



17 February 2017

# FACS Cluster Operating Model (COM) update

## FACS peddling porkies on VR eligibility

The PSA is aware some managers are advising staff affected by the COM restructure they must apply for roles at Phase 2 (Matching and Assessment) or risk losing their redundancy entitlements.

This advice is incorrect.

Under Phase 2 of the placement process, affected staff are “invited” to “submit an expression of interest” in available roles and nominate their preference. However, **staff are not required to express interest in a role** and failure to do so will not result in the staff member forfeiting their redundancy entitlements.

As we have previously advised, affected staff who wish to exclude themselves from Phases 2 and 3 may seek an early exit date and may be declared excess in accordance with the Managing Excess Employees’ Policy. There is no obligation on FACS to declare a staff member excess.

## Assignment to role

Section 46 of the Government Sector Employment Act 2013 allows the FACS

Secretary to assign staff to roles in their classification of work. Where the Secretary wishes to assign a staff member to a different role, they may do so following consultation with the staff member. A staff member’s remuneration may not be reduced without their consent.

The GSE makes it possible for the Secretary to assign a staff member to another role in their classification of work regardless of whether the staff member has expressed an interest in the role - this can be to an ongoing or time limited role.

**On this basis, even if you do not express interest in a role, you may still be assigned to role with FACS.**

## Mobility Pathways program

The Department of Premier and Cabinet issued a memorandum in June 2016 which applies to all NSW Government Departments. Click [HERE](#) for a copy of the memo.

<http://arp.nsw.gov.au/m2016-02-transfer-government-sector-services-or-functions-non-government-sector>

The purpose of the memorandum is to support both:

- the transfer of government services to the non-government sector
- the placement of non-transferring staff in alternative employment in the NSW government sector.

The Mobility Pathways program is designed to support the second of these, and works by matching staff to new roles in their own or another agency based on their experience and demonstrated capabilities.

The memorandum states “no redundancy is payable where comparable employment in the NSW government sector is offered, but not accepted.”

If you are “offered” a role but do not believe it is “comparable” to your current job, you should contact the PSA immediately for advice.

## Acting staff competing for promotional positions

We have received some feedback from staff querying our position on acting staff (i.e. an ongoing employee acting in a higher graded role) not being allowed to compete for higher graded roles in Phases 2 and 3.

Allowing staff to apply for roles at their acting grade as well as at their substantive grade, treats staff acting in a higher graded role more favourably than other employees by allowing them to compete twice in Phases 2 and 3. It also invites a scenario in which a staff member is replaced in their current role by a staff member acting at an equivalent grade.

As the COM restructure will result in substantial job losses, we did not feel that it was appropriate for FACS to use the reorganisation as a promotional mechanism for some employees at the expense of others.

We understand our position will not be popular with everyone.

However, our position treats every affected employee equitably – everyone is considered for placement at their substantive grade. It allows employees who do not wish to participate to seek an early departure. Our position also ensures any residual roles are offered to affected staff prior to external advertisement (Phase 4).

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