



Public
Service
Commission

Guideline

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Transfers, secondments and temporary assignments

Movements between
government sector
agencies and other
organisations

Transfer, Secondment and Temporary Assignment Guidelines

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Category Mobility

Summary These guidelines provide information on transfers and secondments under section 64 of the GSE Act, and temporary assignment of staff between the NSW government sector and non-NSW government sector bodies under section 66 of the GSE Act).

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1 Policy

1.1 GSE Mobility Provisions

The *Government Sector Employment Act 2013* (GSE Act) and Government Sector Employment Rules 2014 (GSE Rules) provide a number of options for filling roles. These include:

- assignment of existing employees (GSE Act s38 and 46) (see [Assignment to Role Guidelines](#))
- temporary assignment of existing employees (GSE Rule 11) (see [Assignment to Role Guidelines](#))
- conversion of temporary employment of existing employees to ongoing employment basis (GSE Rule 12) (see the Employment Portal [Recruitment and Selection page](#))
- secondment of existing employees (GSE Act s64) (addressed in Part 6 of the GSE Rules and this document)
- transfer of existing employees (GSE Act s64) (addressed in Part 6 of the GSE Rules and this document)
- recruitment of new employees (on an ongoing, temporary, casual or term basis) who are then assigned to roles (see Employment Portal [Recruitment and Selection page](#))
- temporary assignment of people from outside the NSW government sector (GSE Act s66) (addressed in this document)

1.2 Scope of this document

Staff mobility under GSE Act s64 and s66

These guidelines provide information on:

- transfers and secondments under section 64 of the GSE Act; and
- temporary assignment of staff between the NSW government sector and non-NSW government sector bodies under section 66 of the GSE Act.

The guidelines do not repeat the content of the GSE Act, Regulation and Rules on transfers, secondments and temporary assignments of staff between the NSW government sector and non-NSW government sector bodies, but provide information in addition to those provisions. The guidelines should therefore be read in conjunction with the provisions in the GSE Act, Regulation and Rules. Section 2 of these guidelines and the electronic version of these guidelines provide links to the relevant provisions.

A transfer is a move from one government sector agency to a different government sector agency on an indefinite basis.

A secondment is a move from one government sector agency (the home agency) to a different government sector agency for a time-limited period, with a return to the home agency at the end of the secondment.

Staff mobility other than under GSE Act s64 and s66

The guidelines do not provide information on staff mobility outside the scope of GSE Act sections 64 and 66.

For information on movements of non-executive and senior executive employees within a Public Service agency and of senior executive employees between Public Service agencies, refer to the [Assignment to Role Guidelines](#).

For information on recruiting new employees (whether ongoing, temporary, or term employees), and conversion of temporary employment to ongoing employment refer to the Employment Portal [Recruitment and Selection page](#).

Government sector agencies outside of the Public Service should contact their human resources area for information on mobility within their agency.

1.3 Workforce Planning Context

Roles are not static, but evolve in response to changes in an organisation, the operating environment, legislation, policy or technology. They reflect the priorities, results and capabilities required of an organisation at a point in time, and how the priorities and results are to be achieved. Role descriptions outline the essential requirements, skills and capabilities required of a person assigned to a role in order to achieve the necessary results in a role. Roles should be reviewed and adjusted on a regular basis to ensure alignment with organisational directives and priorities.

In deciding how to fill a role, managers need to take into account the requirements of the role and the broader whole-of-agency workforce planning. Workforce planning requires an understanding of the strategic direction of the organisation; the translation of that direction into the capabilities required in the short and long term to deliver on service objectives; and a deep and current understanding of the current workforce's attributes.

Workforce planning includes organisational and role design based on analysis of what needs to be delivered and the 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 (ongoing, temporary or term, casual) and contingent labour that is needed; allocation, recruitment and mobility decisions that take account of organisational priorities and staff development; and development of the workforce pool to ensure the right capability mix to deliver high-quality services to customers.

Based on consideration of these factors, a decision can be made on how to fill a role from the options outlined in section 1.1 of this document.

1.4 Secondments

While movements of Public Service senior executives between Public Service agencies can be effected as temporary assignments, assignments, secondments or transfers, for consistent application of the mobility provisions, assignment (GSE Act s38) or temporary assignment (GSE Rule 11) should be used instead of transfers and secondments. These guidelines reflect this position.

A secondment is a movement of an employee for up to 2 years from one NSW government sector agency to a different NSW government sector agency with an expected return to the home agency at the end of the secondment. This includes a movement within the same cluster to a different service of the Crown. For the purposes of secondment, a government sector agency includes a State owned corporation (or its subsidiary) and any service that section 5 of the GSE Act otherwise excludes from the application of the Act. However, the GSE Rules relating to secondments (Part 6 of the Rules) do not apply to in relation to them.

