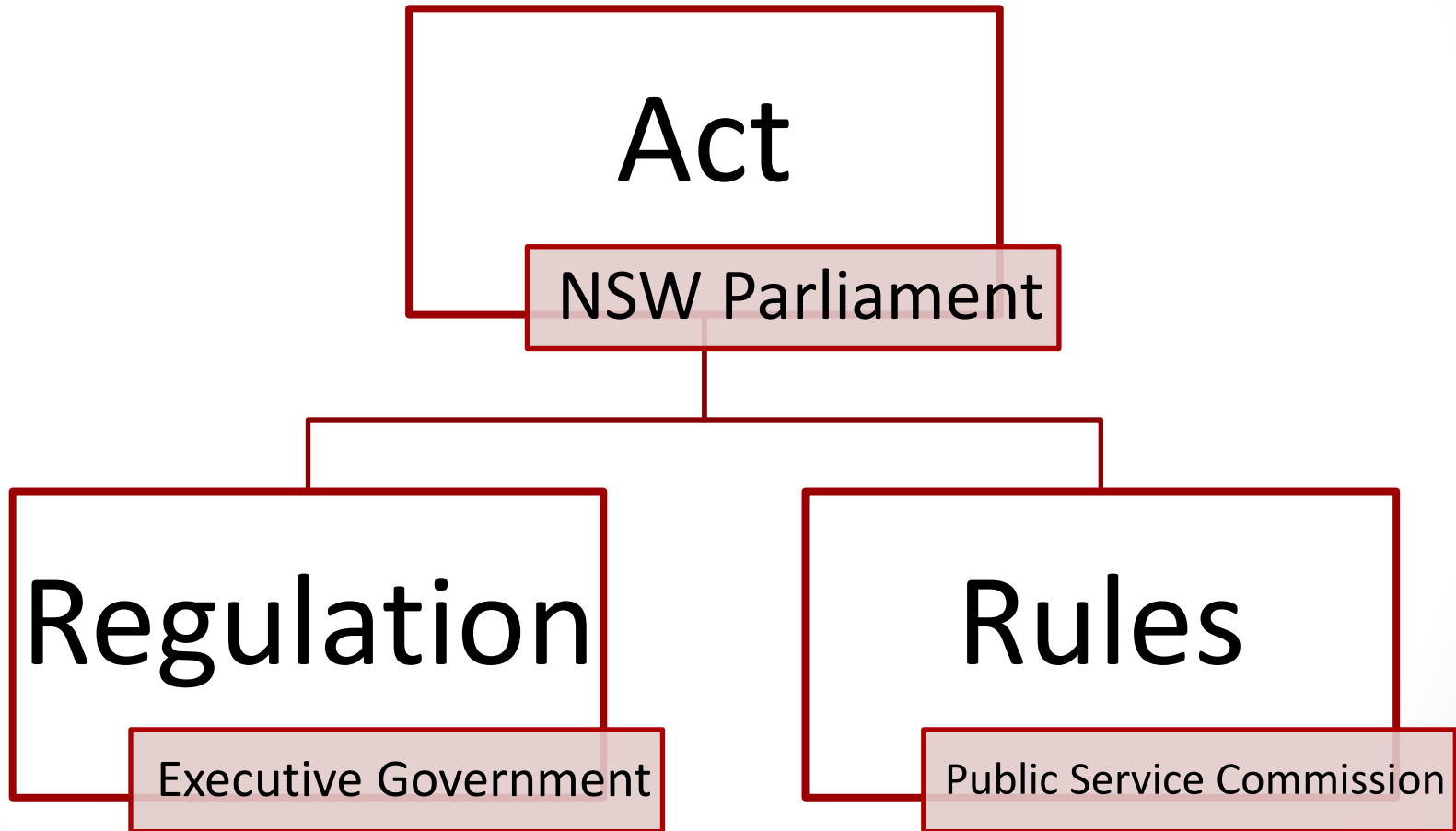
Government Sector Employment Act 2013

# essentials

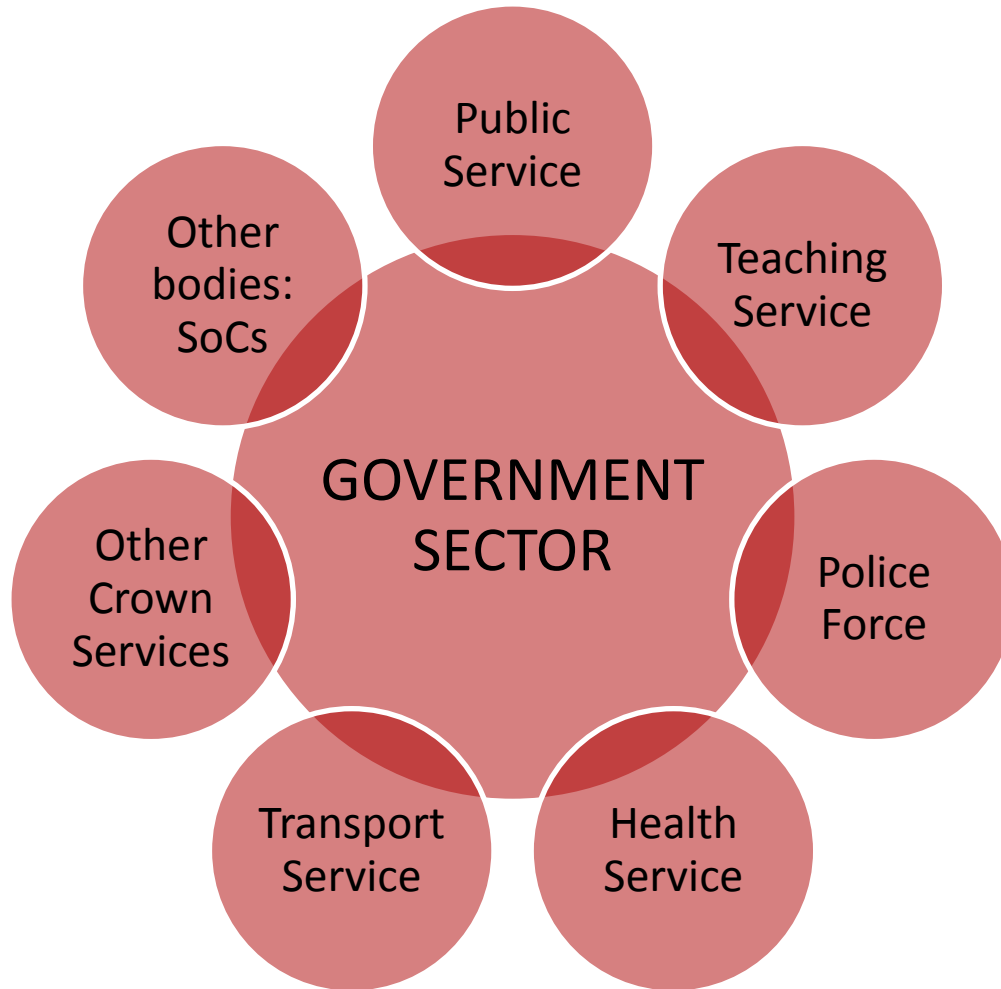


- The *Government Sector Employment Act 2013* is the new legislation to replace the *Public Sector Employment Management Act 2002*
- Commencement date 24 February 2014
- Applies to the 'government sector' and within that, the 'public service'
- Reforms employment arrangements but not employment conditions, no impact on Crown Employees Conditions Award

# GSE structure



# nsw government sector



# consultation



- PSA has been involved in an exhaustive consultation process with the Public Service Commission (PSC) on the draft GSE Rules and Regulation over a truncated time frame
- We thank members for taking the time to provide their feedback on the draft GSE Rules and Regulation



marks where our feedback has been adopted and members have had the opportunity to impact the final GSE Rules and Regulation

- For further details of where our feedback has been adopted please see our website for 'PSA wins'

# key changes



<b>regulation</b>	<b>rules</b>
excess employees	merit selection
increments	temps
higher duties	promotion decision
extended leave	transfers & secondments
	SES

# terminology



before (PSEM)	after (GSE)
position	role
permanent employment	ongoing employment
eligibility list	talent pool
higher duties	above level allowance for temporary assignment
officer	non-executive employee
appointed to a position	assigned to a role



# GSE regulation

Government Sector Employment Regulation 2013



# excess employees



## Mee\* policy now to be a GSE rule

existing policies that relate to managing excess employees will be dealt with in the GSE Rules

the only provision which will remain in the GSE Reg relates to repayment for re-employment in the sector

## consultation on the new rule

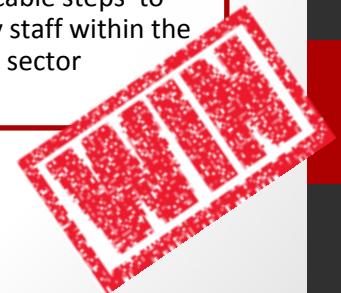
the new GSE rule is currently being drafted by PSC and is subject to a 6 week consultation period commencing shortly after 24 February 2014



## current policy summary

3 months to redeploy excess employee to a role in the government sector

agency head must take 'all practicable steps' to redeploy staff within the sector



