

# **POLICY**



# Flexible Work Arrangements for Corporate Employees

Approved by: Deputy Secretary, Corporate Services

Approval date: 3 October 2017

#### **Brief Description:**

This Policy outlines the flexible work options available to corporate employees within the department and provides guidance on the design, initiation and monitoring of flexible work arrangements.

Policy: Flexible Work Arrangements for Corporate Employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

# **Table of Contents**

#### **Contents**

1.	Introduction	٦	3
2.	Audience a	and application	3
3.	Responsibi	ilities and delegations	3
	Deleg	ation to approve flexible working arrangements	4
4.	Flexible Wo	ork Arrangements	4
	4.1	What is flexible work?	4
	4.2	Alternative workplace arrangement	€
	4.3	Part-time work	7
	4.4	Job sharing	7
	4.5	Purchased Leave	g
	4.6	Transitioning to retirement	
	4.7	Compressed hours	g
	4.8	Flex time	10
	4.9	Setting up a flexible work arrangement	10
	4.10	Approving a flexible work arrangement	11
	4.11	Record keeping	12
	4.13	Financial implications for employees	13
	4.14	Technology	13
5.	Monitoring,	evaluation and reporting requirements	13
	5.1 M	anager's monitoring requirements	13
	5.2 Er	mployee's monitoring requirements	14
	5.3 Re	eview requirements	15
6.	More inform	nation	15
7.	Document	history	15
	7.1	Document information	15
	7.2	Document accountability	16
	7.3	Document version history	16
	7.4	Consultation	16
	7.5	Document linkages	16
8.	Terms and	definitions	17

Policy: Flexible work arrangements for corporate employees Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

#### 1. Introduction

- **1.1** This Policy provides guidance to corporate employees, their line managers in the department and officers with delegated authority to approve flexible working arrangements on how to design, initiate, monitor and review flexible work arrangements. *Corporate employees* means:
  - non-school, non-executive employees employed under the Government Sector Employment Act 2013;
  - non-school based teaching service employees working under administrative arrangements (the flex agreement); and
  - Public Service Senior Executive (PSSE).
- **1.2** Flexible work arrangements can deliver a range of business advantages including cost effectiveness, attracting and retaining skilled employees, and aiding succession planning.
- **1.3** This Policy outlines the options available and the factors to be considered in the implementation of such arrangements.

#### 2. Audience and application

- **2.1** This policy is applicable to all *corporate employees* in the department who seek to enter into a flexible working arrangement that supports the flexible working needs of the employee and ensures the operational requirements of the department are met.
- **2.2** This policy also applies to managers and officers with delegated authority to approve flexible working arrangements, as specified under Section 4 of the <a href="Public Service Employee and Administrative Delegations">Public Service Employee and Administrative Delegations of Authority under the Government Sector Employment Act 2013.</a>

## 3. Responsibilities and delegations

**3.1** Managers and employees wishing to enter into a flexible work arrangement must consider the factors below, prior to entering into an arrangement:

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

Disclaimer: Printed copies are uncontrolled documents

Page 3 of 17

Em	Employees		Managers/supervisors	
☑	Changes required in the structure of their work environment to meet their personal needs.		The importance of modelling a positive approach to flexible work.	
☑	The requirements of their job and work area, and the impact of any proposed flexible arrangement on these requirements.		The personal importance of a proposed flexible arrangement to a particular employee, and the impact on the employee if a proposal is not agreed.	
☑	The trade-offs that may be required from an employee to satisfy a request for flexible work arrangements, including the needs of other work colleagues.	Ø	The current and expected performance of individuals requesting flexible work arrangements and the performance expectations of the department more broadly.	
☑	All relevant agency policies and the formal decision making processes that will need to be satisfied, including where necessary, documenting a particular arrangement.	Ø	The job design and task profile of individuals requesting flexible work arrangements.	
Ø	The increased importance of communication, particularly with managers, that is likely to accompany flexible work.		The impact on team workloads and operation.	
☑	The continued effort and commitment that may be required for flexible work arrangements to be successful over the long term.	V	The importance of periodically monitoring and evaluating flexible work arrangements to ensure ongoing effectiveness, and willingness to take action if problems arise.	
		☑	The increased importance of communication that is likely to accompany flexible work arrangements.	
		V	All relevant agency policies, and the formal decision making processes that will need to be satisfied.	

