

## TRANSFERS AND SECONDMENTS

The *Government Sector Employment (GSE) Act* is the legislation that governs how government sector employees are employed and the broad conditions and functions.

Section 64 of the *GSE Act* refers to employee transfers and secondments.

This section addresses the transfer of employees between government agencies by way of secondment or permanent transfers. Transfer of a government sector employee from one government sector agency to another is by agreement between the agency heads.

### Employee initiated transfer

- An employee who requests transfer to another government sector agency must do so in writing to the agency he/she is employed.

### Employer initiated transfer or secondment

- An employee may only be transferred to another government sector agency at the same level unless the employee agrees to a transfer at a lower level;
- The employer has to provide reasonable notice to the employee of the transfer and advise the employee of his/her right to a review of the decision to transfer within 10 business days of notification.
- ***An application for the review of an employer initiated transfer must be made in writing to the head of the agency where the person is employed and within 10 days of the notification as above.***
- The review of the decision is to be conducted by a senior officer who was not involved in the initial decision to transfer or second the employee to another government agency;
- The reviewer is to conduct the review within 10 business days after the application for review is made.
- The reviewer is to consider all relevant circumstances relating to the transfer/secondment including submissions by the employee requesting the review.
- The finding of the reviewer is to be given to the agency head.
- The employee will be notified in writing of the decision by the agency head.
- The decision of the agency head is final.

### Assignment to roles

Section 46 of the *GSE Act* refers to assignment to roles.

Rule 11 of the *GSE Rules*, which sit under the Act and provide more information on application of the legislation, refers to temporary assignments.

The *Assignment to Role Guidelines* issued by the Public Service Commission defines the term "assignment" as applicable to both initial assignment to a different role within the classification of work, or reassignment within the band. An assignment for non-executive employees does not have a specified date.

### **GSE Act Section 46 - Assignment to roles in work classifications**

- The agency head may assign non-executive employees to any role in the agency in the same classification of work which the employees are employed.
- This assignment may be to enable the flexible deployment of resources within the agency and to develop the capabilities of staff.
- An employee is not to be assigned to a different role unless there has been consultation with the employee concerned.
- ***The remuneration payable is not to be reduced without the consent of the employee.***

### **Clause 4.4 of the *Guidelines on Assignment to Roles* issued by the Public Service Commission clarifies the required consultation**

- The guidelines require consultation to occur with the employee being reassigned. This is to provide an opportunity for managers and employees to discuss the reasons for the transfer, that there is no automatic return to the current role and to answer any questions the employee may have.
- There has to be genuine consideration of any concerns raised by the employee regarding the assignment; including any impact on the employee's flexible working arrangements, caring arrangements and finances.
- Managers should keep a note of the consultation meeting including the date, a record of what was discussed and any reasons for employees objecting to the assignment.
- The decision to assign an employee rests with the agency and is not subject to review.

### **Clause 4.5 of the *Guidelines on Assignment to Roles* issued by the Public Service Commission clarifies assignment to a role in a different location**

- An employee may be assigned to a role in a different workplace location.
- The reason could be organisational, or at the request of the employee for personal reasons.
- The manager and employee should discuss the reasons for the assignment and any concerns of either party.
- The decision to assign an employee to a different work location lies with the agency.

### **Temporary assignments**

A temporary assignment is for a defined period of time. Rule 11 of the *GSE Rules* refers to temporary assignments.

- Temporary assignments may be at level, or at a higher or lower classification of work.
- At the end of a temporary assignment an employee will return to their most recently assigned role unless reassigned during that time.

### **Have you transferred between agencies?**

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