



Ms Anne Gardiner
General Secretary
Public Service Association
GPO Box 3365
SYDNEY NSW 2001

Anne
Dear Ms Gardiner

Thank you for your letter of 20 November 2014 (your reference AG:MG) providing comments on the draft Assignment to Role Guidelines (the guidelines).

I have considered the feedback provided from the Public Service Association, as well as from other unions and Public Service agencies. The final guidelines reflect consideration of feedback from all of these sources.

As you know, a key change in the *Government Sector Employment Act 2013* (GSE Act) for Public Service employees is a shift from appointment to a fixed position, to employment in a classification of work or band and assignment to a role. Following consultation employees may be assigned to other roles as priorities, resources, or an employee's development needs change.

The following are responses to the key issues you have raised.

Consultation

The final guidelines contain strengthened consultation provisions, including that employee concerns are to be genuinely considered. Additional provisions relate to considering any impact on the employee including the employee's preferred career path, flexible working arrangements, caring arrangements and any financial impact.

Interaction of the guidelines with agency change management policy

The guidelines include a statement upfront that they are not intended to displace the operation of existing industrial instruments, or to be used in place of Agency Change Management Guidelines.

Section 2.2 of the guidelines makes clear that if a role review will affect a significant number of employees, the Managing Excess Employee provisions and the Change Management Guidelines apply.

Monitoring and review

I note your suggestion that a review mechanism for assignment decisions be introduced.

I do not intend to establish a specific mechanism to review assignment to role decisions. However, I believe that the strengthened consultation provisions provide an appropriate process to deal with employee concerns.

The Commission will be monitoring and reviewing the application of the guidelines to review a number of key aspects. As part of that review process, feedback from agencies and unions on the operation of the guidelines will be sought. Dispute provisions in awards continue to apply.

Existing agency policies

The guidelines do not affect the operation of industrial instruments. Any agency policies will need to comply with the GSE Act and their continued operation is a matter for agencies.

Workforce Planning

I note your comments regarding workforce planning. To support the Public Service with workforce planning, the Commission is developing a framework and guidance to encourage better proactive workforce planning.

Supporting materials on developing role descriptions and undertaking performance management have been published on the PSC website and will assist agencies to implement assignment to role provisions.

Requirements for an assignment

I note you recommend further guidance be provided on when an expression of interest is appropriate and have several recommendations related to requiring an employee to have the appropriate skills for assignment to a new role.

The guidelines include discussion about using expression of interest as a way for employees to indicate their interest in different roles.

The guidelines outline that assignment decisions are to be based on the employee having been assessed as having the capabilities required for the role. If an employee has not been assessed as having the capabilities required for a role, they are not able to be assigned. Instead they may be temporarily assigned for a time limited period, and a performance plan outlining the support to be provided is required to be agreed at the commencement of the temporary assignment.

The guidelines also include that agencies should provide an employee with a copy of the role description for the new role and discuss this during consultation.

Assignment and return from parental leave

The guidelines include a statement that the Industrial Relations Act 1996 and the Crown Employees (Public Service Conditions of Employment) Award 2009 apply to employees returning from parental leave.

I attach a copy of the finalised guidelines for your information. The final guidelines will be published on the mobility page of the EmploymentPortal, available at <http://www.psc.nsw.gov.au/employmentportal/Mobility>.

As I indicated above, the Commission will be undertaking a review of the operation of the guidelines after 12 months operation, which will include seeking further feedback from agencies and unions.

Should you have any questions on the guidelines please contact Lisa Stewart, Principal Advisor on 9272 6178 or via email at lisa.stewart@psc.nsw.gov.au.

Yours sincerely



4-2-15

Graeme Head
Public Service Commissioner