#### Delegation to approve flexible working arrangements

- 3.2 Flexible working arrangements must be approved by an officer with appropriate delegation, as specified in Section 4.4 of the Public Service Employee and Administrative Delegations of Authority under the Government Sector Employment Act 2013. This means that the delegate must be at director level or above.
- 3.3 Further information on approval of flexible working arrangements can be found under Section 4 of the department's Delegations of Authority.

### 4. Flexible Work Arrangements

#### 4.1 What is flexible work?

The New South Wales Public Service Commission (PSC) is seeking to implement a new flexible work strategy to achieve the NSW government commitment to making all public sector roles flexible and "if not, why not", by 2019.

The PSC articulates that "employers are adopting more innovative and flexible ways of working in order to meet business objectives, to maintain productivity and to attract and retain skilled employees. Employees need greater flexibility to balance career, education and life roles and to

Policy: Flexible work arrangements for corporate employees

Version: 1.0

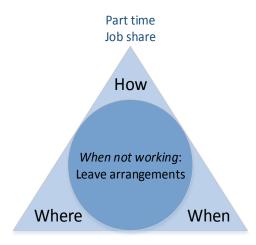
Updated: 3 October 2017 Page 4 of 17 PD number: DOC17/1062876

extend their work life. Rapid advances in the application of new technologies and telecommunications help employers to structure work arrangements more flexibly."

The PSC defines flexible working as any work arrangement that changes standard hours, days or location of work on a temporary or permanent basis, such as:

- changing the hours worked on any given day or working to a staggered roster
- changing the number of days worked each week as part of a reduced work week or reducing the total hours worked each week on a temporary or permanent basis in a job share or part-time arrangement
- using paid or unpaid leave entitlements for extended breaks from full-time work or a career break
- working closer to, or at, home on an ad hoc or regular basis to undertake project or routine work.

There are a variety of short and long-term arrangements that come under the umbrella of flexible work. The flexibility may relate to where, when and how work is done by the employee, as shown in the diagram below.



Alternative work location

Flexible hours of work

How individuals manage the relationship between work and other elements of their lives will differ. Individual priorities may range from caring for family members, contributing to the community, maintaining health and wellbeing, studying, transitioning to retirement, or participating in leisure activities. Although a flexible work arrangement may include consideration of when employees are on leave, employees and managers must clearly distinguish between when flexible work arrangements (such as working from home) are being exercised and when leave entitlements are being used (e.g. carers leave).

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Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

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Page **5** of **17** 

#### 4.2 Alternative workplace arrangement

Employees are not required to work from alternative locations, as the department provides appropriate facilities to meet its accommodation needs. If an employee is approved to work from an alternative location, including home, they must comply with the department's work, health and safety standards and ensure that they have an appropriate designated work environment and work station.

Requests for alternative workplace arrangements may be approved where the delegate is satisfied that the employee can perform the work from the alternative workplace location with no significant negative impact on work performance, that the work can be completed efficiently in this manner and that there are no adverse effects on the employee's team or on service delivery.

It may be possible, by agreement with the delegate, for an employee to work from an alternative work location 1 – 2 days per week.

A day worked from home is considered one standard day (i.e. 7 hours for a full time employee) flex time is not accrued whilst working from home or any alternative workplace, without prior approval. A working from home arrangement cannot be used as a means to care for dependent family members.

Travel time is not considered as work time unless the employee is travelling to an alternative work location under the direction of their manager.

Only time spent travelling to the alternative workplace in excess of the employee's usual travel time to work can be recorded as time that will accrue towards flex in addition to the employee's standard day. Usual travel to and from the employee's designated work location is not considered as work time and does not accrue flex.

#### Points for consideration

Delegates should consider the following requirements when considering a request from an employee to work from an alternative location:

- the quality of work and security of departmental information is assured
- the nature of the work allows it to be completed efficiently and effectively from an alternative location and the duties are suitable for work from an alternative location, e.g. the work can be done without direct supervision
- · a plan can be developed to ensure the work to be undertaken from an alternative location is clearly defined, with clear outcomes and measures of performance
- the employee's attendance and work performance history, including their ability to work unsupervised, supports working from an alternative location
- the employee is able to work safely from an alternative location
- the appropriate equipment is available to the employee to undertake the work (e.g. laptop computer, software, etc.)
- communications procedures are in place between the employee and their colleagues. customers and manager.

