



Greater protections for members

Conclusion Reached in Placement Dispute

After a long, hard fought case, the PSA has won greater protections for members in our dispute over the filling of jobs in Service NSW.

Following the most recent round of conciliation, the Industrial Relations Commission (IRC) recommended that the parties accept a Terms of Settlement (attached). The PSA accepted this recommendation after receiving agreement from PSA Delegates in Roads and Maritime Services, Fair Trading and Births, Deaths and Marriages.

While the settlement is not ideal, it became clear during conciliation that it was likely that members would face worse outcomes if the matter proceeded to arbitration.

Key Outcomes

As a result of the PSA dispute, the following outcomes were achieved:

- **No recruitment centres for most members**
Applicants applying for equivalent positions below the level of Service Centre Manager or Contact Centre Team leader will not have to undertake a recruitment centre or undergo any online testing where there are the same or less applicants than positions.
- **A merit based right of appeal (the review process)**
In the event an existing employee is unsuccessful for a job in Service NSW and vacancies remain after the first round for each position, they will be able to have the decision reviewed by the IRC. The review process provides a safeguard for employees in the event they are not appointed to an equivalent position in Service NSW.
- **Use of public sector merit selection principles**
All interviews and interview panels must adhere to the merit selection principles used in the public sector. This greatly reduces the possibility of unfair or biased decisions.
- **Consideration of your service record**
An applicant's employment record will have significant importance in reaching a decision as to suitability. This is a protection against being knocked out if you don't perform well at interview.

Details of what this means for you, and what Service NSW wanted, are contained in the table on the following page.

In addition, the PSA had raised concerns regarding the recruitment process to date. Of particular concern were managers who were unsuccessful despite being the only applicant for their location. We have consequently won the right for these members to re-apply for their positions under the revised, fairer process and have access to an appeals process if required.

Problems with direct offers of employment

As previously reported, the initial recommendation in this dispute contained a provision that non-management applicants be directly offered jobs following a check on conduct and performance.

It became apparent that this may have resulted in applicants being knocked out for minor or past employment issues, with no right of reply. Under the interview process, all members now have the opportunity to address any such issues, and can lodge an appeal if unhappy with the result. This is a significant result for members.

Assistance with the review process

As explained above, directly affected applicants for equivalent positions now have the right to appeal recruitment outcomes. The PSA will assist members who are facing this. To seek assistance, please contact the PSA industrial staff for your current agency.

Thank you

Thanks are due to the delegates, witnesses and members for their invaluable assistance, hard work and guidance throughout this process.

Results for directly affected members applying for equivalent positions at current location

Issue	What the Government wanted	RESULT		
		Managers Contact Centre & Service Centres	Contact Centre Team Leader	All other equivalent positions
Online personality test and customer service simulation at Recruitment Centre – <i>Same or less applicants than positions.</i>	All applicants must undergo both personality test and customer service simulation.	Undertake tests.	Undertake tests.	Do not have to undertake tests.
Online personality test and customer service simulation at Recruitment Centre – <i>More applicants than positions.</i>	All applicants must undergo both personality test and customer service simulation.	Undertake tests.	Undertake tests.	Do not have to undertake personality test.
Interview	Interviews conducted without defined merit selection principles.	Interviews to be conducted using Public Sector merit selection principles.		
Employment record and history	Employment record not taken account, decision made solely on performance in assessment centre.	Applicant's employment record will be of significant importance in reaching decision.		
Right to appeal decision (if positions remain unfilled)	No right of appeal for any applicant.	Appeal available, conducted by Industrial Relations Commission. Findings must be seriously considered and given weight by Service NSW.	Appeal available, conducted by Industrial Relations Commission. Service NSW must accept outcome.	
PSA available to assist members with appeal.				

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PSA Industrial Officers

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 Ian Lambert (RMS) 9220 0955
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Births, Deaths and Marriages Delegate

Andrew Gauci Law Access Call Centre

RMS Delegates

Darryl West Bankstown Motor Registry
 Keith Furner Newcastle Contact Centre

Fair Trading Delegates

Trevor Cook Newcastle Fair Trading Centre
 Cheryl Grant Lismore Fair Trading Centre
 Meg Smith Tweed Heads/Lismore Fair Trading Centres

** Please note that paragraphs 10 and 11 do not appear in this document. These paragraphs relate to a small number of employees that were unsuccessful in the first round of recruitment, and are removed to protect the privacy of these individuals. This does not alter the validity or interpretation of this document.*

BEFORE THE INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

No. IRC 1270 of 2012

Re: Service NSW (Employment) Award

Public Service Association
Applicant

State of New South Wales

Director General of the Department of Premier and Cabinet
Respondents

TERMS OF SETTLEMENT

Caveat

1. The terms of settlement in this matter have been reached on the basis that it is in settlement of the entirety of the matter in IRC 1270 of 2012.
2. The parties respectively give a mutual undertaking to the other that no element of the terms of settlement shall be used in any other matter, claim or dispute relating to the employment of any employees within the public sector in New South Wales, except any matter, claim or dispute concerning the appointment process for Service NSW.
3. No element of the terms of settlement are to be used by the other party as a "precedent" for use in any other proceedings or dispute, except any proceeding or dispute concerning the appointment process for Service NSW.
4. The settlement terms are to operate up to 31 December 2013, provided:
 - i. Service NSW makes all appointment decisions for the first tranche in sufficient time prior to that date to allow any employee with a right under these terms of settlement to seek a review to exercise that right; and
 - ii. any application for review lodged on or before 31 December 2013 shall be allowed to be completed in accordance with these terms of settlement.
5. If Service NSW decides, with respect to any further appointments to be made after 31 December 2013, not to continue to apply these terms of settlement to the appointment process, either in whole or in part, Service NSW shall notify the PSA of this at least one month prior to the commencement of any such further appointment process.