As Public Service senior executives can be assigned between Public Service agencies, in the case of senior executives, a secondment should only be used for a move between:

- (non-Public Service) NSW government sector agencies; or
- a (non-Public Service) NSW government sector agency and a Public Service agency.

Secondments may be at-level, above-level or, where an employee consents, to a lower level. Secondments can be initiated by the employer or employee.

An employee may initiate a secondment by:

- Successfully applying for an advertised temporary role or position in another NSW government sector agency; or
- Requesting a period of secondment in another NSW government sector agency, which may or may not have been advertised.

Employees seconded to a Public Service agency should only be assigned to a different role from that in the secondment agreement with the agreement of the home agency.

Assessment requirements for secondments are in Part 6 of the GSE Rules. As with the rest of Part 6, they do not apply in relation to State owned corporations or any service excluded from the GSE Act by section 5 of the Act.

Seconded Public Service senior executives retain the same contract of employment although, if the secondment is to a Public Service agency, it will need to be varied to refer to the role to which the executive is assigned on the secondment.

Non-executive employees who are seconded to a senior executive role are paid an allowance in accordance with clause 22 of the GSE Regulation. A senior executive contract is not required.

Prior to the end of a secondment, the agencies concerned should discuss arrangements for the employee to return to the home agency. The manager in the home agency should consider suitable roles or positions (as relevant) for the employee to return to at the conclusion of the secondment and discuss this with them. The secondment agreement between the agency heads that is required by rule 31 (2) of the GSE Rules sets out the procedure to be followed on conclusion of the secondment. A copy of the agreement must be provided to the employee.

Non-executive temporary employees and secondments

Although not excluded from secondment by the GSE Act, because temporary employment is for a temporary purpose and for a specific period of time in an agency, temporary employees should not be seconded. If their services are required by a different agency, they should be employed as a temporary employee in the different agency, subject to the GSE Rules.

Senior executive term employees and secondments

Although not excluded from secondment by the GSE Act, because term employment is employment for a specified period or for the duration of a specified task, term employees should not be seconded unless consistent with the purpose for their term employment. If their services are required by a different agency, they should be employed as a term employee in the new agency, subject to the GSE Rules.

1.5 Transfers

While movements of Public Service senior executives between Public Service agencies can be effected as temporary assignments, assignments, secondments or transfers, for consistent application of the GSE mobility provisions, assignment (GSE Act s38) or temporary assignment (GSE Rule 11) should be used instead of a secondment or transfer (GSE Act s64). These guidelines reflect this position.

A transfer is where an employee moves indefinitely to a different NSW government sector agency. For these purposes a government sector agency includes a State owned corporation (or its subsidiary) and any service that section 5 of the GSE Act otherwise excludes from the application of the Act. However, the GSE Rules relating to transfers (Part 6 of the Rules) do not apply to in relation to them. Transfers are made under GSE Act s64.

As Public Service senior executives can be assigned between Public Service agencies, in the case of senior executives a transfer should only be used for a move on an indefinite basis between:

- (non-Public Service) NSW government sector agencies; or
- a (non-Public Service) NSW government sector agency and a Public Service agency.

Except where the employee agrees to a transfer at a lower level, a transfer may only be at the same or equivalent grade or level. The remuneration of an employee who is transferred cannot be reduced except where the employee consents. Transfers can be initiated by the employer or employee. Continuity of service and the cashing out of leave in the context of transfers is addressed in the GSE Regulation Part 3 Division 2.

An employee may initiate a transfer by:

- Successfully applying for an advertised role or position at the same or equivalent grade or level as their employment, or
- Requesting a transfer to another NSW government sector agency, which may or may not be advertised.

Assessment requirements for transfers are outlined in Part 6 of the GSE Rules. As with the rest of Part 6, they do not apply in relation to State owned corporations or any service excluded from the GSE Act by section 5 of the Act.

Transferred Public Service senior executives retain the same contract of employment although, if the transfer is to a Public Service agency, it will need to be varied to refer to the role to which the executive is assigned on the transfer.

Non-executive temporary employees and transfers

Although not excluded from transfers by the GSE Act, because temporary employment is for a temporary purpose and for a specific period of time in an agency, temporary employees should not be transferred. If their services are required by a different agency, they should be employed as a temporary employee in the new agency, subject to the GSE Rules.

Senior executive term employees and transfers

Although not excluded from transfer by the GSE Act, because term employment is employment for a specified period or for the duration of a specified task, term employees should not be transferred unless consistent with the purpose for their term employment. If their services are required by a different agency, they should be employed as a term employee in the different agency, subject to the GSE Rules.