Refer to the Alternative Workplace Arrangement Procedure for further information.

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Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017

PD number: DOC17/1062876

Disclaimer: Printed copies are uncontrolled documents

Page 6 of 17

#### 4.3 Part-time work

Part-time work provides employees with the opportunity to work fewer hours than full-time employees. The department will create permanent part-time positions where this is operationally sustainable. The number of hours worked and pattern of work may vary - for example, five half days or three full days. Part-time work arrangements may be established on a temporary (via leave without pay) or permanent basis. Employees may request to work part-time and such requests should be considered in the context of the considerations outlined below. There are specific rules that apply to employees accessing part-time work arrangements under parental leave, which are set out in the *Crown Employees (Public Service Conditions of Employment) Reviewed Award*. The transition to a part-time position does not alter the employee's classification or grade.

#### Points for consideration

#### **Employees** Managers/supervisors ☑ Part-time work provides opportunities to combine Part-time work suits areas where a service is required employment and career interests with other activities. for a number of hours each day, for only some days each week, for an activity which requires less ☑ Part-time work may provide a more suitable mode of intensive resourcing after initial implementation, or to employment for some people, for example, people meet peak demands. with the kind of disability which makes full-time employment difficult. ☑ Part-time work may assist with retention of employees who would otherwise leave the department because ☑ Part-time work may be useful for employees wishing to of their inability to continue to work on a full-time reduce their working hours over the period basis, thereby lowering replacement and training immediately before retirement. costs. ☑ Participation in the full range of activities offered at the The management of part-time work places different $\overline{\checkmark}$ workplace may be restricted by the pattern of days or demands on the skills of managers. There may also hours worked, for example, participation in activities be a minor increase in administrative costs for partwhich cannot be undertaken during the time when the time employees. part-time employee is at work; for example team ☑ Participation in the full range of activities offered at meetings, group training. the workplace may be restricted by the pattern of ☑ Superannuation entitlements offered by the employer days or hours worked, for example, participation in are based on pro rata entitlements, which may not be activities which cannot be undertaken during the time sufficient for the employee's later needs. Advice when the part-time employee is at work. should be sought by the employee on superannuation entitlements.

#### 4.4 Job sharing

Employees undertaking job share arrangements are each employed as part-time under separate contracts of employment and have separate employment relationships.

The two most common ways duties can be divided are as follows:

- Division of time This means both employees share all the tasks and the components of their
  jobs are essentially interchangeable. Both sharers are expected to perform the full range of
  duties, with the duties divided only by the time each sharer is at work.
- Division of responsibilities This arrangement is most suitable where jobs can be relatively
  easily divided by projects or tasks. These jobs could be split by giving each sharer a specific
  group of customers or specific projects.

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

Disclaimer: Printed copies are uncontrolled documents

Page **7** of **17** 

Where one party in a job share arrangement seeks to opt out of the arrangement, the impact on the other party must be considered. The precise course of action to be followed when a job sharing arrangement comes to an end will depend on the individual circumstances. The procedure to be followed should be agreed and set out at the commencement of the job sharing arrangement.

If one of the sharers leaves, options include:

- the remaining sharer continuing as a part-time employee, with the other responsibilities being performed by another part time worker;
- the remaining sharer returning to full-time work where this was agreed at the start of the job sharing arrangement;
- the remaining sharer being offered the full role and responsibilities by mutual consent, if not agreed at the start of the job sharing arrangement;
- the vacancy being advertised if the remaining sharer declines the offer of the full role and responsibilities;
- if the vacancy is not filled within a reasonable period, the manager/supervisor assessing
  the work and considering job re-design (including the option of the remaining sharer being
  offered redeployment to other part-time work or another vacant job share);
- varying, by agreement, the remaining sharer's role and responsibilities and/or working arrangements as a "stand-alone" part-time work arrangement, with the residual responsibilities re-allocated;
- putting into effect normal redeployment procedures if there is no other suitable work, or the remaining sharer does not wish to take it.