\*mee is managing excess employees

# increments



before

*PSEMA Reg:* incremental progression is subject to satisfactory conduct and satisfactory performance of duties

after

*GSE Reg:* incremental progression is subject to satisfactory conduct and performance criteria under the agency's performance development framework

# higher duties



## renamed

- 'higher duties' will be renamed 'above level allowance for temporary assignment'
- Will cover assignments (movements within agency) and secondments (movements outside agencies)
- Execs can be assigned around the sector

## elements

- Non-executive acting in SES role
- For no less than 5 days
- Paid an allowance - the difference between usual salary and the acting role

## part time employees

- not to be disadvantaged
- clarification to be made in revised GSE Reg



# extended leave



## current provisions preserved

A red, textured stamp graphic with the word 'NEW' in white, slanted letters, is positioned to the left of the main title.

### public service extended leave entitlements

- *PSEMA: Schedule 3* is replicated in the new *GSE Reg: Schedule 1*

### government sector employees recognition of prior service

- *PSEMA: Schedule 3A* is replicated in the new *GSE Reg: Schedule 2*



# GSE rules

Government Sector Employment Rules 2013

# merit selection



## capability-based assessment

- is the process that assesses a person's capabilities against those required for a role
- assessments used should measure all 16 core capabilities (and 4 people management capabilities, if applicable to role)
- may include interview, role play, work sample test, psychometric testing, reference check or group exercise

## suitability assessment

- this is the minimum assessment required
- assessment of an applicant against the requirements of the role not against other applicants
- at least 2 assessments, one of which is an interview

## comparative assessment

- assessment of an applicant's claim against (a) the pre-established standards for the role; and (b) other person's claims
- at least 3 assessments, one of which is an interview
- it is the basis for ongoing employment and for temporary employment for longer than 6 months

# temporary employment



## max period of employment

- previously 3 years
- now 4 years with an option to extend

## up to 6 months

- must be from talent pool or another list
- based on suitability assessment

## more than 6 months

- must be based on comparative assessment and an external advertisement

# promotion decisions

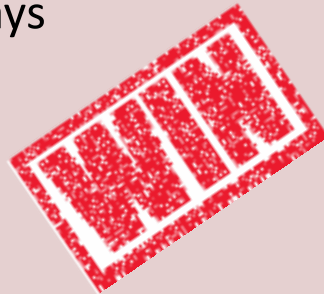


## what is a review?

- internal review of a selection process
- limited to looking at whether the process was irregular or improper
- not a review of the merit of recommended employee for the role

## who conducts the review?

- reviewer is a senior executive not involved in the selection process for the role
- must conduct review within 10 days



## what findings can be made?

- may confirm the decision: or
- may make a recommendation to revoke the decision and carry out another process
- reviewer's decision is final



# transfers & secondments

## transfers between government sector

- by agreement between agencies, can be requested by employee
- at same or equivalent grade or level
- employer must provide reasonable notice of transfer, employee can request a review of transfer

## temporary secondments between government sector

- by agreement between agencies
- not to exceed 2 years

## consultation and review

- **employee consultation required: s64(2) GSEA**
- review is conducted by SES not involved in decision, within 10 days, employee may make submissions on reasons why transfer would cause undue hardship
- reviewer to determine if review was appropriate having read to all relevant circumstances, their decision is final

# ses



## transition from SO to SES

Senior officers 'in scope' will transition to new SES within 3 years of the GSE Act commencing

Clusters must provide an implementation plan to PSC within 6 months

Senior officers will be removed from the award based system and transferred to ongoing contracts

## contract of employment

Schedule 1 GSE Rules, all provisions are mandatory

Part time work may be available

## clauses of concern

SES are not entitled to flex leave or overtime

SES must work the hours necessary to perform the role

# transition



- on 24 February 2014 the GSE Act, Reg and Rules will commence
- PSC is currently drafting a transition regulation to preserve all existing 'on foot' arrangements
- relates to enquiries, recruitments, e-lists, promotion decisions before IRC, acting arrangements, probation periods, temp arrangements, transfers, secondments that are in existence before 24 February 2014 will continue under *PSEMA*
- a permanent officers is now engaged in ongoing employment
- temp or casual remain temp or casual
- non-executives are assigned to a role and not appointed to a position, may be reassigned to work at the same level and within the same work type, 3 year transition time frame



# more info



[www.psa.asn.au](http://www.psa.asn.au)

- Click on the Government Sector Employment Act hyperlink
- PSA's Preliminary Analysis Report, Dec 2013
- PSA's formal feedback on the draft Regulation and Rules, Jan 2014
- Consultation draft Regulation and Rules
- PSA feedback adopted in 'PSA wins'



Thank you!