1.6 Transfer or secondment to a different location

An employer or employee may initiate a transfer or secondment to a role or position in another agency which involves a move to another geographical location. Where this is the case the usual consideration of workforce needs and options to fill roles is to be made and consultation is required.

Consultation is an important part of secondment and transfer decisions. It provides both the employee and the employer opportunity to discuss the reasons for a secondment or transfer and consider any concerns that either party has.

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

If, following consultation, an employee does not agree with an employer-initiated transfer or secondment, they may seek a review of the decision, in accordance with Part 6 of the GSE Rules.

1.7 Temporary assignments between NSW government sector agencies and other relevant bodies

While GSE Act s66 can be used for movements of Public Service employees between government sector agencies, for consistent application of the GSE mobility provisions, s66 should only be used for movements into other sectors. Movements between Public Service agencies should instead be made as assignments and movements between Public Service and non-Public Service government sector agencies should be made as secondments and transfers. These guidelines reflect this position.

A temporary assignment under section 66 of the GSE Act is a temporary movement of an employee from one NSW government sector agency to another or between a NSW government sector and a non-government sector body. This includes a movement from a government sector agency to carry out work for a political office holder as defined by the *Members of Parliament Staff Act 2013*.

Section 66 of the GSE Act defines non-government sector body as meaning any of the following:

- (a) a local council,
- (b) a State owned corporation,
- (c) a private sector entity (including a not-for-profit sector entity),
- (d) a public authority or government agency of the Commonwealth or of another State or Territory,
- (e) a political office holder under the *Members of Parliament Staff Act 2013* (except in relation to an assignment to carry out work in or for a government sector agency),
- (f) a university.

Temporary assignments under section 66 are for up to a maximum period of 2 years. They are to be distinguished from a temporary assignment under rule 11 of the GSE Rules.

A temporary assignment under section 66 is made by arrangement between the agency head and the non-government sector body representative. The arrangement should be a written agreement and a copy should be given to the employee concerned.

The temporary assignment agreement should set out the:

- period of the temporary assignment;
- employer responsibilities during the period of temporary assignment, including which party is responsible for work health and safety matters;
- the project or work to be undertaken during the temporary assignment;
- financial responsibilities including remuneration and other arrangements in relation to employee entitlements, conditions and day-to-day management;
- obligations of the parties including with respect to confidentiality, conflicts of interest, copyright and intellectual property;
- procedure to be followed on completion of the temporary assignment; and
- circumstances where a temporary assignment can be terminated before the end of the assignment period, including the form of notice to be given.

Prior to the end of a temporary assignment, the organisations concerned should discuss arrangements for the employee to return to the home agency. The manager in the home agency should consider suitable roles or positions for the employee to return to at the conclusion of the temporary assignment and discuss this with them. Public Service employees temporarily assigned under s66 have a right of return to a role at the level of their employment in the home agency, which may be different to the role they occupied prior to the temporary assignment.

As temporary and term employment is for a temporary purpose, or for a specified period or task, temporary and term employees should not be temporarily assigned under the GSE Act s66.

Non-executive temporary employees and temporary assignment

Although not excluded from s66 temporary assignments by the GSE Act, because temporary employment is for a temporary purpose and for a specific period of time in an agency, temporary employees should not be temporarily assigned under GSE Act s66.

Senior executive term employees and temporary assignment

Although not excluded from s66 temporary assignments by the GSE Act, because term employment is employment for a specified period or for the duration of a specified task, term employees should not be temporarily assigned under the GSE Act s66.

1.8 Probity screening and other requirements prior to commencement of a secondment, transfer or temporary assignment between NSW government sector agencies and other relevant bodies

Where an employee initiates a secondment or transfer, a conduct and services check should generally be undertaken before the move proceeds. In addition to this, some roles require specific conditions to be met before they can be taken up. An example would be a legislative requirement for probity and integrity screening. The employment decision would only be confirmed once these requirements were met.

Other matters to be considered, disclosed and addressed prior to a secondment, transfer or temporary assignment of an employee outside of the NSW government sector into the NSW government sector may include any identified conflicts of interest or approvals for other paid work.

2 Legislative provisions

2.1 Government Sector Employment Act 2013

- [Section 64 Employee transfers and secondments](#)
- [Section 66 Temporary assignments of staff between government sector agencies and other relevant bodies](#)

2.2 Government Sector Employment Regulation 2014

- [Division 4 Allowances](#)
- [Division 2 Cross-government sector leave arrangements](#)

2.3 Government Sector Employment Rules 2014

- [Part 6 Transfers and secondments](#)