If both sharers leave the job at the same time, the usual procedures for filling a vacancy come into operation.

#### Points for consideration

- Agency support: part-time work and job sharing need to be supported by the department as respected, worthwhile work options.
- Work location and working arrangements, including equipment, need to be of the same standard as for full-time employees so that these different types of work arrangements are seen to be valued by the department.
- Job sharing has benefits for both the department and its employees:
  - ☑ retention of skills that are important to the department

  - ☑ reduced absenteeism
  - ☑ increased productivity, including different perspectives on issues
  - ☑ wider range of skills
  - ☑ flexibility in scheduling time at work
  - ☑ greater job satisfaction
  - ☑ a better balance between work and other activities and responsibilities
- Performance: Job sharers perform the role of one job and the workload and performance expectations should be similar to what would be expected if the job was being performed by

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Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

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Page **8** of **17** 

one employee. Particular care is needed in the management of performance: clear goal-setting for each person, with equally careful assessment of each individual's performance, are essential.

 Communication: effective channels of communication need to be established and maintained between the job sharers, their managers and other employees. Consideration should be given, especially in shared responsibility arrangements, to providing a "changeover period" to allow job sharers to keep each other up to date with what is occurring in their respective fields of work.

Requests for job sharing should be considered in the context of the points for considerations above and those contained in 4.3.

#### 4.5 Purchased Leave

The department acknowledges the value of flexible working arrangements. Purchased leave is an arrangement whereby permanent full-time and part-time staff members, and temporary staff members employed for more than 12 months from the time of entering into the Purchased Leave Agreement, can apply to purchase additional leave entitlements of either 10 days (2 weeks) or 20 days (4 weeks) or equivalent pro rata in a 12 month period.

Staff members will have their annual gross salary reduced in exchange for the purchased leave. Staff members should note that other leave entitlements and superannuation will be affected by their reduced salary rate and are encouraged to seek financial advice before entering into the agreement.

The approval of Purchased Leave Agreements are subject to departmental business needs and work demands. Purchased leave is to be taken at agreed and specified dates as set out in the adopted <a href="Purchased Leave Policy">Purchased Leave Policy</a>. Additionally, employee's seeking to access purchase leave arrangements are advised to consult the <a href="Crown Employees">Crown Employees</a> (Public Service Conditions of Employment) Reviewed Award.

#### 4.6 Transitioning to retirement

Flexible work arrangements may assist in the planned transition to retirement, and the transfer and retention of corporate knowledge. Employees approaching retirement and wishing to reduce their hours of work may request part-time work. Transitioning to retirement may take the form of part-time work using accrued leave or leave without pay, or assigning the employee into a part-time position. Approval of such requests should take into consideration succession planning and the transference of critical skills and knowledge.

Requests for transition to retirement arrangements should be considered in the context of points for consideration at Section 4.3 above.

#### 4.7 Compressed hours

Compressed working hours is a formal arrangement where an employee works their normal, full-time hours over fewer than 5 days.

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

Disclaimer: Printed copies are uncontrolled documents

Page **9** of **17** 

Compressed hours arrangements are <u>not</u> currently available to non-executive corporate employees.

The <u>Crown Employees (Public Service Conditions of Employment) Reviewed Award</u> requires that seven contract hours are worked each day. While the <u>Flexible Working Hours Agreement 2015</u> allows this to be varied to an extent, in order to accrue flex time seven hours must be completed on any given working day.

Non-executive corporate employees wishing to attend less than five days a week should consider a part-time work arrangement.

Compressed hours may be applicable to executive (PSSE) employees, by agreement with the manager, where operational requirements are conducive. Consideration should be given to how critical duties and accountabilities can be managed and/or reassigned when the executive is not scheduled for work.

Compressed hours arrangements for executive employees shall be worked across *no less* than four working days per week to ensure employees work within a reasonable spread of working hours for health and safety reasons.

Employees on a compressed working schedule will continue to have public holidays and sick leave debited at the applicable daily hour's rate. This means that if leave is taken on a day when the employee would normally have worked for longer hours (in order to be able to take a scheduled day off), the employee will need to make other arrangements.

#### Options include:

- working additional hours on other days to cover the sick day or public holiday;
- deferral of the day off (for scheduled leave);
- taking a part-day off instead of a full day (for scheduled leave).