Settlement Approach

6. The parties have based their settlement on a two-category approach designed to be broadly consistent (albeit with some modifications) to the recommendations made by Justice Staff in conciliation on 28 November 2012.
7. Category A comprises all manager positions and specialist positions, being namely persons within the following classifications,
 - (i) service centre managers
 - (ii) contact centre managers
 - (iii) concierges
 - (iv) specialist positions.
8. Category A (a) is a subset of Category A and comprises team leaders in contact centres.
9. Category B comprises all other positions characterised as "equivalent positions" in Schedule A hereto (excluding the classifications referred to above in Category A and sub-category A (a)).

Operative settlement terms for Category A positions

- 10.
- 11.
12. Service NSW agrees that the selection procedures for Category A employees in future will be consistent with Regulation 5 of the Public Sector Employment and Management Regulation 2009 and public sector merit selection principles as annexed at Schedule B.
13. For any future appointments in Tranche 1, Category A positions, it is agreed that the selection process would be expected to include:
 - (i) the applicant submitting an Expression of Interest;
 - (ii) the applicant submitting a Curriculum vitae;
 - (iii) the applicant undertaking both an interview and two on-line assessment processes;
 - (iv) an internal service record check would also be undertaken as would referee checks as appropriate.

Operative settlement terms for Category B positions

14. The parties agree that Priority 1(a) assessment will be given to persons who currently hold permanent positions designated as "Equivalent Positions" in Schedule A to the PSA's award application in Category B ("Category B positions").
15. The selection procedures for Category B positions will be consistent with Regulation 5 of the Public Sector Employment and Management Regulation 2009 and public sector

merit selection principles as annexed at Schedule B and will include the following four steps:

- (i) an Expression of Interest;
- (ii) a curriculum vitae;
- (iii) a service check of performance, skills and conduct; and
- (iv) an interview which will consist of:
 - a. an opportunity for the applicant to seek further information in relation to employment with Service NSW.
 - b. an assessment of customer service aspects and capabilities in relation to a position provided that the applicant's employment record will be a matter upon which significant importance will be attached in reaching any decision as to the suitability of the applicant.

16. In relation to Category B selection, in circumstances where there is a greater number of Priority 1(a) applicants than the number of Category B positions for a given role at a service centre or contact centre, the parties agree that the selection process will include an interview and simulated on-line exercise but not include the on-line OPQ program.
17. If any of these applicants are assessed as not suitable for appointment to a new Service NSW position (i.e. being employees eligible for Priority 1(a)), then they will be entitled to a review of the decision both on procedure and merits (see later).
18. Once the Priority 1(a) applicants have been considered and dealt with, Service NSW can then proceed to consider lower priority applications and interview applicants generally, albeit preference in accordance with Priority 1(b) and 2 will be afforded to the relevant employees. The selection process for these Priority 1 (b) and 2 applicants will include an interview and simulated on-line exercise but not include the on-line OPQ program. However, those employees outside Priority 1(a) will not be entitled to any review of the decision given with respect to their application.
19. In relation to Category B selection, in circumstances where the number of applicants with Priority 1(a) preference for a position at a Service Centre or Contact Centre exceeds the number of new positions available Service NSW will adopt the selection procedures outlined in paragraphs 15 and 16 above and choose the most meritorious candidates for appointment (assuming that there are applicants who meet the basic suitability threshold). Applicants who miss out on selection to Category B position(s) because another more meritorious Priority 1(a) applicant(s) has been selected for appointment will not have recourse to any review of that decision.

Assisted appointment review process

20. The parties agree to the implementation of an assisted appointment review process for unsuccessful candidates who have Priority 1(a) preference.
21. Annexed hereto and marked "C" is a flow chart of that assisted appointment review process. The parties agree to add a second footnote to that schedule in the following terms:

“In the event the Industrial Relations Commission considers it necessary, the Commission may request further information from the parties for assistance by way of a short informal conference (but such conference will not involve legal representation of either party).”

22. In respect to Category A applicants, the final recommendation by a member of the Commission will be seriously considered and given weight by Service NSW but may be accepted or rejected at the discretion of Service NSW.
23. In respect of candidates in sub-Category A(a) and Category B, the recommendation of the IRC will be accepted by all parties to the process.
24. As noted above no access to the review process applies to any candidates outside of Priority 1(a) personnel.

Definitions:

“Specialist Positions” means Concierge, Service Quality Coach, Telephone Concierge Operator, Schedule and Resource Planning Analyst, Call and Resource Planning Analyst and Call and Resource Planning Manager.

“First Tranche” or “Tranche 1” means appointment(s) to the first eighteen (18) service centres and three (3) contacts centres

“Priority 1 (b) applicant” means directly affected permanent employees for positions at, or below, the salary band of their substantive position whose substantive position is based at a different location.

“Priority 2 applicant” means:

- directly affected permanent employees expressing interest in a position at a higher salary band than their current substantive position, and
- other permanent employees from Fair Trading and Roads and Maritime Services who would like to join Service NSW.