



PUBLIC SERVICE ASSOCIATION
OF NEW SOUTH WALES

General Secretary Stewart Little
President Kylie McKelvie
ABN 83 717 214 309

In reply please quote: NB:jm A17/0787

13 December 2017

Michael Wright
Executive Director
Park Programs
NSW National Parks and Wildlife Service
Level 14, 59-61 Goulburn Street
SYDNEY NSW 2000

michael.wright@environment.nsw.gov.au

Dear Mr Wright,

The PSA is writing in response to an offer put during conciliation at the Industrial Relations Commission regarding the advertising of SFS 3 roles. The PSA understands that offer was :

- Recruitment would be limited in the first instance to SFS, FS and SFO staff only
- Recruitment would then be made available to all other affected employees
- Any roles not filled would then be advertised externally

The PSA cannot accept this offer, and will not accept any offer which seeks to treat certain classifications of staff affected by the same restructure as “second class citizens”.

The PSA once again states that the Government Sector Employment Act, Rules, Regulations and other associated policies do not allow the agency to pick and choose individual classifications of staff that they will limit internal recruitment to, in cases of promotional opportunities to different classifications of work. The GSE Act, Rules and Regulations aim to provide transparency and the principles of merit when recruitment and promotion is required. Any deal that preference one group of staff affected by a restructure in promotional decisions over another group of affected staff is neither transparent, fair or based on the principles of merit.

As agreed in our meeting of Tuesday 12th December, the PSA remains open to meeting in the next week in order to discuss this issue, as well as that of salary maintenance in cases where employees are placed in a role with lower remuneration with their consent. To aid in

summarising the PSA position on this, I reproduce below the correspondence sent to Mr Tony O'Donnell on the 20th November.

The PSA wishes to make clear that the 3 months' salary maintenance is not a new claim, but it is an obligation under section **5.1.2 Placement of affected employees** of the Agency Change Management Guidelines.

The guidelines define affected employees as *"employees whose positions have been deleted, altered or moved as a result of the change, and **who will become excess** if they are not placed in position within the new structure. All efforts must be made to place these employees in positions in the new structure using appropriate placement procedures"*. An employee does not need to be officially declared excess to be an "affected employee".

Further on in the same section, it states that the *"salary matching and priority assessment principles described in the Case Management and Redeployment Guidelines are to be used to guide the placement of **affected employees** into positions within the new structure"*.

Section 6.3.6 Matching to positions below grade and salary maintenance states *"if an excess employee is placed in a position of lower grade or salary they are entitled to three months salary maintenance at their former salary"*.

It is clear that the two policies are designed to be read concurrently, and the **principles** described in the Case Management and Redeployment Guidelines applied to **affected employees**. The principle in this case is that an employee placed in a lower grade or salary is entitled to three months' salary maintenance.

Yours faithfully,



Nathan Bradshaw
Industrial Manager

Cc: Mr Tony O'Donnell – tony.odonnell@environment.nsw.gov.au