Regardless of the option chosen, the employee should not be working outside of a reasonable spread of working hours for health and safety reasons.

#### 4.8 Flex time

Details of the department's flex time arrangements are available in the <u>Flexible Working Hours Agreement 2015</u>.

#### 4.9 Setting up a flexible work arrangement

Beneficial outcomes are achieved when employees, managers and teams work together. Individual employees play a vital role in achieving mutually beneficial outcomes from flexible work arrangements. As different people need different types of flexibility at various times in their working lives, it is important that individuals have the opportunity, and feel supported to communicate this need with their managers.

Supportive line management is critical for the successful implementation of flexible work arrangements. As the 'enablers' of workplace flexibility, managers and supervisors play an essential role in interpreting and implementing flexible work policies and practices.

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

Disclaimer: Printed copies are uncontrolled documents

Page 10 of 17

Flexible work affects whole teams and teams play a vital role in ensuring the successful implementation of flexible work arrangements. Work may need to be redistributed, and team members will need to actively work together to communicate, engage with the process, set expectations, ensure work is shared equitably and build understanding to ensure the business continues to operate effectively.

The process of negotiating flexible arrangements will follow a stepwise process that emphasises the obligations of the employee, manager and delegate, as shown in the diagram on page 12.

#### 4.10 Approving a flexible work arrangement

Flexible working arrangements must be approved by an officer with appropriate delegation, as specified in Section 4.4 of the <u>Public Service Employee and Administrative Delegations of Authority under the Government Sector Employment Act 2013</u>. This means that the delegate must be at director level or above.

The approval of flexible work arrangements by the delegate is on a case-by-case basis, and must consider:

- flexibility is the default for all roles
- leader-led, but emphasising employee responsibility
- mutually beneficial
- about the team and the individual
- · consideration of context in each case.

The employee should discuss requests for altering their working pattern with their manager before submitting a written proposal to work under a flexible work arrangement.

The diagram below shows the **flexible work arrangement process**.

All requests to vary a corporate non-executive employee's work arrangement must be in accordance with the <u>Flexible Working Hours Agreement 2015</u>.

Reasons for declining a request for a flexible work arrangement must be based on business needs, and be objectively justifiable. Managers and delegates must be able to answer the question, "if not, why not?" It is not sufficient for a manager or delegate to say the proposed flexible work arrangement does not meet operational requirements, without providing reasons why.

It is expected that all flexible working arrangements will be cost neutral to the department. When calculating the potential impacts of a flexible work arrangement, managers should also consider the opportunities that will flow from approving the request, e.g. the cost of recruiting and training a new person if the employee retires or resigns as well as environmental and social considerations.

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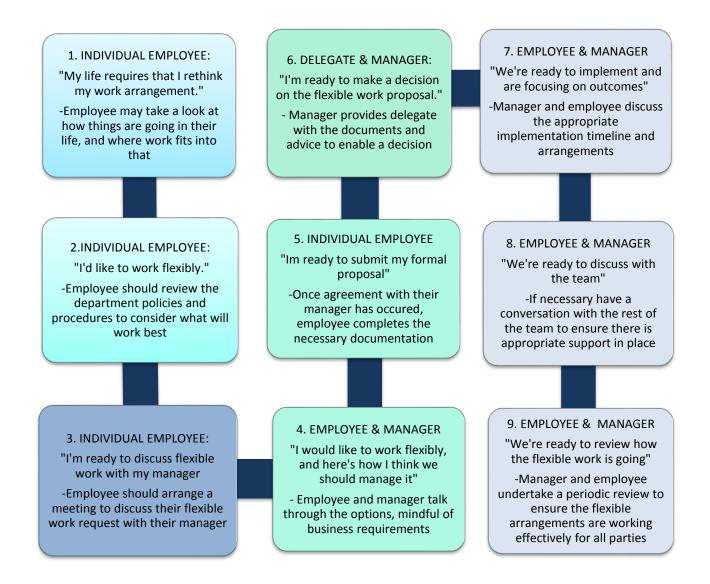
Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

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Page 11 of 17



#### The flexible work arrangement process

#### 4.11 Record keeping

The manager is responsible for maintaining a record of all flexible working agreements. A copy of each completed agreement must be retained in accordance with the Remedy HPRM guideline. The manager must also provide the employee with a copy of their completed agreement for future reference.

Managers are must use the best practice documentation produced by the department including:

Flexible Working Agreement Template

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

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Page **12** of **17** 

#### Alternative Workplace Agreement Template

#### 4.13 Financial implications for employees

Employees seeking flexible work arrangements should seek independent financial advice to assess any impact on their superannuation and tax entitlements.

#### 4.14 Technology

A flexible workplace is predicated upon the successful implementation of a unified communications strategy. Fixed locations and alternative workplace environments must mobilise both the person and the business processes conducted by that person and not just make use of portable technology. Managers and employees must seek the most cost effective, efficient and productive approaches (e.g. bring your own device, relevant apps, mobile Wi-Fi) to ensure that business processes are optimised.

#### 5. Monitoring, evaluation and reporting requirements

#### 5.1 Manager's monitoring requirements

Where a flexible work arrangement is in place, the manager must monitor and regularly review the effectiveness of the arrangement. As part of this process, the manager documents the impact on productivity, allocation of work to the participating employee, on other team members and customer outcomes, and any ensuing changes to the flexible work arrangement. The manager discusses the effectiveness of the flexible work arrangement with the employee as part of the review process.

Changes to a flexible work arrangement, including an earlier end date, are subject to management approval. Any agreed changes need to be documented and appended to the original agreement.

Tips for guiding managers in monitoring a flexible work agreement are provided below:

Do		Don't	
	Trust your employee.  Encourage good organisation skills.  Encourage goal setting and high expectations.  Set clear work outcomes and timeframes.  Give appropriate and timely feedback.  Take time to plan.  Ask for regular progress reports from employees.	E E	Conduct time checks.  Call your employees working away from the central office frequently to check on progress.  Neglect problems that may arise.  Set unattainable work goals and unrealistic deadlines.  Manage by close supervision.  Expect perfection.
<b>V</b>	Communicate regularly.  Keep records.	×	Allow unsuccessful flexible working arrangement to continue.

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

Disclaimer: Printed copies are uncontrolled documents

Page 13 of 17

Do	Don't	
<ul> <li>☑ Delegate assignments equitably among all your team.</li> <li>☑ Treat employees equitably and fairly when implementing flexible working arrangements.</li> </ul>	▼ Terminate a flexible working agreement for reasons other than performance, misconduct or operational requirements.	

#### 5.2 Employee's monitoring requirements

Where a flexible work arrangement is in place, the employee has an obligation to continue to carry out their professional roles and responsibilities to the expected standard. Tips for employees to maximise the quality, efficiency and efficacy of their new flexible working arrangement include:

Do		Do	n't
V	Take joint responsibility (with your manager) for the success of your flexible working arrangement.	×	Let technical problems with equipment impact on your working outputs.
V	Comply with your flexible working arrangement and departmental policy.	×	Change your work schedule every time you telework or work from home.
V	Have a safe ergonomic workplace whilst teleworking or working from home.	×	Procrastinate or develop idle/unproductive working habits.
	Plan your teleworking day ahead of time.	×	Let the radio or TV distract you or impair your
V	Remind your supervisor the day prior to teleworking or working from home days.		professional image whilst working from home.
V	Call the office regularly when working away from the main office.	X	Commence work late when teleworking or working from home.
V	Keep yourself organised so that you know which paperwork and equipment is available when teleworking and in the office.	×	Take work away from central office that requires group decisions or constant input from co-workers.
V	Let your family know that you cannot be interrupted whilst teleworking from home.	×	Get distracted by non-work matters (people and activities) when working from home.
V	Keep a consistent schedule on teleworking or working from home.	×	Conduct private activities during work time when working from home.
V	Attend the central office when requested, including for team meetings.	×	Work from home if your home situation is not supportive of/conducive to such an
	Keep your supervisor informed of your progress.		arrangement.
V	Let team members know about how and when to contact you about work.	×	Work from home if you have a small child or elderly family member requiring constant care and attention.
$   \overline{\mathbf{A}} $	Stick to deadlines.	×	Be reluctant to leave the telephone for a
	Keep track of your level of performance.		break.
V	Talk to your manager if your teleworking or working from home arrangement is not working for you.	×	Continue with a flexible work arrangement when it isn't working for you or is counter-productive to your performance.
V	Notify your manager of any change in your situation that may affect your flexible working arrangement.	×	Assume that the flexible working arrangement is permanent.

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

#### 5.3 Review requirements

The Executive Director, Human Resources, or nominee, is responsible for the periodic review and revision, as appropriate, of this policy. The review is to take place annually, or sooner, if appropriate.

#### 6. More information

## 7. Document history

#### 7.1 Document information

Policy title	Flexible working policy for corporate staff
Current version	1.0
Policy number	DOC17/1062876
Approved by	Deputy Secretary, Corporate Services
Approval date	3 October 2017
Implementation date	4 October 2017
Date of last update	4 October 2017
Next scheduled review date	4 October 2018
Audience	Temporary and permanent corporate employees Publicly available
Location in taxonomy	Policy Staffing
Subject keywords	Flexible working, alternative workplace arrangements, Alternative Workplace Environment,

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

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Page **15** of **17** 

#### 7.2 Document accountability

Role	Name
Policy Owner	Executive Director, Human Resources
Policy Advisor	Director, Strategy & Governance
Policy Facilitator	Manager, Policy and Compliance
Policy Contact	Manager, Policy and Compliance

#### 7.3 Document version history

Version	Date	Author	Change description
1.0	3/10/2017	Ivan Brown	New policy

#### 7.4 Consultation

Version	Date	Stakeholder Change de	scription
0.1	Jul 17	External Affairs and Regulation	Amendments to consultation draft
0.1	Jul 17	Chief Legal Officer	Amendments to consultation draft
0.1	Sep 17	Finance Policy and Support Services	Amendments to consultation draft
0.1	Sep 17	Health and Safety	Amendments to consultation draft
0.1	Sep 17	EDConnect	Amendments to consultation draft
0.1	Sep 17	Employee Performance and Conduct	Amendments to consultation draft
0.1	Sep 17	Information Technology Directorate	Amendments to consultation draft
0.1	Sep 17	Legal Services	Amendments to consultation draft
0.1	Sep 17	HR Payroll and HCM Programs	Amendments to consultation draft
0.1	Sep 17	Procurement	Amendments to consultation draft
0.1	Sep 17	Strategy and Evaluation	Amendments to consultation draft

#### 7.5 Document linkages

#### Legislation and regulation

Key relevant legislation and regulation that determines influences or defines this policy:

Year of enactment	Title of legislation		
2013	Government Sector Employment Act		
2011	Work Health and Safety Act		

Policy: Flexible work arrangements for corporate employees

Version: 1.0

Updated: 3 October 2017 PD number: DOC17/1062876

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Page **16** of **17** 

#### **Procedures and Guidelines**

Reference procedures and guidelines that flow from this policy:

Туре	PD number	Title
Procedure	DOC17/899573	Alternative workplace arrangements for corporate employees

#### 8. Terms and definitions

Term	Definition
Corporate employee	for the purposes of this policy 'corporate employee' means:  • non-school, non-executive employees employed under the Government Sector Employment Act 2013;  • non-school based teaching service employees working under administrative arrangements (the flex agreement; and  • Public Service Senior Executive (PSSE)
Delegate	means an officer with appropriate delegation, as specified in Section 4.4 of the department's Delegations of Authority
Department	the NSW Department of Education
Flexible work arrangement	an agreement between an employee and their manager to make use of flexible work alternatives, such as working from home, job sharing or part-time work
Job sharing	the voluntary sharing of all duties and responsibilities of a full-time position between two part-time staff on an ongoing basis or for a specified period. The share ratio will be dependent on the particular situation of the staff and may vary over time with mutual agreement
Manager	an employee's direct supervisor
Part-time work	working fewer contract hours than full-time staff (i.e. between 3 to 7 hours per day). Part-time work arrangements described here are separate from, and do not affect, part-time work arrangements made in accordance with Parenting Leave (see Leave Procedure)
Transition to retirement	where a staff member approaching retirement works reduced hours either by taking paid or unpaid leave, or transferring into a permanent part-time position
Working from home	where a staff member completes some of their work from home

Policy: Flexible work arrangements for corporate employees Version: 1.0

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Page 17 of 17